



City of  
**Melville**

## **AGENDA**

### **ORDINARY MEETING OF COUNCIL**

#### **NOTICE OF MEETING**

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 18 June 2024 commencing at 6:30pm.

**Gail Bowman**  
**Chief Executive Officer**

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Use this link to [Register to attend the Ordinary Meeting of the Council Tuesday, 18 June 2024 electronically](#)



## Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

## Our Mission

To provide good governance and quality services for the City of Melville community.

## Our Values

### Excellence

Striving for the best possible outcomes

### Participation

Involving, collaborating and partnering

### Integrity

Acting with honesty, openness and with good intent

### Caring

Demonstrating empathy, kindness and genuine concern



## Making A Deputation

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website. [Request to make a Deputation.](#)

## Public Question Time

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website. [Public Question Time.](#)

Complex questions or those related to matters on the agenda and requiring a response at the meeting are “questions on notice” and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

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## Audio Recording/ Access to Recording

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The nature of the Council's decision making role in the matter:

<b>Advocacy</b>	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<b>Executive</b>	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<b>Legislative</b>	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<b>Review</b>	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<b>Quasi-Judicial</b>	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

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**1 OFFICIAL OPENING**

**2 ATTENDANCE AND APOLOGIES**

**In Attendance**

Councillors

Ward

**Officers**

**Apologies**

**On Approved Leave of Absence**

**3 DECLARATIONS BY MEMBERS**

**3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting**

**3.2 Declarations by Members who have received and not read the Elected Members Bulletin**

**4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**Approved Deputations**

**Approved Written Submission**

**5 DISCLOSURE OF INTEREST**

**5.1 Financial or Proximity Interests**

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

**5.2 Disclosure of Interest That May Cause a Conflict**

Under *22 Local Government (Model Code of Conduct) Regulations 2021* or a City of Melville Code of Conduct)

## 6 PUBLIC QUESTION TIME

### 6.1 Questions Received with Notice

### 6.2 Questions Received at the Meeting

### 6.3 Questions Taken on Notice at Previous Meeting

#### 6.3.1 Mr G Wieland, Bicton

As per the minutes of the Ordinary Meeting of Council (OMC) held on 21 May 2024, the following question was taken on notice with the advice a response would be provided in the agenda for the OMC to be held on 18 June 2024, as below.

#### Preamble:

*This question relates to the Ordinary Meeting of Council Item E24/29 Public Open Space The Esplanade Mt Pleasant.*

#### Question 1:

*If both The Esplanade and Moreau Mews City land investments are converted into Public Open Space, what would the approximate increase be, required on residential rates per year to recoup the combined capital losses on land, yearly lease income losses, rate losses, plus the initial capital to construct parks(s) and yearly park maintenance?*

#### Response 1:

- Based on a late item report presented to the 18 April 2024 on the Canning Bridge Public Open Space Analysis Report (UP/4033), it was estimated that the combined lease revenue potential (excluding rates) based on 100% POS was \$500,000 per year for The Esplanade and \$780,972 for Moreau Mews.
- Rates income per annum based on commercial rates for 100% of the Esplanade and 50% of Moreau Mews would be in the order of \$333,450 per annum.
- The estimated capital cost of The Esplanade Park was \$1.7 million, with an \$80,000 annual maintenance allowance. Based on some preliminary discussions and an extrapolation of The Esplanade Park estimation, it is anticipated the Moreau Mews Town Centre would have a capital cost of approximately \$5 million, depending on the final design, with an annual maintenance allowance in the vicinity of \$300,000.
- The combined capital cost of constructing a park at The Esplanade and Moreau Mews is estimated at \$6.7 million which would represent 6.2% of annual rates for the "City". The annual opportunity cost of potential lease and estimated rates income if these sites were to be developed would equate to approximately \$1.6 million which represents 1.5% of annual rates for the "City".

### 6.3.2 Ms P Samson, Applecross

As per the minutes of the Ordinary Meeting of Council (OMC) held on 21 May 2024, the following question was taken on notice with the advice a response would be provided in the agenda for the OMC to be held on 18 June 2024, as below.

#### Question 1:

*Considering the Canning Bridge Activity Plan Executive Summary states that there will be 4,000 dwellings in the Canning Bridge Precinct by 2031, what will be the annual rates revenue to the City of Melville by 2031 from the Canning Bridge Precinct?*

#### Response 1:

Assuming the 4000 dwellings in the Canning Bridge precinct is realised by 2031, the anticipated rates income in 2031 would be in the order of ~11.6 million dollars based on an averaging of current rates with an indexation for future inflation.

### 6.3.3 Mr M Danswan, Bull Creek

As per the minutes of the Ordinary Meeting of Council (OMC) held on 21 May 2024, the following question was taken on notice with the advice a response would be provided in the agenda for the OMC to be held on 18 June 2024, as below.

#### Question 1:

*What is the number of people that responded to the original traffic request versus the number that signed the petition, and what is the representation of the number of people that signed the initial request, versus the number of households that you sent it to?*

#### Response 1:

A total of 147 letters were sent to residents along Wheatley Drive and surrounding streets in the first phase of consultation in April 2021, with a total of 9 responses.

On the second phase of the consultation a total of 147 letter were sent to residents along Wheatley Drive and surrounding streets in March 2023, based on four options being considered, and a total of 53 responses were received.

The petition included 213 signatures.

**7 AWARDS AND PRESENTATIONS**

Nil.

**8 APPLICATIONS FOR NEW LEAVE OF ABSENCE**

Nil.

**9 CONFIRMATION OF MINUTES**

**9.1 Ordinary Meeting Of The Council – 21 May 2024**

**That the minutes of the Ordinary Council Meeting held on 21 May 2024 be confirmed as a true and accurate record.**

**9.2 Agenda Briefing Forum – 11 June 2024**

**That the notes of the Agenda Briefing Forum held on 14 May 2024 be confirmed as a true and accurate record.**

**10 NEW BUSINESS OF AN URGENT NATURE**

**11 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

**12 PETITIONS**

Nil.

**13 ADOPTION OF RECOMMENDATIONS EN BLOC**

**14      REPORTS**

**14.1    Reports from Committees**

Nil.

## 14.2 Reports of the Chief Executive Officer

### Management Services

#### **M24/37 Annual City of Melville Corporate Business Plan 2020-2024 Report and Review (Late Covering Report)**

This report will be distributed to Elected Members and published on the City's website on Friday, 7 June 2024.

**Corporate Services**

**C24/157 2024 Annual City of Melville Delegations and Authorisations Review**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Head of Governance
<b>Voting Requirements:</b>	Absolute Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in this matter.
<b>Attachments:</b>	1. <a href="#">City of Melville Statutory Delegations and Authorisation Manual 2024-2025 MARKED UP</a> ↓

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>• Delegations made under the <i>Local Government Act 1995</i> and various other legislation must by law be reviewed by the delegator at least once every financial year and listed in a register kept by the CEO.</li> <li>• The statutory review of Council delegations for 2024 has been undertaken and it is recommended that the outcome of this review be adopted by the Council.</li> <li>• Following the Council’s resolution on this matter the Register of Delegations will be updated and provided to Elected Members for information.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council resolves by absolute majority decision to:**

- 1. endorse the 2024 review of the Council’s statutory delegations, authorisations and appointments.**
- 2. confirm the minor changes and edits to the instruments of delegation, authorisation and appointment, as contained in Attachment 1 - City of Melville Statutory Delegation and Authorisation Manual 2024-2025 MARKED UP.**

**PURPOSE**

To present the annual review of the Council’s statutory delegations, authorisations and appointments for Council approval.

**STRATEGIC ALIGNMENT**

<p><b>Priority</b></p>	<p><b>3 Empower the voices of our diverse community by strengthening engagement</b></p> <p>P3/2 Improve the mechanisms to make information flow easier to access and share, including optimising digital communications.</p>
<p><b>Outcome Indicator</b></p>	<p>There are no applicable outcome indicators in relation to this report.</p>

**BACKGROUND**

The functions and powers allocated to local governments by legislation are so many and so diverse that it would be unrealistic to expect the Council to make every discretionary decision itself. The business of local government could not be carried out in a timely manner if that were the case.

Delegation of local government powers, duties and functions to the CEO and appropriate officers is an effective way to reduce red tape and expedite operational decision-making processes. Efficient use of the power of delegation assists local governments to deal effectively with a wide range of procedural matters that require the exercise of some discretion but are inherently administrative rather than strategic in nature.

Delegation is only permitted when an Act or regulations specify that the local government has this power, and the delegated powers may only be exercised in relation to the statutory powers, duties or functions conferred or imposed on the local government by that legislation unless otherwise specified. A delegator may specify limitations or conditions, such as a financial limit, on the exercise of a delegation. Sub-delegation is generally only permitted where specifically provided for in the relevant legislation.

Delegates are not obliged to exercise a delegation granted to them, even if it is primarily procedural. Where a matter is highly contentious, decisions relating to it may be referred, at the discretion of the CEO or the request of the Council, to the Council to make the decision by resolution despite the presence of a relevant delegation.

Delegations made under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and the deemed provisions of Local Planning Schemes identified in the Planning and Development (Local Planning Scheme) Regulations 2015, must be reviewed by the delegator at least once every financial year and the CEO must maintain a register of current delegations made under this legislation.

Other legislation does not require an annual review of delegations or the keeping of a register, but most local governments, including the City of Melville, review all delegations annually and include them all in the register of delegations.

This report deals only with the Council delegations. The CEO is responsible for reviewing delegation or sub-delegation of powers and duties held by the CEO either directly under statute or under delegation from the Council.

## CONSIDERATION

The statutory review of Council delegations has been completed and a number of minor administrative amendments are required to some instruments of delegation to:

- update names of external bodies/groups;
- reflect changes in titles;
- change sub delegates to reflect internal changes in functional responsibilities; and
- provide additional instruction to delegates on the purpose or constraints of a delegation.

As part of the CEO's review of her own delegations to other employees, some instruments of delegation by the Council have been amended at the sub-delegation level to reflect changes to organisational structure and functional responsibilities, as well as changes to titles. Sub-delegations by the CEO of delegated powers are provided for under section 5.44(3) of the *Local Government Act 1995* and are not the subject of this report.

A significant review of Delegation DA-020 Planning and Related Matters has been undertaken to incorporate the changes as follows:

- Conditions on Delegation/ Sub Delegation. Point 1 has been amended to include:  
*"(excluding Single House development as per Part 4 s.257C of Planning and Development Amendment Act 2023 and Planning and Development (Local Planning Schemes) Amendment (Single House Development) Regulations 2024);"*

This inclusion is due to the *Planning and Development Amendment Act 2023* section 257C, which delegates determination of all single house development to the CEO as of 1 July 2024. This means that the DAU process or Council determination process will no longer be able to be used for Single House development (including additions and incidental works) where an objection has been received. An exemption note is proposed to be included and sub-delegation added to allow the Director Planning and Manager Statutory Planning and Building to determine single house development where an objection has been received.

- Conditions on Delegation/ Sub Delegation. Exclusions has been amended to include a new dot point as follows:  
*"Providing comment on a development application which is to be determined by the Statutory Planning Committee under Part 11B of the Planning and Development Act 2005."*

The Significant Development pathway for major developments under Part 17 of the *Planning and Development Amendment Act 2020* has ceased and is replaced with a permanent pathway for significant development under Part 11B of the *Planning and Development Amendment Act 2023*. The Part 11B pathway means that the Department of Planning, Lands and Heritage (DPLH) officers write the responsible authority report to the Statutory Planning Committee (which is a sub-set of the Western Australian Planning Commission) on advice from referral agencies – including the relevant local government. These applications have to meet certain criteria such as \$20 million cost of development and generally are of more state and regional significance. Therefore, the delegations now include exemption to ensure that the officer recommendation to the DPLH officers and the Statutory Planning Committee (SPC) is presented to council for adoption or modification prior to being forwarded to the DPLH and SPC.

These new inclusions and other administrative amendments are shown marked-up in Attachment 1 - City of Melville Statutory Delegation and Authorisation Manual 2024-2025 MARKED UP.

## ENGAGEMENT

Directorates have been consulted regarding the delegations relevant to their operations.

Public consultation was not undertaken as delegations are an internal matter related to the operational management and administration of the local government's statutory powers, duties and functions.

## SUSTAINABILITY IMPLICATIONS

There are no sustainability implications presented as part of this report.

## LEGISLATIVE AND POLICY ALIGNMENT

The City of Melville must comply with section 5.46 of the *Local Government Act 1995* which requires the Council to review, at least once every financial year, its delegations made under that Act and deemed provisions in the *Planning and Development (Local Planning Schemes) Regulations*. The City must also comply with section 47(2) of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976*, which impose similar annual review requirements for delegations made under those Acts.

Of the 51 current delegations made by the Council, 35 have been made under the [Local Government Act 1995](#). The following key provisions in the *Local Government Act 1995* relate to the delegation of local government powers and duties by the Council under that Act.

- Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16(1) and s.5.42(1)].
- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2)].
- All delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely [s.5.16(3)(a), s.5.45(1)(a)].
- Any decision to amend or revoke a delegation must be by absolute majority [s.5.16 (3)(b), s.5.45(1)(b)].
- Section 5.17 limits the delegation of powers and duties to certain committees.
- Section 5.45(2)(a) permits a local government to perform any of its functions by acting through a person other than the CEO (but it may not delegate its functions other than to the CEO).
- An employee to whom a power or duty has been delegated under Part 5 Division 4 is a designated employee (s.5.74) who must lodge primary and annual returns (s. 5.75, s.5.76).

Section 5.43 prohibits the local government from delegating to the CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor; and*
- (i) *such other powers or duties as may be prescribed.*

Regulation 18G of the *Local Government (Administration) Regulations 1996* prescribe that the following powers and duties of a local government cannot be delegated to the CEO:

- (a) *Section 7.12A(2), (3)(a) or (4) (duties related to audit reports); and*
- (b) *Regulations 18C (approve process for selection and appointment of CEO) and 18D (consider a review on the performance of the CEO carried out under s.5.38).*

In addition to the above references, the following legislative provisions are also relevant to Council delegations:

- Regulation 18G of the [Local Government \(Administration\) Regulations 1996](#)
- Section 127 of the [Building Act 2011](#)
- Regulation 70 of the [Building Regulations 2012](#)
- Sections 48 and 59 of the [Bush Fires Act 1954](#)
- Sections 44, 45, 46 and 47 of the [Cat Act 2011](#)
- Sections 10AA and 10AB of the [Dog Act 1976](#)
- Section 118 of the [Food Act 2008](#)
- Section 16 and 17 of the [Graffiti Vandalism Act 2016](#)
- Section 26 and 344 of the [Health \(Miscellaneous Provisions\) Act 1911](#)
- Regulation 15D of the [Health \(Asbestos\) Regulations 1992](#)
- Sections 50, 53, 58 and 59 of the [Interpretation Act 1984](#)
- Section 21 of the [Public Health Act 2016](#)
- Schedule 2 clauses 82, 83 and 84 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

New delegations, amendment and revocation of delegations under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976*, *Graffiti Vandalism Act 2016* and the *Planning and Development (Local Planning Schemes) Regulations 2015* must be made by absolute majority decision of Council.

Delegations under other legislation, and appointments and authorisations, do not require an absolute majority.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the recommendations of this report.

Ineffective use of delegation powers may result in additional financial cost to the City as a consequence of the additional administrative resources required to refer minor operational decisions to the Council, and to the City's customers as a consequence of slower decision-making.

**CONSEQUENCE**

Council is required to review its delegations on a yearly basis as per:

- section 5.46 of the Local Government Act 1995;
- section 46(2) of the Cat Act 2011; and
- section 10AB(2) of the Dog Act 1976.

All Council delegations, authorisations and appointments are presented to the Council as part of this report, although they may not be subject to annual review requirements, as it is good practice to do so.

**C24/158 CP-099 Risk Management Policy Review**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Head of Governance
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in the matter.
<b>Attachments:</b>	1. <a href="#">CP-099 Risk Management Policy</a> ↓

**COUNCIL’S ROLE**

Legislative: Includes adopting local laws, town planning schemes & policies.

<b>SUMMARY</b>
<ul style="list-style-type: none"> <li>Policy review with administrative and reference updates and a new template</li> </ul>

**OFFICER RECOMMENDATION**

**That the Council approve the reviewed CP-099 Risk Management Policy.**

**PURPOSE**

The presentation of the CP-099 Risk Management Policy to the Council serves to gain approval for minor amendments, ensure compliance, establish accountability, promote transparency and engage stakeholders.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>There are no applicable priorities in relation to this report.</b>
<b>Outcome Indicator</b>	There are no applicable outcome indicators in relation to this report.

**BACKGROUND**

The Risk Management Council Policy was due for a review in April 2024. A review of the Policy has been undertaken with minor amendments proposed. The proposed changes are shown on the attached document.

**CONSIDERATION**

To ensure the Risk Management Policy is effective, legally compliant, adaptable to emerging risks, reflective of the Council's tolerance/risk appetite and allows for ongoing improvement. The policy is due for its three yearly review as per the City’s Document Control Procedure. There has been no changes to the intent of the policy, and it still aligns with the ISO 31000:2018 Risk Management – Guidelines.

Changes include:

- Update of template to include new City of Melville branding; and
- Added (City) after City of Melville (City) to use as a reference; and
- Added an extra C at the end of FMARC; and
- Added reference the new WHS Act and Regulations; and
- Added reference to supporting documents.

## **ENGAGEMENT**

Internal consultation has been undertaken with the People and Culture team to align with Work Health and Safety Act and Regulations.

No external engagement has been undertaken.

## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

## **LEGISLATIVE AND POLICY ALIGNMENT**

This policy is aligned with ISO 31000:2018 Risk management – Guidelines, Work Health and Safety Act 2020 and Work Health and Safety (General) Regulations 2022.

## **FINANCIAL IMPLICATIONS**

There are no financial implications presented as part of this report.

## **CONSEQUENCE**

The consequences include increased vulnerability to risks, lack of accountability and regulatory non-compliance, diminished stakeholder confidence, and missed opportunities for growth and improvement.

**C24/159 Investment Statements for April 2024**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Manager Financial Services
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in this matter
<b>Attachments:</b>	Nil

**COUNCIL’S ROLE**

Information: For the Council / Committee to note.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>This report presents the investment statements for the period ending 30 April 2024 and recommends that it be noted by the Council.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council notes the Investment Report for the period ending 30 April 2024.**

**PURPOSE**

To report on the performance of the City’s investment portfolio for the month of April 2024.

The City’s investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 5.04% to 5.17% which exceeds the benchmark three-month bank bill swap (BBSW) reference rate of 4.37%.

In the City’s investment portfolio, 26% is currently allocated to authorised deposit taking institutions that are committed to sustainability (including environmental, social and governance factors).

Future investment earnings will be determined by the cash flows of the City and movements in interest rates on term deposits.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>5</b>	<b>Ensure long term financial sustainability</b>
	P5/1	Undertake efficiency improvements to maximise cost effectiveness.
	P5/2	Advocate at National and State levels to maximise funding.
	P5/3	Identify opportunities for appropriate alternative revenue streams.
<b>Outcome Indicator</b>	2	Growth and Prosperity
	Goal 1	Achieve Economic Resilience

**BACKGROUND**

The City of Melville (the City) has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

**CONSIDERATION**

The following statement details the investments held by the City of Melville as at 30 April 2024.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2024</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$30,265,782
Reserve		\$155,028,668
Trust		\$-
Citizen Relief		\$228,246
<b>TOTAL</b>		<b>\$185,522,697</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$9,193,503
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$157,729,194
<b>TOTAL</b>		<b>\$185,522,697</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$109,380,107
	A+	\$41,842,590
A Category (A+ to A-)	A	
	A-	
BBB+ Category	BBB+	\$34,300,000
<b>TOTAL</b>		<b>\$185,522,697</b>

Exposure to individual institutions is carefully managed in accordance with Council policy. As of April 2024, investments remained within acceptable limits, with the exception of Westpac Bank, which slightly exceeded the policy threshold at 30.21%, compared to the policy limit of 30.00%.

This deviation occurred due to unforeseen circumstances resulting in lower-than-expected cash outflows required for payments during April 2024.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ -	0.00%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,800,000	13.91%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 8,500,000	4.58%	15.00%	✓
CBA	AA-	AA Category	\$ -	0.00%	30.00%	✓
Macquarie	A+	A Category	\$ 2,142,590	1.15%	25.00%	✓
NAB	AA-	AA Category	\$ 53,338,547	28.75%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 39,700,000	21.40%	25.00%	✓
Westpac	AA-	AA Category	\$ 56,041,560	30.21%	30.00%	✗
<b>TOTAL</b>			<b>\$ 185,522,697</b>	<b>100%</b>		

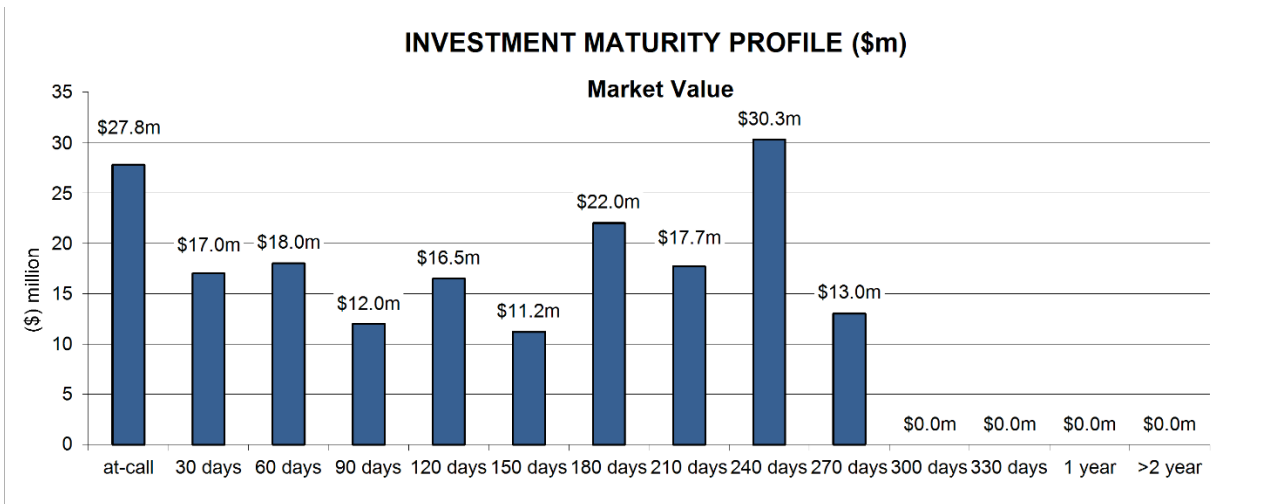
\*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

The City's investments were invested within the limits allowed within each category rating for April 2024.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 109,380,107	59%	80%	✓
A Category (A+ to A-)	\$ 41,842,590	23%	50%	✓
BBB+ Category	\$ 34,300,000	18%	25%	✓
<b>TOTAL</b>	<b>\$ 185,522,697</b>	<b>100%</b>		

\*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

The below graph summarises the maturity profile of the City's investments at market value as at 30 April 2024. The immediacy of the demand for funds depends on the particular fund or reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.

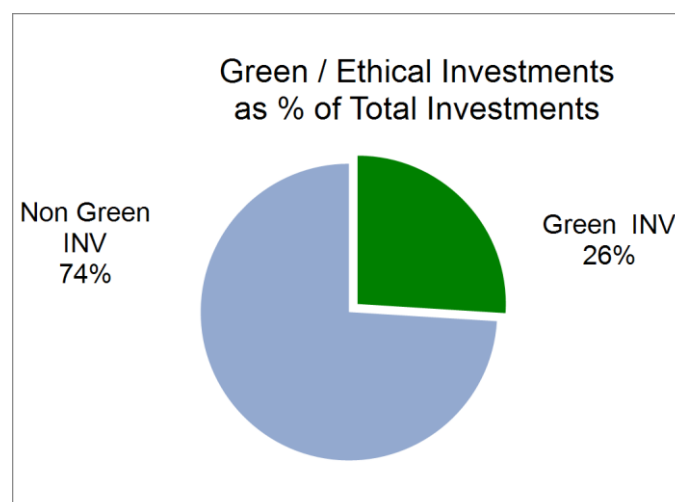


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

Environmental, Social & Governance Term Deposit (ESGTD) is a similar product to Green investments. ESGTD’s provide the opportunity to invest in products that seek to mitigate environmental and social risks.

The total investment in authorised institutions as at 30 April 2024 was \$48,200,000 or 26% of total investment holdings being in non-fossil fuels institutions, compared to \$51,200,000 (26%) in March 2023. The total investments holding for April and March were \$185,522,697 and \$198,952,925 respectively.



Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 8,500,000
CBA	AA-	AA Category	\$0
Suncorp	A+	A Category	\$ 39,700,000
<b>TOTAL</b>			<b>\$ 48,200,000</b>

Green investments are invested in the two banks listed above, in accordance with the Council credit rating policy. Suncorp have indicated that they are unable to accept new money or process rollovers of Green /Ethical Investments. Their product will be withdrawn in October and December 2024.

The City continues active discussions with financial institutions in relation to the availability of ESGTD products. Westpac is in the process of developing a new “green” investment product however no commitment has been made regarding timing. There are currently no other ESGTD products available in the market that meet the City’s Investment Policy requirements.

**ENGAGEMENT**

This report is available to members of the public on the City’s website. A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI’s) were engaged with during the month in respect to the placement and renewal of investments.

**SUSTAINABILITY IMPLICATIONS**

**Strategic**

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2020-2024.

Priority Number One – “Restricted current revenue base and increasing/changing service demands impacts on rates”.

**Risk**

The Council’s Investment of Funds Policy CP-009 was drafted to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates mechanisms that protect the City’s investments from undue volatility risk as well as the risk to reputation because of investments that may be perceived as unsuitable by the Community.

## Environmental

When investing the City's funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will, however, only be exercised after the foremost investment considerations of credit rating, risk diversification and interest rate return are fully satisfied.

## LEGISLATIVE AND POLICY ALIGNMENT

The following legislation is relevant to this report:

- Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments
- Trustee Act 1962 (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversight by the Australian Prudential Regulation Authority (APRA).

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

## POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds provides guidelines with respect to the investment of City of Melville (the City) funds by defining levels of risk considered prudent for public monies. Liquidity requirements are determined to ensure the funds are available as and when required and take account of appropriate benchmarks for rates of return commensurate with the low levels of risk and liquidity requirements. The types of investments that the City has the power to invest in is limited by prescriptive legislative provisions governed by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Part III of the *Trustees Act 1962*.

## FINANCIAL IMPLICATIONS

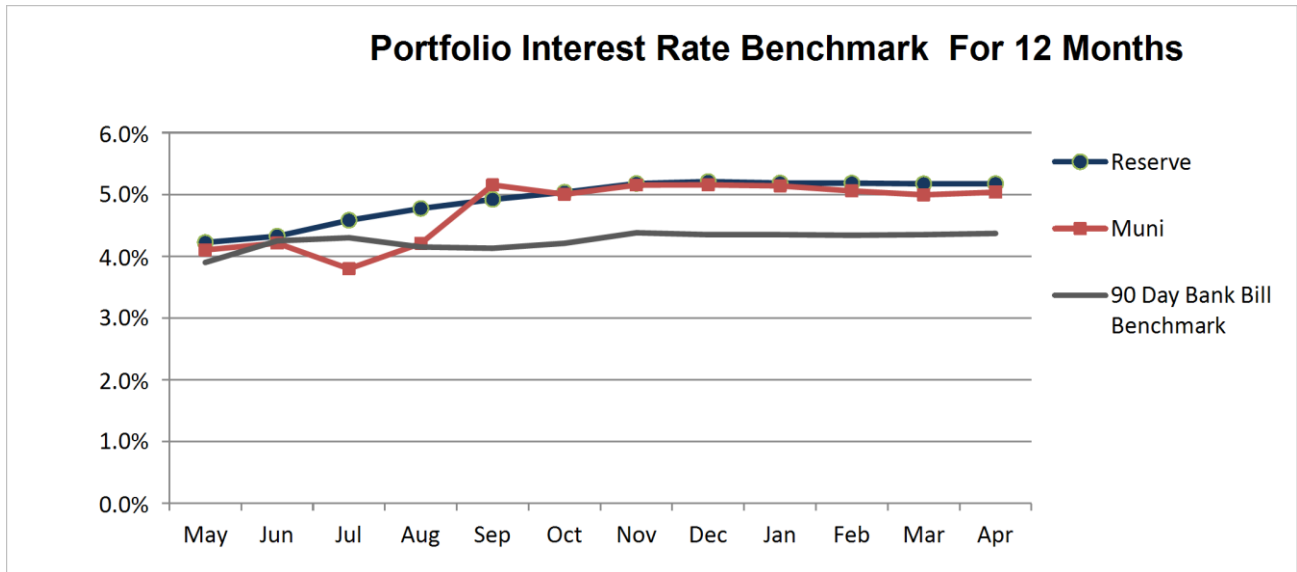
For the period ending 30 April 2024:

- Investment earnings on Municipal and Trust Funds were \$1,657,527 against a year-to-date budget of \$1,800,000 representing a negative variance of \$142,473.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 April 2024 was 5.04% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 4.37%.

- Investment earnings on Reserve accounts were \$6,949,488 against a year-to-date budget of \$6,720,000 representing a positive variance of \$229,488.

The weighted average interest rate for Reserve account investments as at 30 April 2024 was 5.17% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 4.37%.



**CONSEQUENCE**

There are no consequences or alternative options presented as part of this report.

**C24/160 Schedule of Accounts Paid for April 2024**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Manager Financial Services
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in this matter.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li><a href="#">Payment Details April 2024</a> ↓</li> <li><a href="#">Card Payment Details April 2024</a> ↓</li> </ol>

**COUNCIL’S ROLE**

Information: For the Council / Committee to note.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>This report presents the details of payments made under delegated authority (DA-035) to suppliers for the period of April 2024 and recommends that the Schedule of Accounts Paid be noted.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council notes the Schedule of Accounts paid for the period April 2024 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in the attachments to this report; Payment Details April 2024 (Attachment 1) and Card Payment Details April 2024 (Attachment 2).**

**PURPOSE**

The Schedule of Payments for the month totals \$20,129,810. The report and the attached Schedule of Accounts Paid are presented for the Council’s information.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>5</b>	<b>Ensure long term financial sustainability</b>
	P5/1	Undertake efficiency improvements to maximise cost effectiveness.
	P5/2	Advocate at National and State levels to maximise funding.
	P5/3	Identify opportunities for appropriate alternative revenue streams.
<b>Outcome Indicator</b>	2	Growth and Prosperity
	Goal 1	Achieve Economic Resilience

**BACKGROUND**

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council.

A total of \$10,378,228 direct creditor payments were paid during the month April, of which, 14% of payments were paid to suppliers located within the City of Melville and 34% to suppliers within the South West Metropolitan Region, compared to 15% and 29% of total of \$8,743,554 direct creditor payments made over March 2023 respectively.

The biggest payment of \$1,419,085 made during the month was the was the ESL payment to the Department of Fire and Emergency Services. Approximately 95% of supplier invoices are paid within 30 days of receipt of the invoices.

The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

**CONSIDERATION**

The Schedule of Accounts Paid for April including Payment Register numbers, Cheques: 858-858, Electronic Funds Transfers batches: 888-893, Trust Payments, Card Payments and Payroll will be distributed to the Elected Members of the Council in June 2024.

The below table details the Summary of Payments Made for the period:

<b>SCHEDULE OF PAYMENTS MADE</b>		
<b>April 2024</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b><i>Cheques</i></b>	Chq Payment Register No. 858	\$175.27
	Chq Payment on Restricted Funds Register No.	
	Less Cancelled Chqs	-
<b><i>Electronic Funds Transfers</i></b>	EFT Payment Register No. 888, 890, 891 and 893	\$10,106,966.07
	EFT Payment on Restricted Funds Register No. 889, 892 and 143	\$151,748.43
	Less Cancelled EFTs	(\$5,518.88)
		<b>\$10,253,370.89</b>
<b><i>Direct Debits</i></b>	Bank Fees	\$12,366.65
	Ampol Fuel	\$109,087.34
<b><i>Direct Payments</i></b>		\$3,402.77
	<b>Total Direct Creditor Payments</b>	<b>\$10,378,227.65</b>
<b><i>Payroll</i></b>	Total Pay 21 and 22	\$4,251,149.23
	<b>Total Payroll</b>	<b>\$4,251,149.23</b>
<b><i>Cards</i></b>	Westpac Corporate Cards	\$20,822.63
	Westpac Purchase Cards	\$79,610.16
	<b>Total Card Payments</b>	<b>\$100,432.79</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$14,729,809.67</b>

*Schedule of Payments Made continued.*

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>			
<b><i>Interfund Transfers</i></b>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$5,000,000.00)
Reserve			\$5,000,000.00
Trust			
<b><i>Total Interfund Transfers</i></b>			<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>			
Westpac Bank	15/04/2024		\$2,600,000.00
Westpac Bank	19/04/2024		\$2,800,000.00
<b><i>Total New Investments</i></b>			<b>\$5,400,000.00</b>
<b>Grand Total</b>			<b>\$20,129,809.67</b>

Details of the payments are shown in Attachment 1.

Any payment over and above \$25,000 has been highlighted under the Payment Amount column in Attachment 1.

A new Regulation (13A. of the Local Government (Financial Management) Regulations 1996 - Payments by Employees via Purchasing Cards) effective from 1 September 2023 requires that if a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month and is to be presented to the Council at the next Ordinary Meeting of the Council and is to be recorded in the minutes of that meeting.

The list of payments made using purchase cards during March 2024 and settled in April 2024 is provided as an attachment to this report.

**ENGAGEMENT**

There are no applicable engagement considerations presented as part of this report.

**SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications presented as part of this report.

**LEGISLATIVE AND POLICY ALIGNMENT**

This report meets the requirements of the *Local Government (Financial Management) Regulations 1996* Part 2: General financial management (s.6.10) regulations 11, 12 & 13.

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure 019 Purchasing and Procurement.

Regulation 13A was recently introduced to prescribe reporting for payments made by employees via purchasing cards. As with other payments, the Local Government must report payee name, amount date and sufficient information to identify the payment. The attached payment listings meet this requirement.

**FINANCIAL IMPLICATIONS**

Expenditures were provided for in the adopted Budget as amended by any subsequent Budget reviews and amendments.

**CONSEQUENCE**

There are no consequences or alternative options presented as part of this report.

**C24/161      Statements of Financial Activity for April 2024**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Manager Financial Services
<b>Voting Requirements:</b>	Absolute Majority
<b>Officer Disclosure of Interest:</b>	No Officer involved in the preparation of this report has a declarable interest in this matter.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <a href="#">Statement Nature Type April 2024</a> ↓</li> <li>2. <a href="#">Rate Setting Program April 2024</a> ↓</li> <li>3. <a href="#">Rate Setting Nature Type April 2024</a> ↓</li> <li>4. <a href="#">Net Working Capital April 2024</a> ↓</li> <li>5. <a href="#">Reconciliation Net Working Capital April 2024</a> ↓</li> <li>6. <a href="#">Notes Rate Setting Statement April 2024</a> ↓</li> <li>7. <a href="#">Summary Rate Debtors April 2024</a> ↓</li> <li>8. <a href="#">Rates Collection Graph April 2024</a> ↓</li> <li>9. <a href="#">General Debtors Aged 90 Days April 2024</a> ↓</li> <li>10. <a href="#">Budget Amendments April 2024</a> ↓</li> </ol>

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>• This report presents the Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type for the period ending 31 March 2024 and recommends that they be noted by the Council; and</li> <li>• Presents the variances for the month of March 2024 and recommends that they be noted by the Council; and</li> <li>• Presents the Budget amendments required for the month of March 2024 and recommends that they be adopted by Absolute Majority decision of the Council.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council:**

1. **Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 April 2024 as detailed in the following attachments:**
  - **Statement Nature Type April 2024 (Attachment 1); and**
  - **Rate Setting Program April 2024 (Attachment 2); and**
  - **Rates Setting Nature Type April 2024 (Attachment 3); and**
  - **Net Working Capital April 2024 (Attachment 4); and**
  - **Reconciliation Net Working Capital April 2024 (Attachment 5); and**
  - **Notes Rate Setting Statement April 2024 (Attachment 6); and**
  - **Summary Rate Debtors April 2024 (Attachment 7); and**
  - **Rates Collections Graph April 2024 (Attachment 8); and**
  - **General Debtors Aged 90 Days April 2024 (Attachment 9); and**
2. **By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for April 2024 (Attachment 10).**

**PURPOSE**

The attached financial reports reflect a positive financial position of the City of Melville as at 30 April 2024.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>5</b>	<b>Ensure long term financial sustainability</b>
	P5/1	Undertake efficiency improvements to maximise cost effectiveness.
	P5/2	Advocate at National and State levels to maximise funding.
	P5/3	Identify opportunities for appropriate alternative revenue streams.
<b>Outcome Indicator</b>	2	Growth and Prosperity
	Goal 1	Achieve Economic Resilience

**BACKGROUND**

The Statements of Financial Activity for the period ending 30 April 2024 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**Overall Summary of the City’s Financial Position**

- The City’s total investments holding for April 2024 were \$ 185.5m of which the Municipal cash balance at the end of the month was \$30.3m and \$155m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 30 April 2024 was \$48.2m or 26% of total investment holdings, compared to \$51.2m (26%) in March 2024. Green/Ethical investments are invested in the three banks, in accordance with the council credit rating policy. Suncorp is unable to accept new term deposit or process rollovers of existing Green /Ethical Investments which will be withdrawn in October and December 2024.

- Rates raised as at April were \$102,530,897, compared to a year to date budget of \$102,782,725. The negative variance of (\$251,828) is due to interim adjustments in respect to both Commercial and Residential improved properties.
- Total debtor collections for April 2024 equalled \$0.86m. The Rates collection target was 93.6% and the actual collection is tracking slightly higher at 94.5%, compared to 94.6% for the same period in 2022-2023. The total outstanding debtors (including all rates and sundry debtors) is \$8.35m as of 30 April 2024.

**CONSIDERATION**

The attached reports have been prepared in compliance with the requirements of the legislation and Council policy. The three monthly reports that are presented are the:-

1. Statement of Financial Activity by Nature and Type  
Provides details on the various categories of income and expenditure.
2. Rate Setting Statement by Program  
Provides details on the Program classifications.
3. Rate Setting Statement by Nature or Type  
Provides details on the Nature or Type classifications.

**Variances**

A detailed summary of variances and comments based on the Rate Setting Statement by Nature or Type is provided in attachments:

- (Attachment 1): Rate Setting Statement by Nature or Type
- (Attachment 6): Statement of Variances in Excess of \$100,000

**Revenue**

Rates raised as at April were \$102,530,897, compared to a year to date budget of \$102,782,725. The negative variance of (\$251,828) is due to slightly lower than budgeted interim adjustments in respect to both Commercial and Residential improved properties.

**Rates Collection**

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	4,487,816	4,487,816	0%	5,453,565	-18%
Debtors Raised	126,334,303	126,272,363	0%	120,249,749	5%
Payments Received	(123,388,732)	(122,520,182)	1%	(118,615,521)	4%
Closing Balance	7,433,388	8,239,997	-10%	7,087,793	5%

Total rate debtor collections for the month equalled \$868,550.

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	901,439	901,439	0%	642,878	40%
Invoices Raised	5,128,231	4,397,706	17%	6,247,464	-18%
Receipts	(5,095,370)	(4,734,634)	8%	(5,856,538)	-13%
Prepayments	(9,868)	(2,588)	281%	(10,147)	-3%
Closing Balance	924,433	561,924	65%	1,023,658	-10%

Sundry debtor balances increased by \$362,509 over the course of April from \$561,924 to \$924,433 of which total 90-day sundry debtors for the month, including loans, is \$278,298, representing 30% of total sundry debtors.

**Corporate Climate Action Plan**

A summary of the expenditure associated with the City’s climate action plan initiatives, compared to a year-to-date budget, is provided below. These costs encompass various activities aimed at reducing our carbon footprint and promoting sustainable practices across the City

Description	YTD Actuals	YTD Budget
Sustainability & Climate Action Salaries	389,389	418,726
Electric Vehicles	36,192	40,001
Micro Grid Project	26,795	30,000
Sustainability Initiatives	88,505	88,350
<b>Total</b>	<b>\$540,880</b>	<b>\$577,077</b>

**Money Expended in an Emergency and Unbudgeted Expenditure**

There was no money expended for the month of April 2024.

**Budget Amendments**

Details of Budget Amendments requested for the month of April 2024 that reflect effective changes to budgets are shown in Attachment 10 - Budget Amendments April 2024. Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

Variances greater than \$100,000 processed in April 2024 are highlighted in the attachment.

**Granting of concession or writing off debts owed to the City**

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and write off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Directors to write off debts or grant concessions to a value of \$5,000 and the Manager Financial Services to a value of \$1,000.

**Sundry Debtors**

There were no Sundry Debts written off for the month of April 2024.

**Rate Debtors**

There were no rate debts written off for the month of April 2024.

**ENGAGEMENT**

There are no applicable engagement considerations presented as part of this report.

**SUSTAINABILITY IMPLICATIONS**

The City of Melville (the City) has well developed business continuity plans in place and an Incident Response Team (IRT) to coordinate and plan the City's response to the significant situations as was the case with the COVID-19 crisis.

**LEGISLATIVE AND POLICY ALIGNMENT**

*Local Government Act 1995* Division 3 – Reporting on Activities and Finance Section 6.4 – Financial Report.

*Local Government (Financial Management) Regulation 1996* Part 4 – Financial Reports Regulation 34 requires that:

**34. Financial activity statement report — s. 6.4**

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- (b) budget estimates to the end of the month to which the statement relates;*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

- (2) *Each statement of financial activity is to be accompanied by documents containing —*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
- (a) *according to nature and type classification; or*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

The variance adopted by the Council is 10% or \$100,000 whichever is greater.

*Local Government Act 1995* Division 4 – General Financial Provisions Section 6.12; Power to defer, grant discounts, waive or write off debts.

The format of the Statements of Financial Activity as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

## **FINANCIAL IMPLICATIONS**

### **Variances**

Variances are detailed and explained in the attachment Notes Rate Setting Statement April 2024 (Attachment 6): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

## **CONSEQUENCE**

There are no consequences or alternative options presented as part of this report.

**C24/162 Common Seal June 2024**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Head of Governance
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in the matter.
<b>Attachments:</b>	Nil

**COUNCIL’S ROLE**

Information: For the Council / Committee to note.

<p><b>SUMMARY</b></p> <p>This report details the documents to which the City of Melville Common Seal has been applied for the period from Tuesday, 16 April 2024 up to and including Monday, 20 May 2024 for the Council’s noting. This is a standing report to the Council.</p>
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**OFFICER RECOMMENDATION**

**That the Council notes the actions of the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from Tuesday, 16 April 2024 up to and including Monday, 20 May 2024..**

**PURPOSE**

Section 2.5 of the *Local Government Act 1995* states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it and the Mayor and the Chief Executive Officer (CEO) attest the affixing of the seal.

The following documents were affixed with common seal during the period Tuesday, 16 April 2024 up to and including Monday, 20 May 2024.

Register Reference	Parties	Description	ECM Reference
CS2227	City of Melville and H2 Conveyancing	CEO Sign Off for Notification Section 70A, DA-2023-1033 Two Storey Grouped Dwelling - 34 Conan Road Applecross - Lot situated in vicinity of transport corridor	DA-2023-1033
CS2228	City of Melville and 37 Ardross Street Pty Ltd	No. 37 (Lot 662) Ardross Street, Applecross - Replacement Agreement between the buyer & City of Melville – Grant of Easement	7952267
CS2229	City of Melville and Department of Primary Industries & Regional Development	Agreement between the City of Melville and Department of Primary Industries and Regional Development for Bicton Swimming Closure funding	8013708

**CONSEQUENCE**

This is a standard report for the Elected Members that details the documents to which the City of Melville Common Seal has been applied for the period from Tuesday, 16 April 2024 up to and including Monday, 20 May 2024 for the Council’s noting.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>There are no applicable priorities in relation to this report.</b>
<b>Outcome Indicator</b>	There are no applicable outcome indicators in relation to this report.

**LEGISLATIVE AND POLICY ALIGNMENT**

The use of the Common Seal is provided for the information of the Council.

**C24/163 RFT232420 - Construction of Goolugatup Stage 1 Yarning Circle and Surrounds**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Director Environment & Infrastructure
<b>Voting Requirements:</b>	Absolute Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest.
<b>Attachments:</b>	1. CTAU Minutes - 21 May 2024 (confidential) (under separate cover)

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<b>SUMMARY</b>
<ul style="list-style-type: none"> <li>This report is presented to Council to recommend the acceptance of a request submitted for RFT232420 Construction of Goolugatup Stage 1 Yarning Circle and Surrounds.</li> </ul>

**CTAU RECOMMENDATION**

- That the Council endorse the recommendations as contained in the confidential attachment to this report, RFT232420 Contract and Tender Advisory Unit Minutes; and
- Upon resolution of the recommendation, directs that the successful respondents’ names be inserted below this point 2, awarded;

**PURPOSE**

The Contract and Tender Advisory Unit (CTAU) is satisfied that the recommended supplier meets the City’s qualitative requirements and represents value for money. The City of Melville (“City”) is seeking a suitably qualified and experienced Contractor to carry out the Construction of Goolugatup Stage 1 Yarning Circle and Surrounds.

The CTAU’s recommendation is now being presented to Council for their approval.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>1</b>	<b>Ensure the improvement of sustainability of our environment</b>
	P1/1	Protect and improve our natural assets to enhance our environment
	P1/3	Advocate and utilize the Nation and State level policies to protect and enhance the biodiversity of our environment and natural assets.
	<b>2</b>	<b>Improve the approach for diverse and sustainable urban development and infrastructure</b>
	P2/1	Implement innovate, efficient and appropriate initiatives that support community centred infrastructure within integrated transport solutions.

	<p>P2/2 Enhance amenity and vibrancy through placemaking and creating well designed and attractive public spaces.</p> <p>P2/3 Optimise the capability and liveability of activity centres with consideration to the expectations of our community.</p> <p>P2/4 Enhance regulatory and approval frameworks to ensure sustainable building infrastructure.</p> <p><b>3 Empower the voices of our diverse community by strengthening engagement</b></p> <p>P3/1 Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities.</p> <p><b>4 Support healthy lifestyles and wellbeing</b></p> <p>P4/1 Invest strategically in local infrastructure and built environments that support physical activity and healthy lifestyles.</p> <p>P4/2 Increase advocacy and partnerships for identified needs relating to community health, safety and security.</p> <p>P4/3 Empower inclusive participation and support for sports and community groups.</p> <p>P4/4 Support National, State and community efforts to assist people in need.</p> <p><b>5 Ensure long term financial sustainability</b></p> <p>P5/2 Advocate at National and State levels to maximise funding.</p> <p>P5/1 Undertake efficiency improvements to maximise cost effectiveness.</p> <p><b>6 Encourage local economic development</b></p> <p>P6/2 Support opportunities for not-for-profit and social enterprise.</p>
<b>Outcome Indicator</b>	There are no applicable outcome indicators in relation to this report.

**BACKGROUND**

The City is seeking a suitability qualified and experienced contractor for undertaking extensive landscape and interpretation design project to revitalise a rare site on the foreshore with the aim of creating a beautiful space and improved ecology that supports diverse recreation, cultural engagement, and community enjoyment. This is a culturally significant site for the Whadjuk and Noonger people.

The Goolugatup Lower Lands project will be developed in stages, with the Yarning Circle and surrounds associated with the first stage and made possible with grant funding provided through the Commonwealth Government’s Local Roads and Community Infrastructure (LRCI) program.

Further information on the project, vision, concept plan and supporting information is available on the City’s website via the link <https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/community-engagements/heathcote-goolugatup-lowerlands>

The CTAU Meeting Minutes included as a confidential attachment to this report is additionally available to Elected Members on the Elected Members Portal.

**CONSIDERATION**

Responses were received from the following organisations:

- Phase 3 Landscape Construction Pty Ltd
- Schlager Group Pty Ltd

All Respondents properly addressed the Compliance and Disclosure Requirements and were processed through to Qualitative Assessment.

The City set the following qualitative criteria and weightings:

<b>Demonstrated Experience</b>	30%
<b>Capacity to Deliver</b>	20%
<b>Environmental Sustainability</b>	20%
<b>Methodology</b>	30%
<b>Total</b>	100%
<b>Percentage to be shortlisted</b>	60%
<b>Price</b>	Non-weighted

The recommended Respondent achieved a qualitative score of 84.44% against the following criteria:

I. Demonstrated Experience

The Respondent provided the required information against this criterion. Examples provided were relevant to the services that will be delivered under this Contract, and they have experience with Local Government.

II. Capacity to Deliver

The Respondent provided the required information against this criterion.

The key personnel have relevant qualifications and a good level of experience in similar projects.

III. Environmental Sustainability

The Respondent provided the required information against this criterion.

They provided their certifications, environmental policy, minor environmental initiatives and minor actions to mitigate negative environmental impact.

IV. Methodology

The Respondent provided the required information against this criterion.

They satisfactorily addressed the entire methodology question.

The Evaluation Panel reviewed all Respondents' offers and prepared an Evaluation Report, identifying the recommended Respondent.

The recommendation was supported by the Contract and Tender Advisory Unit (CTAU) and is put forward as part of the recommendation to the Council.

The Evaluation Report and associated confidential attachments were distributed to Elected Members under confidential cover.

## **ENGAGEMENT**

No community or external engagement has been required or undertaken as part of this request.

## **SUSTAINABILITY IMPLICATIONS**

The tender specification included a 20% qualitative weighting for Social and Environmental Procurement, with the preferred tenderer achieving a higher ranking due to a range of social and environmental initiatives being undertaken. The City will also be working with the successful tenderer to incorporate the use of sustainable materials where feasible.

## **LEGISLATIVE AND POLICY ALIGNMENT**

This request has been considered with regards to the following policies and legislative requirements:

- CP-023 Procurement of Products and Services
- *Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)*  
*“A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services”.*

## **FINANCIAL IMPLICATIONS**

Any relevant financial implications are detailed in the confidential attachment to this report.

## **CONSEQUENCE**

No alternative options or consequences are presented as part of this report.

**C24/164      Consideration and Adoption of the 2024-2025 Budget (Late Covering Report)**

This report will be distributed to Elected Members and published on the City's website on Friday, 7 June 2024.

**Community Development**

**CD24/21 Response - Petition Leeming Community Men's Shed**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Director Community Development
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in the matter.
<b>Attachments:</b>	Nil

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**SUMMARY**

- A petition signed by 15 residents of the City of Melville and 2 non-residents was submitted on 30 October 2023 requesting that the Council consider a location for a Leeming Community Men’s Shed in the redevelopment of John Connell Reserve.
- The petition reads as follows:  
*“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council, please consider a location for a Leeming Community Men’s Shed in the Redevelopment of John Connell Reserve.*

**OFFICER RECOMMENDATION**

**That the Council:**

1. notes stakeholder engagement is presently underway to inform a City-wide Community Infrastructure Strategy for Council consideration in late 2024. This Strategy will make recommendations to the Council in relation to current and future requirements for all community buildings; and
2. notes that all requests for new community infrastructure/buildings should be informed by the Community Infrastructure Strategy; and
3. requests the CEO advise the lead petitioner that the proposal for a Leeming Community Men’s Shed, at John Connell Reserve, is being considered as part of the Community Infrastructure Strategy.

**PURPOSE**

The purpose of this report is to respond to the petition submitted to Council on 30 October 2023 requesting council consider a location for a Leeming Community Men’s Shed in the redevelopment of John Connell Reserve. The petition was signed by 15 residents of the City of Melville and 2 non-residents.

**STRATEGIC ALIGNMENT**

<p><b>Priority</b></p>	<p><b>3</b>  P3/1</p>	<p><b>Empower the voices of our diverse community by strengthening engagement</b>  Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities.</p>
<p><b>Outcome Indicator</b></p>	<p><b>5</b>  Goal 2</p>	<p>Sense of Community Participation and Inclusion</p>

**BACKGROUND**

On 15 August 2023 at the Ordinary Council Meeting, the Council resolved:

***The Council requests that:***

***The CEO prepare a report on the feasibility of a Community Men’s Shed at the John Connell Reserve Leeming or another suitable area to be presented at an Elected Member Engagement Session (EMES) before year end.***

Subsequently, at the 27 November 2023 Elected Member Engagement Session City Officers confirmed the following key points:

- The City currently has two Community Men’s Sheds operating within its boundaries.
  - The Melville Community Men’s Shed, which commenced activities in July 2022. The group has exclusive access to a facility provided by the City of Melville in Myaree.
  - The Men’s Shed situated adjacent to the Bicton Uniting Church which has been a tenant of the Church since June 2010 and will continue occupying its current location as a long-term arrangement.
- City Officers are currently developing the City of Melville Community Infrastructure Strategy which is an analysis of existing community, sporting, and cultural buildings to better understand present and future community needs for these facilities. Through extensive community and stakeholder engagement, these investigations will provide valuable insights to the Council regarding overall community requirements and the necessary infrastructure enhancements. Community Men’s Sheds are a key inclusion within the Strategy.

**COMMENT**

The consideration of a Community Men’s Shed in Leeming will form part of the City of Melville Social Infrastructure Strategy engagement process which commenced in April 2024. An independent consultant had been appointed to lead the documentation of this Strategy.

The Social Infrastructure Strategy along with the Active Reserve Infrastructure and Cultural Infrastructure Strategies will inform an overarching Community Infrastructure Strategy to be presented to Council for consideration later this year.

**CONSIDERATION**

There are two Men’s Sheds currently located in the City of Melville – at Bicton and Melville. In addition, adjacent local governments have Men’s Sheds in near proximity.

**Men’s Sheds within a 10km radius of Melville Civic Centre**



It is recommended that the request to locate a Leeming Community Men’s Shed in the redevelopment of John Connell Reserve be considered as part of the broader development of the Social Infrastructure Strategy. However, should the need for a Community Men’s Shed in Leeming be identified as an outcome of the broader City of Melville Community Infrastructure Strategy, a potential location within John Connell Reserve has been identified and is indicated in the image highlighted in yellow below.



**ENGAGEMENT**

As part of the development of the Social Infrastructure Strategy extensive engagement will be undertaken with key internal and external stakeholders.

**SUSTAINABILITY IMPLICATIONS**

To be determined on outcome of engagement process and Council decision to progress the proposed Community Infrastructure Strategy

**LEGISLATIVE AND POLICY ALIGNMENT**

Overarching Community Infrastructure Strategy in development.

**FINANCIAL IMPLICATIONS**

There are no financial implications presented as part of this report.

**CONSEQUENCE**

This report recommends that the request for a Leeming Men's Shed, located at John Connell Reserve be considered as part of the Community Infrastructure Strategy, that is currently being undertaken. The outcome of this Strategy will provide the necessary considerations for the Council to fully consider the request the subject of the petition against overall community requirements and community infrastructure enhancements.

**CD24/22 Christmas Lights Review**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Director Community Development
<b>Voting Requirements:</b>	Absolute Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in the matter.
<b>Attachments:</b>	Nil

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>This item presents a review of the 2023 Christmas Lights displays and consideration for future Christmas Lights.</li> <li>This was a result of the 19 September 2023 Ordinary Meeting of Council – Council Resolution (CD23/8) for Christmas lights displays in the City of Melville.</li> <li>The two locations trialled in 2023 had mixed success and so officers are recommending continuing with the same scale of Christmas Lights at the successful location and scaling back the display for the other.</li> <li>Funding for Christmas lights was investigated; however, no opportunities were identified for 2024, however officers will continue to investigate different funding options.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council:**

- endorse the allocation a budget of \$30,000 for Christmas light displays, starting from 2024-25 at the below locations:**
  - Entry statement at Canning Bridge – Apex Reserve**
  - Welcome statement at the City of Melville, Civic Centre; and**
- note that the future budget for Christmas Light displays will be considered as part of the Annual Budget process from 2025-26 onwards.**

**PURPOSE**

Following the inaugural Christmas light displays trial in December and January 2023, this item provides information on the community response to the displays and a recommendation for future displays.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>4</b>	<b>Support healthy lifestyles and wellbeing</b>
	P4/1	Invest strategically in local infrastructure and built environments that support physical activity and healthy lifestyles.

<b>Outcome Indicator</b>	5	Sense of Community
	Goal 3	Place Activation and Liveability

**BACKGROUND**

At the March 2023 Ordinary Meeting of Council, it was resolved that a report be prepared into the feasibility a Christmas Display of lights (or other) at a key or key areas within the City. Subsequently three options were presented for consideration by Council at the 19 September 2023 Ordinary Meeting of Council:

The options included:

1. Capital infrastructure project: The hire, installation and maintenance of lights and decorations to be placed in one of the City’s business centre locations for the month of December.
2. Community engagement, artist led project: Six local schools work with an artist to each create a single temporary public artwork which is displayed and lit as a walking trail in one of the City’s parks for the first two weeks of December.
3. Business engagement, artist led project: Pairing ten artists with ten selected businesses located in one of the City’s business centre locations to design and install a window display for the month of December.

An alternative Motion was endorsed supporting Option One and trial a Christmas Light display adopting a budget of up to \$48,000 to be funded from the Rates Equalisation Reserve for implementation during that Christmas period. (1 December 2023 – 1 January 2024) and for the CEO to investigate grant funding to supplement Christmas Lights in 2024 and beyond.

**CONSIDERATION**

The Christmas light displays were arranged in two locations; Canning Bridge Apex Reserve as a key entry statement and at the front of the City of Melville Civic Centre. The lights were on display between December 2023 and January 2024. Locations were selected in terms of accessibility and logistics.

Officers hired the lights within the allocated budget of \$48,000.

Overall, the lights display worked towards creating a festive and vibrant atmosphere during the Christmas period, particularly through social media posts generated by the City and community members sharing photos taken with the displays.

The Canning Bridge display was very successful in terms of community interaction with the lights. Whilst it was not possible to conduct a head count, it was observed the light display that attracted more people to the precinct and many people were interacting with the display by taking photos and looking at the displays from various angles.

Unfortunately, the City of Melville Civic Centre had less community participation with the display. This is most likely because the location does not already feature night-time activity like the Canning Bridge precinct does.

However, the connection of the City of Melville with the festive season through a small display of lights within the Civic Centre area has strong merit and so officers suggest continuing with a light display at this venue, albeit on a smaller scale than in 2023. Furthermore, in the future, the new Civic Centre will be a perfect location for a Christmas lights display with a central high street and night activation. This could also be an excellent opportunity to partner with Westfield Booragoon in the future.

In terms of funding for Christmas Lights, City Officers undertook an analysis of funding options for Christmas Lights displays across other local governments. It was discovered that most local governments that have Christmas light displays were fully funded by the local authority. The major exception being the City of Perth and City of Mandurah that receive Lotterywest funding as part of their events and tourism funding.

The City of Melville receives Lotterywest funding for its community events and initial enquires indicate that this will not increase with the additional of the Christmas Lights displays.

One local government had sought commercial sponsorship with naming rights to the Christmas lights display. Other local governments didn't host lights display but instead encouraged their community to participate by lighting up their homes and businesses.

Officers will continue to look for funding opportunities, either through grants or partnerships/sponsorship, for future Christmas Light displays.

## **ENGAGEMENT**

There were five responses to the Light Up Melville Engagement, three responses in support, one unsure and the fifth not in support of the displays. This is a very limited sample of our population although the engagement was widely promoted.

## **SUSTAINABILITY IMPLICATIONS**

The Christmas Lights are predominantly plastic and currently no solar options on this commercial scale the use of electricity is also considered a negative environmental impact.

Socially and economically the Christmas Lights have a favourable impact as the displays bring people together, contributing to a strong sense of community, Businesses also benefit from the displays from increase foot traffic and dwell time.

## **LEGISLATIVE AND POLICY ALIGNMENT**

There are no legislative and policy alignment implications presented as part of this report.

**FINANCIAL IMPLICATIONS**

Following the trial, it is recommended that the lights display at Canning Bridge remain similar to the scale of the display in the 2023 trial and the Civic Centre display be reduced in scale. Therefore, a reduced budget is recommended for 2024.

Officers would contract the hire and installation of lights and decorations with a Christmas motif in Canning Bridge, Apex Reserve and a small welcome installation at the City of Melville Civic Centre with a budget of \$30,000.

It is also recommended that the future budget for Christmas Light displays be considered by Council as part of the Annual Budget process from 2025-26 onwards.

**CONSEQUENCE**

Community consultation received was very limited and the concerns raised were financial, whether this was an appropriate role of local government and religious. These are the potential risks in terms of public criticism of the Council if Christmas light displays are to become an annual occurrence or increase significantly in scale.

There are also the environmental impacts that are outlined in the sustainability section.

**CD24/23      Deferred Consideration of Netball and Multi Use Indoor and Outdoor Courts Needs Assessment**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Director Community Development
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this item has a declarable interest in the matter.
<b>Attachments:</b>	Nil

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>At the Ordinary Meeting of Council (OMC) held on 15 August 2023, the Council resolved: <i>“That the Council directs the CEO to prioritise the Netball and Courts Needs Assessment Plan / Report that was approved in the 2023/2024 budget and bring the final report back to Council no later than the June 2024 Ordinary Meeting of Council.”</i></li> <li>This report seeks to defer this matter for consideration no later than the October 2024 Ordinary Meeting of Council.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council notes that the Netball and Multi Use Indoor and Outdoor Courts Needs Assessment will be presented to an Ordinary Meeting of Council no later than October 2024.**

**PURPOSE**

The purpose of this report is to advise the Council of a delay in presenting the Netball and Multi Use Indoor and Outdoor Courts Needs Assessment. A Council resolution intended this matter to be considered at the June 2024 Ordinary Meeting of Council. This report advises the Council that this matter will be presented to the Ordinary Meeting of Council no later than October 2024.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>There are no applicable priorities in relation to this report.</b>
<b>Outcome Indicator</b>	There are no applicable outcome indicators in relation to this report.

## BACKGROUND

At the 15 August 2023 Ordinary Meeting of Council, the Council resolved that:

***That the Council directs the CEO to prioritise the Netball and Courts Needs Assessment Plan / Report that was approved in the 2023/2024 budget and bring the final report back to Council no later than the June 2024 Ordinary Meeting of Council.***

***The plan is to include:***

- 1. An indoor and outdoor multi use hard court plan that will accommodate the current and future needs of netball and other complimentary sporting activities in Melville.***

In accordance with the resolution of Council, the Netball and Multi Use Indoor and Outdoor Courts Needs Assessment was intended to be presented to Council by June 2024. However, the administration is seeking to delay consideration of this matter to no later than October 2024 Ordinary Meeting of Council.

The reason for the delay is that the procurement of consultancy services to conduct the Needs Assessment attracted a significant number of submissions, extending the time to award the contract.

This additional time will allow thorough engagement with local stakeholders whose views are critical to inform the Needs Assessment.

## CONSIDERATION

Officers had planned to present the Needs Assessment report at the June 2024 Ordinary Meeting of Council. However, further work is required to be undertaken prior to presenting this item to the Council.

## ENGAGEMENT

No engagement with the community is required in regard to this matter.

## SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with the deferral of this item.

## LEGISLATIVE AND POLICY ALIGNMENT

There are no legislative or policy implications associated with the deferral of this item.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with the deferral of this item.

## CONSEQUENCE

There are no consequences or alternative options associated with this item.

**Environment and Infrastructure**

**E24/38 RFT232414 Supply of In-Situ Concrete**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Director Environment & Infrastructure
<b>Voting Requirements:</b>	Absolute Majority
<b>Officer Disclosure of Interest:</b>	No Officer involved in the preparation of this report has a declarable interest in this matter.
<b>Attachments:</b>	1. CTAU Minutes 14 May 2024 (confidential) (under separate cover)

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<b>SUMMARY</b>
<ul style="list-style-type: none"> <li>This report is presented to the Council to recommend the acceptance of a request submitted for RFT232414 Supply of In-Situ Concrete.</li> </ul>

**CTAU RECOMMENDATION**

- That the Council accepts the recommendations as contained in the confidential attachment to this report, RFT232414 Contract and Tender Advisory Unit Minutes (Attachment 1); and
- Upon resolution of the recommendation, directs that the successful respondents’ names be inserted below this point 2, awarded;

**PURPOSE**

The Contract and Tender Advisory Unit (CTAU) is satisfied that the recommended supplier meets the City’s qualitative requirements and represents value for money. The City of Melville (“City”) is seeking a suitably qualified and experienced Contractor to carry out the Supply and Lay of In-situ Concrete Pavements

The CTAU’s recommendation is now being presented to Council for their approval.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>There are no applicable priorities in relation to this report.</b>
<b>Outcome Indicator</b>	There are no applicable outcome indicators in relation to this report.

**BACKGROUND**

The City is seeking a suitability qualified and experienced contractor for Supply of In-Situ Concrete. The CTAU Meeting Minutes included as a confidential attachment to this report is additionally available to Elected Members on the Elected Members Portal.

**CONSIDERATION**

Responses were received from the following organisations:

- Dowsing Group Pty Ltd
- Pennant Construction Pty Ltd T/AS The Trustee for the Pennant Unit Trust

All Respondents properly addressed the Compliance and Disclosure Requirements and were processed through to Qualitative Assessment.

The City set the following qualitative criteria and weightings:

<b>Demonstrated Experience</b>	25%
<b>Capacity to Deliver</b>	30%
<b>Sustainable / Social Procurement</b>	20%
<b>Methodology</b>	25%
<b>Total</b>	100%
<b>Percentage to be shortlisted</b>	60%
<b>Price</b>	Non-weighted

The recommended Respondent achieved a qualitative score of 95.56% against the following criteria:

I. Demonstrated Experience

The Respondent provided the required information against this criterion. Examples provided were relevant to the services that will be delivered under this Contract, and they have experience with Local Government.

II. Capacity to Deliver

The Respondent provided the required information against this criterion.

The key personnel have relevant qualifications and a good level of experience in similar projects.

III. Sustainable / Social Procurement

The Respondent provided the required information against this criterion.

They provided their certifications, environmental policy, minor environmental initiatives and minor actions to mitigate negative environmental impact.

#### IV. Methodology

The Respondent provided the required information against this criterion.

They satisfactorily addressed the entire methodology question.

The Evaluation Panel reviewed all Respondents' offers and prepared an Evaluation Report, identifying the recommended Respondent.

The recommendation was supported by the Contract and Tender Advisory Unit (CTAU) and is put forward as part of the recommendation to the Council.

The Evaluation Report and associated confidential attachments were distributed to Elected Members under confidential cover.

### **ENGAGEMENT**

No community or external engagement has been required or undertaken as part of this request.

### **SUSTAINABILITY IMPLICATIONS**

The tender specification included a 20% qualitative weighting for Social and Environmental Procurement, with the preferred tenderer achieving a higher ranking due to a range of social and environmental initiatives being undertaken by the organisation. The City will also be working with the successful tenderer to investigate and incorporate materials re-use and materials recycling opportunities where feasible.

### **LEGISLATIVE AND POLICY ALIGNMENT**

This request has been considered with regards to the following policies and legislative requirements:

- CP-023 Procurement of Products and Services
- *Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)*

*"A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".*

### **FINANCIAL IMPLICATIONS**

Any relevant financial implications are detailed in the confidential attachment to this report.

### **CONSEQUENCE**

No alternative options or consequences are presented as part of this report.

**Urban Planning**

**UP24/37 Neighbour Dispute Mediation Policy**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Manager Strategic Urban Planning
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in the matter.
<b>Application Number:</b>	Not Applicable
<b>Applicant:</b>	Not Applicable
<b>Owner:</b>	Not Applicable
<b>Proposal:</b>	Neighbour Dispute Mediation Policy
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <a href="#">Draft Neighbour Dispute Mediation Policy</a> ↓</li> <li>2. <a href="#">Engagement Report</a> ↓</li> <li>3. <a href="#">Advertised Neighbour Dispute Mediation Policy</a> ↓</li> </ol>

**COUNCIL’S ROLE**

Legislative: Includes adopting local laws, town planning schemes & policies.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>• On 15 August 2023, the Council passed a Notice of Motion requesting a report be prepared and presented back to the December 2023 OMC, on the benefits and implications of establishing a Neighbour Dispute Mediation Policy.</li> <li>• The investigation was undertaken and a report addressing the above was presented to Council on the 12 December 2023 (UP23/28). The Council subsequently passed a resolution to prepare the Neighbour Mediation Council Policy in accordance with the recommendations outlined in the report.</li> <li>• A draft mediation policy was prepared and presented to Council at the 19 March 2024 OMC (UP24/34). The Council initiated public consultation of the policy and determined for the outcome of the consultation process and the recommendations to be presented back to the Council (current step).</li> <li>• The proposed policy was advertised for 30 days, and 40 submissions were received. Based on the terminology in the engagement approach, a total of 5 people (12.5%) love the policy, 16 people (40%) like the policy, 11 people (27.5% can live with the policy and 8 people (20%) don't like the policy.</li> <li>• Where considered appropriate to do so, the draft policy has been updated in response to the community’s feedback and is attached for the Council’s consideration (Attachment 1).</li> <li>• It is recommended that the Council adopt the updated policy with a commencement date of September 2024 to allow staff time to prepare necessary workflows, liaise with a preferred service provider, and to train key staff on the process.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council adopt the Neighbour Dispute Mediation Council Policy as updated (Attachment 1), to come into effect on the 18 September 2024, in accordance with the details outlined in this report.**

**PURPOSE**

The purpose of this report is to provide the Council with a summary of the community feedback received on the draft Neighbour Dispute Mediation Policy, and for the Council to consider suggested updates to the policy. The Council may choose to adopt, amend or refuse to adopt the updated Neighbour Dispute Mediation Policy.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>3</b>	<b>Empower the voices of our diverse community by strengthening engagement</b>
	P3/1	Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities.
	<b>5</b>	<b>Ensure long term financial sustainability</b>
	P5/1	Undertake efficiency improvements to maximise cost effectiveness.
<b>Outcome Indicator</b>	5	Sense of Community
	Goal 2	Participation and Inclusion

**BACKGROUND**

In August 2023, the Council determined that a report on the benefits and implications of establishing a Neighbour Dispute Mediation Policy should be prepared. The purpose of the mediation policy would be to establish that the Council is supportive of resolving a range of neighbourhood disputes and to put in place a framework to define the City’s role in facilitating dispute resolution through independent mediation.

The investigations were to include defining the purpose of the policy, details of matters suitable for mediation, governance considerations and research on other established policies within a local government context. The investigation was undertaken and a report addressing these items was presented to the Council on the 12 December 2023 (UP/23/28).

At the 12 December 2023 meeting, the Council passed a resolution to formally prepare the Neighbour Mediation Council Policy in accordance with the recommendations outlined in the report for consideration. The recommendations in the report suggested that the policy scope is to include both regulatory and civil matters and that the City can fund up to 3 sessions on a ‘pay as you go’ rate.

The mediation policy was prepared and presented to the Council in March 2024 OMC (UP24/34). At this same time, the City improved and expanded the information available on the City’s webpage ([here](#)) to include:

- Guidance on how to approach your neighbour if you have a dispute,
- Information on the issues that can’t be resolved by the City, including who the responsible agency is and how to contact them, and
- Mediation services that are available to the public if issues are not resolved.

At the March 2024 meeting, the Council considered the policy and resolved to advertise the draft policy with an understanding that the outcome of the consultation process and the recommendations would be presented back to Council (current step).

**CONSIDERATION**

The draft neighbour mediation policy was advertised for a period of 30 days from 21 March to 21 April 2024. During this period 40 submissions were received, when asked what they thought of the policy, 5 submitters (12.5%) picked that they ‘loved’ the policy, 16 people (40%) ‘liked’ the policy, 11 people (27.5%) ‘can live’ with the policy and 8 people (20%) ‘didn’t like’ the policy. Most people who indicated they can live with the policy supported the policy in principle but had some suggested changes. Based on this feedback, the submissions are 80% in support of a policy (subject to changes) and 20% against having a policy or who don’t like it.

As a result of the feedback received, and on advice from the City’s governance team, the policy has been restructured to be more succinct and focus specifically on the City’s role in advancing issues to mediation. The previous content in relation to the friendly neighbour initiatives, and a guide on ‘how mediation works’ will be combined in a standalone Mediation Guide.

A more detailed summary of submissions is provided below. Where multiple submissions included the same general comment, those have been consolidated. For ease of reference, the comments have been grouped into three tables.

**Table 1 - Comments supporting the draft Policy**

<b>Comment</b>
<i>This is a great idea!</i>
<i>It seems a sensible policy.</i>
<i>Your draft mediation policy seems well-focused on addressing common issues that can arise between neighbours.</i>
<i>This would appear to be a significant shift in the council's attitude to disputes between neighbours in regard to fences. It is most welcome.</i>
<i>I think it's a good way to resolve conflict with neighbours as long as they are all willing participants.</i>
<i>I think this is a very useful tool to avoid conflict with neighbours who often do not understand the tree policy and other guidelines.</i>
<i>Overall, your draft policy shows a thoughtful approach to addressing neighbour disputes, and with some additional considerations, it can become a valuable tool for promoting harmony and resolving conflicts effectively.</i>

**Response-** These comments are noted with no further changes to the draft policy.

**Table 2- Concerns/Questions/Suggestions to improve the draft policy**

<b>Comment</b>	<b>City of Melville Response</b>
<i>Policy should consider additional situations such as neighbours parking on verge and verge maintenance.</i>	<p>Following internal stakeholder engagement, the City has determined not to specifically reference parking as an issue suitable for mediation. This decision was made acknowledging that parking issues are more appropriately resolved via enforcement than mediation (i.e. generally speaking someone is either parked illegally or they're not).</p> <p>In some circumstances however it may be appropriate to consider mediation, and these can be considered on a case by case basis.</p>
<i>Consider emphasizing the goal of the policy to facilitate amicable resolutions that benefit both parties. This can encourage a mindset of cooperation and compromise.</i>	<p>Noted.</p> <p>Based on community feedback, the City has acknowledged the benefit in providing a more comprehensive mediation guide. This feedback will be addressed in the guide.</p>
<i>Include guidelines or principles for mediation, such as confidentiality, impartiality of the mediator, and the voluntary nature of participation.</i>	<p>Noted.</p> <p>Based on community feedback, the City has acknowledged the benefit in providing a more comprehensive mediation guide. This feedback will be addressed in the guide.</p>
<i>Consider adding a section on education and awareness to help prevent disputes by informing residents about potential issues and proactive measures they can take.</i>	<p>Information on education and awareness to help prevent the most common disputes is provided on the City's website:</p> <p><a href="https://www.melvillecity.com.au/campaigns/tips-on-being-a-friendly-neighbour">https://www.melvillecity.com.au/campaigns/tips-on-being-a-friendly-neighbour</a></p> <p><a href="#">It will also be addressed in the proposed Mediation Guide</a></p>
<i>Include a mechanism for collecting feedback from participants to continuously improve the mediation process and the policy itself.</i>	<p>The City intends to carefully monitor usage of the policy, and will endeavour to collect feedback from those who have used it and are willing to discuss its efficacy.</p> <p>The City will periodically provide this feedback to Council</p>
<i>Accessibility: Ensure that the mediation process is accessible to all residents, including provisions for language assistance or accommodations if needed.</i>	<p>All City residents are entitled to a free interpreting service provided by the Department of Immigration and Citizenship.</p>
<i>Will this policy replace the awful "Nuisance</i>	<p>The policy is not intended to replace any other</p>

<p><i>Barking" policy when you have a complaint about a barking dog ?</i></p>	<p>policy. Noise from dogs is controlled by the Dog Act 1976 and residents dealing with nuisance parking are encouraged to contact the City's Ranger Services.  There may however be instances where a dog barking isn't technically in breach, but through mediation a resolution can nonetheless be reached.</p>
<p><i>Not sure how a professional mediator will be able to mediate between 2 neighbours whereby an issue has got to the point where they require intervention because the mediator cannot provide technical resolution.</i></p>	<p>The role of the mediator is to help the parties to focus on the issues in dispute, gain an understanding of the other party's point of view, and put forward options in an effort to reach an amicable outcome.</p>
<p><i>The policy includes "non-compliant developments", I am confused as to why there is mediation regarding this when surely a non-compliant development should be a direct council intervention?</i></p>	<p>Procedures to respond to a non-compliant development often include an ability for the offender to seek an exercise of discretion within the relevant legislative framework. An example of where a non-compliant development may benefit from mediation would be a proposed over-height shed, whereby mediation might help the parties to negotiate a suitable modification to the design/aesthetic/setback to address the neighbour's concerns but still afford the applicant the outcome they're seeking.  Nonetheless if the applicant were to request the City determine the shed in accordance with the framework, or the neighbour was uninterested in mediating, the City still has a responsibility to determine the application in accordance with the relevant legislation. Where an exercise of discretion is not available, not approved or not appropriate, compliance procedures would seek removal of the non-compliance.</p>
<p><i>Prior to any mediation session, should both neighbours be provided with relevant information/links to websites pertaining to the issue to be read by both parties prior to the meeting.</i></p>	<p>The relevant City staff can and will discuss and provide information to the parties prior to mediation.</p>
<p><i>The policy does not cover the roaming and interference of cats on neighbours properties</i></p>	<p>The examples listed in the policy are not exhaustive. Its possible that issues with a neighbour's cat could be grounds for mediation.</p>
<p><i>Are the records or outcomes of the mediation kept by the City? Should this be referenced in the policy?</i></p>	<p>The outcome of the mediation would be shared with the City if the parties agree to and if a Council decision is on hold depending on mediation. If the mediation does not result in an agreement between the parties, the City will proceed with making a decision regardless. If the parties do reach an agreement, the City will consider the outcome in the pending application / decision.</p>
<p><i>Does the City offer rooms/space for mediation or is the location determined by</i></p>	<p>Mediation would occur at a venue organised by the mediation service, generally at their offices.</p>

<i>the Mediator organisation?</i>	
<i>The first step should be to gain an understanding of your (and your neighbour's) rights and responsibilities in relation to the matter under dispute. The policy could provide references/links to these. Advertising more widely about the common issues might be better cost and time that will necessarily divert funding from more essential services.</i>	For an issue to be suitable to escalate to formal mediation it will have first been the subject of one or more discussions with officers at the City. The rights and responsibilities regarding the matter will be discussed at this stage.
<i>I would add that private mediation services are available and inexpensive.</i>	An estimated cost of mediation will be provided to the parties by the City prior to formal mediation taking place.
<i>Do you expect all the disputes of every single home to go to the CEO? There must be a mediation officer/suitable role personnel before it is escalated.</i>	The CEO's role in the process is limited to determining whether or not the City will contribute financially towards the mediation process. This step is predicated on the matter having firstly been discussed with the relevant subject matter expert at the City, secondly for mediation to be determined as the most appropriate course of action, and thirdly for both parties to have agreed to engage in mediation.
<i>Section 3 - Para 7 'diving fences' should this be dividing fences?</i>	Noted.
<i>Section 4 - Add between dot points 2 &amp; 3 that a time frame be agreed to review the issue. Then between dot points 3 and 4 add meet to review how things are progressing and if need be reassess time frame.</i>	Noted. Based on community feedback, the City has acknowledged the benefit in providing a more comprehensive mediation guide. This feedback will be addressed in the guide.
<i>Section 4 implies that the person raising the issue is always "in the right". It states that the person raising the complaint should allow the neighbour "time to make changes to the way in which they do things". One example where this may not be correct is where the person making the complaint does not understand the current rules/guidelines regarding overhanging branches/tree roots.</i>	Noted. Based on community feedback, the City has acknowledged the benefit in providing a more comprehensive mediation guide. This feedback will be addressed in the guide.
<i>Section 5 indicates the cost of mediation would (generally) need to be borne by the parties concerned. This seems unfair if one of the parties is continually raising frivolous issues (similar to a vexatious litigant).</i>	There is no obligation for an individual to engage in mediation, so the associated cost is only relevant should both parties be willing. Nevertheless as the following section of this report outlines, the City has updated the policy draft recommending that Council agree to fund all mediation services, subject to certain considerations.
<i>Rate payers should expect council to try and resolve a dispute first and if they can't pay for mediation. Step 1. Council. Step 2. Mediation. You set the rules you</i>	The City will continue its regulatory decision-making and statutory compliance functions. The option to mediate only expands the opportunities to achieve the best outcome for all parties. If any

<i>enforce them.</i>	party, be it the City, a complainant, or a respondent don't believe it to be in their best interest to mediate, the City will progress with its standard decision-making/enforcement processes.
<i>To improve readability of the policy for users, a flowchart detailing the steps of the mediation process and the pathways available would be of benefit.</i>	Noted. Based on community feedback, the City has acknowledged the benefit in providing a more comprehensive mediation guide. A flowchart can be incorporated into the guide.
<i>The Policy as written does not address conformity or consistency with its guiding legislation.</i>	Noted. The policy is intended to support the application of existing legislation and policy. The policy content has been reviewed and is not considered to represent a non-conformity or inconsistency with other legislation.

**Table 3- Comments Opposing the draft Neighbour Mediation Council Policy**

<b>Comments</b>	<b>City of Melville Response</b>
<p><i>Council is shirking it's responsibility and obligations. What are we paying rates for if Council officers are not there to explain the rules regards fencing, noise, parking etcetera. This policy will result in greater angst between neighbours.</i></p> <p><i>Putting neighbours against neighbours I don't wish to do that as I get along with all my neighbours</i></p> <p><i>An absolute waste of time and money all of it.</i></p> <p><i>This is seen as a cop out by the City to avoid it properly enforcing the laws that it is responsible for. We see this policy could be used as an excuse by the City for not taking action.</i></p>	<p>Mediation will always be predicated on individuals engaging with the relevant City staff to understand their responsibilities and risks before mediation is considered. Mediation will not be considered if there is no foreseeable benefit in progressing down that path.</p> <p>The City will continue its regulatory decision-making and statutory compliance functions. The option to mediate only expands the opportunities to achieve the best outcome for all parties. If any party, be it the City, a complainant, or a respondent don't believe it to be in their best interest to mediate, the City will progress with its standard decision-making/enforcement processes.</p>

**Other Concerns**

In the advertised version of the draft Neighbour Dispute Mediation Policy, under Section 5 'Funding', it read:

*..... in most cases, the cost involved in using a mediation service would need to be borne by the relevant parties involved. The City acknowledges however that in some cases resolving an issue through mediation may avoid the need for the City to otherwise intervene, either via enforcement or in the assessment of an application. If this is likely to be the case, the City may consider sponsoring the cost of mediation for up to three sessions.....*

In response to concerns raised by the community, and in the interest of fairness and transparency, the City is recommending that Council do away with the abovementioned caveat on providing sponsorship. There is concern that deciding whether an issue is suitable for financial support (to mediate) will be inherently complex and may risk the perception that the City prioritises certain issues over others. Nonetheless the City is still of the view that for the mediation policy to be

utilised as intended, the City should still financially support suitable matters to progress through the mediation process. Therefore, the policy wording has been updated to allow any council-related issue to be eligible for sponsorship. Financial prudence comes in the form of certain procedural constraints, namely:

1. The proposed mediation budget of \$10,000 per annum be upheld, and subject to review each year.
2. Having discussed the issue with the aggrieved party, the City must agree that mediation not only has the potential to benefit one or more of the parties but could result in an outcome that is preferential to the City simply executing its decision-making or enforcement responsibilities.
3. The City must accept that there is a willingness from both parties to engage in good faith and consider the perspective of the other party, and
4. Any financial support will be at the CEO's discretion.

The City will provide Council with an update on the efficacy of the policy via the Elected Members Bulletin (EMB) every 6 months for a 24-month period, including information on whether people are using the mediation service, which would allow Council to decide whether to continue funding the service, and/or adjust the budget.

### **Draft Policy Changes**

As discussed in this report, the version of the draft policy that was advertised has been updated significantly in response not only to the submissions received from the community but on advice from the City's governance team. The previous content in relation to the friendly neighbour initiatives, and a guide on 'how mediation works' will be combined in a standalone Mediation Guide. Prior to the policy coming into effect, the City will circulate the draft Mediation Guide to Council via the EMB.

### **Deferred Adoption**

Should the Council decide to adopt the updated policy, it is recommended that there be a 3-month transition period before it comes into effect. This will allow the City some time to train the relevant staff across each department on the process, prepare the Mediation Guide and workflow instruction, update the website and prepare a social media campaign for community awareness.

### **ENGAGEMENT**

The policy was advertised from 21 March 2024 to 21 April 2024. A snapshot of the engagement is included as Attachment 2. A summary of the submissions received are documented in this report.

### **SUSTAINABILITY IMPLICATIONS**

Updating the website and implementing a policy aimed at resolving disputes in the community should have a positive impact in relation to social sustainability. Positive mediation outcomes could lead to reconciliation of relationships between neighbours and the building of social capital more broadly within the community.

Encouraging mediation may, over time, also help to build more trust with the City, by allowing dispute resolution to occur in ways that are beneficial to both parties, instead of the City being forced to respond using the limited tools at its disposal, which can sometimes be ill-suited or heavy-handed relative to the context of the situation.

Providing information on best practice dispute resolution also avoids potentially expensive legal costs and saves the City money by avoiding staff involvement on civil matters.

## **LEGISLATIVE AND POLICY ALIGNMENT**

Policies form part of the Governance and Policy Framework. Section 2.7 (2)(b) of the *Local Government Act 1995* states that the Council is to determine the local government's policies. Policies provide the Council and staff with the ability and direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.

## **FINANCIAL IMPLICATIONS**

The preparation and administration of the policy can be accommodated within existing resources.

It's difficult to estimate the level of community interest in a paid mediation service, but with the pay-as-you-go service, there would be no cost to the City if the service wasn't utilised.

As a guide, the City has considered the resource cost if 5 disputes were to go through mediation in a 12-month period.

- Assuming each dispute receives up to 3 mediation sessions (paid for by the City), the financial outlay over 5 separate disputes would be approximately \$7,500.
- In addition, the staff time commitment in supporting that number of disputes to go through mediation would be estimated to be between 20-25hrs per annum.
- Therefore, it would be appropriate for Council to consider setting a mediation budget of approx. \$10,000p/a.

The governance budget would initially fund the annual mediation budget as the policy is an organisational wide policy. The City will provide the Council with an update on the efficacy of the policy via the EMB every 6 months for a 24-month period, including information on whether people are using the mediation service, which would allow Council to decide whether to continue funding the service, and/or adjust the budget. An amendment to the 2024/2025 budget, later in 2024 may be required dependent upon take up of the service.

## **CONSEQUENCE**

If the Council decide to not adopt the Neighbour Dispute Mediation Policy, the Council could alternatively request that the City simply focus on improving community awareness about mediation via the usual engagement channels.

If the Council were inclined to support the policy but were not wanting to commit the City to financially supporting the process, an alternative recommendation could allow the policy to still be adopted subject to suitable modifications to exclude references to financial sponsorship.

**UP24/38 Public Open Space Strategy Scoping Report**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Manager Strategic Urban Planning
<b>Voting Requirements:</b>	Absolute Majority
<b>Officer Disclosure of Interest:</b>	No officer involved in the preparation of this report has a declarable interest in the matter
<b>Application Number:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>Owner:</b>	Not applicable
<b>Proposal:</b>	Not Applicable
<b>Attachments:</b>	1. <a href="#">Public Open Space Strategy Review Preliminary Scope of Works</a> ↓

**COUNCIL’S ROLE**

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>At the Ordinary Meeting of Council (OMC) in May 2023, Council resolved to pass a Notice of Motion (UP23/4030) to “investigate further provision of public open space where there is an identified deficiency”.</li> <li>At the subsequent June 2023 OMC, Council expanded on this with a second Notice of Motion requesting the CEO prepare a report for Council’s consideration by November 2023, regarding the scope and resourcing requirements for investigations to ensure the City’s localities are provided with Public Open Space (POS) in accordance with community expectations and contemporary State Government planning policy and guidelines.</li> <li>In order to prioritise other strategic matters, Council on two occasions (November 2023 OMC and Feb 2024 OMC) chose to defer the POS Strategy Scoping Report. The matter was deferred to the June OMC.</li> <li>Further to the substantive motion from Council, careful consideration has been given to achieving the maximum benefit from a POS review, while acknowledging current and future demands on budgets and resourcing, and this is reflected in the recommended scope of work.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council requests the Chief Executive Officer to proceed with the Public Open Space review in accordance with the proposed scope of work included in Attachment 1 of this report and authorises an amendment to the 2024/2025 budget to allocate the required estimated expenditure of \$175,000.**

**PURPOSE**

The purpose of this report is to outline a proposed scope of work for a POS Strategy Review, and the rationale behind the proposed scope.

**STRATEGIC ALIGNMENT**

<p><b>Priority</b></p>	<p><b>4 Support healthy lifestyles and wellbeing</b> P4/1 Invest strategically in local infrastructure and built environments that support physical activity and healthy lifestyles.</p>
<p><b>Outcome Indicator</b></p>	<p>3 Healthy Lifestyles Goal 1 A Safe and Healthy Urban Environment</p>

**BACKGROUND**

At the May 2023 Ordinary Meeting of Council (OMC) resolved to pass a Notice of Motion (UP23/4030) to “investigate further provision of public open space where there is an identified deficiency”. This was expanded upon with a second Notice of Motion at the June 2023 OMC requesting the preparation of a report for Council’s consideration regarding the scope and resourcing requirements for investigations to ensure the City is provided with POS in accordance with community expectations and State Government requirements. The Notice of Motion went on to require that the scope of the review to include but not be limited to:

- a. *Stakeholder and community engagement.*
- b. *Policy context:*
  - i. *State Government*
  - ii. *Local Government*
- c. *Demographic and future trends analysis.*
- d. *Public Open Space Evaluation:*
  - i. *Identification, audit, and assessment*
  - ii. *Proximity of Public Open Space within 400m catchments of dwellings.*
  - iii. *Percentage allocation analysis on a locality-by-locality basis.*
- e. *Community sports space current needs and future requirements.*
- f. *Community open space needs and future requirements (particular focus on areas with proposed density increases).*
- g. *Strategies, opportunities, recommendations, and actions (with a focus on short-medium term deliverables).*
- h. *Investigate the potential for converting existing inaccessible drainage basins into useable areas of accessible public open space.*

In responding to the substantive motion from Council, careful consideration has been given to achieving the maximum benefit from a POS review, while remaining mindful of current and future demands on budgets and resourcing.

**CONSIDERATION**

The City of Melville currently has a Public Spaces Strategy (PSS), which was approved on the 24 February 2017. The PSS examines the community’s access to different types of open space and considers how well existing POS is meeting community needs. In addition to taking a wholistic approach to ‘public spaces’ (open space included), it focusses primarily on improving the quality of Melville’s public open space rather than the quantity. Whilst Council’s focus has shifted to consider a more quantitative review, much of the PSS’s content remains relevant and can be integrated into a POS review.

The proposed scope of works for the POS review will seek to confirm the provision of POS in the City and any gaps either in responding to the needs of the current community or to its future population and will investigate various mechanisms available to support provision of additional areas of POS to address any such gaps where/if identified.

An indicative scope detailing a range of specific tasks to deliver the POS review on this basis has been prepared and is included as Attachment 1 to this report.

## **ENGAGEMENT**

The proposed work is principally technical in nature and therefore early engagement is not proposed. Once outcomes have been assembled from the technical assessment process, they will be released for community comment as part of an engagement process to enable community input prior to final consideration of any recommendations by Council.

## **SUSTAINABILITY IMPLICATIONS**

Public Open Space is an important contributor to both environmental and social sustainability, sufficient and accessible open space supports both a healthy community and healthier environment and regular review of POS provision supports ongoing action to deliver these benefits.

## **LEGISLATIVE AND POLICY ALIGNMENT**

While the provision of POS is subject to some elements of the State Planning Framework, there is nothing applicable that will restrict or prevent the proposed scope of work being undertaken.

## **FINANCIAL IMPLICATIONS**

This project is not included in any current budget allocation and therefore additional funds will be necessary. Due to commitments to existing projects and limited resources available in Strategic Urban Planning, appointment of a consultant to undertake the project is necessary.

Based on the recommended approach an anticipated timeframe of twelve months and a budget of \$175,000.00 is identified. This budget does not allow for any additional tasks beyond those identified in Attachment 1 and should further items be identified then additional budgeting and resourcing may be necessary.

## **CONSEQUENCE**

Not adopting the recommendation will remove the need to resource and fund this work but risk facilitating possible deficiencies in provision of POS to meet current and future community requirements. Increasing the scope beyond the recommendation will necessitate increased resourcing and budget.

**UP24/39 Local Planning Policy 1.6 - Parking and Access**

<b>File Number:</b>	
<b>Responsible Officer:</b>	Manager Strategic Urban Planning
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Disclosure of Interest:</b>	Nil.
<b>Application Number:</b>	N/A
<b>Applicant:</b>	N/A
<b>Owner:</b>	N/A
<b>Proposal:</b>	N/A
<b>Attachments:</b>	1. <a href="#">Local Planning Policy 1.6 - Parking and Access (with track changes)</a> ↓

**COUNCIL’S ROLE**

Legislative: Includes adopting local laws, town planning schemes & policies.

<p><b>SUMMARY</b></p> <ul style="list-style-type: none"> <li>• The City continuously reviews and updates the local planning policy framework to ensure that best practice is enacted in relation to planning decision making.</li> <li>• Local Planning Policy 1.6 Car Parking and Access (LPS 1.6) currently provides the key parking and design standards for non-residential development in the City.</li> <li>• It has been identified that the review of LPP 1.6 represents an opportunity to:             <ul style="list-style-type: none"> <li>○ clearly articulate the City’s expectations to applicants, the community and decision makers in relation to pedestrian sight lines and vehicle ramp gradients;</li> <li>○ respond to changes to the state and local planning framework; and</li> <li>○ improve the readability of the document and ensure it is consistent with the City’s corporate strategic planning framework and its transformational goals.</li> </ul> </li> <li>• Under the provisions of the R-Codes, the proposed changes to LPP 1.6 in relation to vehicle ramp gradients require the approval of the Western Australian Planning Commission.</li> <li>• It is recommended that the draft amended LPP 1.6 is advertised for a period not less than 21 days, and a further report be presented to Council to consider the outcomes of advertising.</li> </ul>
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**OFFICER RECOMMENDATION**

**That the Council:**

1. **Endorse Local Planning Policy 1.6 Parking and Access as modified;**
2. **Pursuant to Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to adopt the amended Local Planning Policy 1.6 Parking and Access for the purposes of public consultation for a period of not less than 21 calendar days; and**
3. **Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of amended Local Planning Policy 1.6 Parking and Access shall be authorised by the Chief Executive Officer.**
4. **Permit the CEO to update Local Planning Policy 1.6 Parking and Access upon the release of the new version of AS2890.1 Parking Facilities to reflect the correct paragraph numbers without the need to come back to Council for reindorsement.**

**PURPOSE**

The purpose of this report is for the Council to consider modifications to the existing LPP 1.6 to respond to change to the planning framework, to articulate the City’s position in terms of sightlines and vehicle access ramps and to make it easier to read.

**STRATEGIC ALIGNMENT**

<b>Priority</b>	<b>3</b>	<b>Empower the voices of our diverse community by strengthening engagement</b>
	P3/1	Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities.
	P3/2	Improve the mechanisms to make information flow easier to access and share, including optimising digital communications.
	P3/4	Enhance opportunities for civic engagement and building community capacity.
<b>Outcome Indicator</b>	5	Sense of Community
	Goal 2	Participation and Inclusion
	Goal 4	Sense of Identity through Collective Memory
	Goal 5	Social Connectedness and Belonging

**BACKGROUND**

In September 2021, Weir Legal and Consulting, prepared a report called City of Melville Review of Complaints Building and Planning (the report). The report made several recommendations to assist the City to improve its processes and decision making. Most of these recommendations have been completed by the City and/or are in progress. Part of the City’s program of process improvements has been a review of LPP1.6.

- LPP1.6 was first adopted by the City of Melville (the City) in October 1999 and has been reviewed regularly since that time.
- LPS 1.6 currently provides the key parking and design standards for non-residential development in the City. LPS 1.6 does not apply to residential development except for clause 7 which allows for multiple dwellings to provide cash in lieu of parking in certain circumstances.

- Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking Facilities (AS2890.1) provides detailed guidance in relation to Off Street Parking and includes provisions regarding the sight distance requirements and gradients of access driveways. AS2890.1 is currently under review and anticipated to be finalised in the coming 6-12 months.
- Since the last review of LPP 1.6, there have been several changes to the planning framework at the state government level relating to parking. These include modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations), publication of [Payment in Lieu of Parking Guidelines](#) and change to State Planning Policy 7.3 Residential Design Codes (Volumes 1 and 2) (the R-Codes). Changes to the R-Codes to accommodate Part C 'Medium Density Codes' have also been published.
- The State Government has published [Interim guidance for non-residential car parking requirements](#). The parking standards in this document are generally consistent with those in LPP1.6 and therefore no changes to parking ratios are proposed at this stage.
- At the local level, there are several structure plans which provide specific guidance for parking. These need to be acknowledged in LPP1.6. The City has also embarked on projects, such as Customer First and Business Friendly which need to be considered in any policy review.
- The findings of the policy review and recommended changes to LPP 1.6 were presented to an Elected Members Engagement Session on 28 May 2024.

## CONSIDERATION

### 1. *Customer first and business friendly.*

An introductory paragraph has been included at the beginning of the policy. This informs customers of the purpose of the policy and directs customers to the website or to contact City staff if they want more general information. This saves customers from reading through the whole policy only to find it does not contain the information they were looking for. This responds to customer feedback and is consistent with the City's customer first and business friendly approach.

The policy objectives and the overall wording of the policy have been reviewed with a customer in mind. The aim is to make the policy as simple as possible, while noting the document is technical in nature and therefore may require some prior knowledge of the planning framework and planning process to fully understand the content.

Additionally, the policy has been updated to allow for reductions in parking provision in all centres across the City, rather than limiting this to Secondary and District centres, subject to a satisfactory parking management plan being prepared for the development. This provides additional flexibility for decision makers and incentivises development in centres as promoted by the Local Planning Strategy and state government planning reforms.

### 2. *Addition of a policy citation.*

An additional clause has been included to confirm that this policy is made under the relevant provisions of the Regulations and City of Melville Local Planning Scheme No. 6 (LPS No. 6).

### 3. *Updated policy scope.*

The policy scope has been updated to note the relationship between LPS No.6 and the various structure plans across the City. This confirms that where a structure plan contains a specific parking requirement, that requirement prevails over LPP1.6.

The updated scope also confirms that the policy modifies several provisions of the R-Codes. The updated scope is based on advice from both the Department of Planning, Lands and

Heritage (DLPH) and the legal advice from Thompson Greer. It includes a table which identifies the provisions of the R-Codes which are being modified and how.

4. *New clauses relating to ramp gradients and vehicle sight lines.*

The policy has been updated to provide guidance for ramp gradients and vehicle sightlines for residential and non-residential development. These clauses reference AS2890.1. Under the provisions of the R-Codes the proposed changes to LPP 1.6 in relation to ramp gradients require the approval of the Western Australian Planning Commission. Further detail is provided below.

Under the provisions of the R-Codes, a 1.5x1.5 metre truncation, or sightline, is required to be provided for all development, where a driveway meets the street boundary, to provide for pedestrian visibility. This contrasts with the provisions of AS2890.1 which indicate a truncation of 2x2.5 metres should be provided where a driveway serves 4 or more dwellings. The review of LPP1.6 has been identified as an opportunity to align with AS2890.1 and provisions have been added accordingly. Where a proposal does not meet the sightline provisions of AS2890.1 the applicant may seek a performance-based assessment and the proposed clauses outline the matters to be considered as a part of the assessment process.

The deemed to comply and acceptable development standards, contained in the R-Codes Volumes 1 and 2, do not provide assessment criteria in relation to driveway ramp gradients. As with pedestrian sightlines, this review represents a chance to align with AS2890.1 and to provide stakeholders with an understanding of the City's expectations. New provisions have been added to LPP1.6 accordingly. Where a proposal does not meet the vehicle ramp gradient provisions of AS2890.1 the applicant may seek a performance-based assessment and the proposed clauses outline the matters to be considered as a part of the assessment process.

To ensure consistency between residential and non-residential development, sightline and vehicle ramp provisions have also been added to the non-residential section of LPP1.6.

The City is aware that modifications to AS2890.1 have been advertised for public comment. It is understood that the changes to AS2890.1 are not related to pedestrian sightlines and ramp gradients. A modified version of AS2890.1 is likely to be released this year however the exact date is not yet known. It is recommended that LPP1.6 is updated when AS2890.1 is modified to ensure that the relevant clause numbers remain relevant. It is recommended that that Council delegate the power to modify the LPP1.6 to the CEO to remove the need for this minor change to come back to Council.

## **ENGAGEMENT**

If Council resolve to endorse the amended LPP 1.6 for public consultation, it will be advertised for a minimum of 21 days in accordance with the Regulations. A notice will be placed in a local newspaper and information provided on the City's website. It is anticipated that as a part of the public consultation period, notice of proposed policy changes will be given to peak professional bodies. In addition, it is anticipated the policy changes will be publicised on the City's social media channels and electronic newsletters. In this way, the City can maximise awareness of the proposed changes and encourage submissions.

Following the conclusion of the public consultation period, a report will be presented to Council at the next available Council meeting to consider the outcomes of consultation and finalising draft amended LPP 1.6. In the event no submissions are received in response to consultation, it is recommended that the amendments to LPP 1.6 be adopted without further referral to Council.

As part of the preparation of LPP1.6, the City has liaised with officers of the Department of Planning, Lands and Heritage (DPLH). The purpose of this communication was to determine if the proposed changes will require the approval of the Western Australian Planning Commission (WAPC). Notwithstanding the officer advice that WAPC approval is not required, a copy of the draft policy will be sent to the DPLH during the consultation period to enable it to provide further comment if required.

It is noted that the City engaged Thomson Geer lawyers to undertake a peer review of LPP1.6, the recommendations of this peer review have been incorporated into the proposed policy changes.

### **SUSTAINABILITY IMPLICATIONS**

The objectives of LPP1.6 include promoting environmentally sustainable development, facilitating an appropriate amount of vehicle parking and promoting active modes of transport. The policy changes do not diminish from these objectives. It is noted that increases to minimum car parking requirements have potential to erode promotion of more sustainable forms of transport. Changes to minimum parking requirements are not proposed.

The proposed changes to LPP1.6 will articulate the City's expectations in relation to ramp gradients and sightlines while also providing the potential for the requirements to be modified where this will have positive environmental results.

### **LEGISLATIVE AND POLICY ALIGNMENT**

Under the provisions of the Regulations, a local government may prepare local planning policies on a range of matters. A local planning policy must be based on sound town planning principles and may address operational matters such as parking and access. Where a local planning policy is based on sound town planning principles and is properly adopted under the provisions of the Regulations, it is to be given regard in the decision making process.

The R-Codes Volumes 1 and 2, detail which clauses can be modified by a local government without the approval of the WAPC. The R-Codes also provide detail of the clauses which can only be modified by a local government with the approval of the WAPC. In this respect the R-codes indicate that any local planning policy which modifies Clause 7.3.1(b) of Volume 1 of the R-Codes and 1.2.4 of Volume 2 of the R-Codes requires the approval of the WAPC.

As part of the preparation of this policy, the City has communicated with officers of the DPLH to determine if approval of the WAPC is required. The DPLH has advised that the proposed gradient provisions in LPP1.6 can be included without the need for formal WAPC approval rather an approval can be granted under delegation available to officers. The reason given is that the proposed gradient provisions are augmenting Volume 1 and 2 of the R-Codes by introducing an additional deemed-to-comply (DTC) or acceptable outcome (AO) provisions rather than amending or replacing existing DTC or AO provision. As noted above a copy of LPP will be provided to the DPLH as a part of the consultation process.

**FINANCIAL IMPLICATIONS**

For the City the statutory consultation process requires a notice will be placed in a local newspaper which can be accommodated within the existing budget.

As noted previously in this report, Thomson Geer has undertaken a peer review of LPP1.6 on behalf of the City. The cost of the peer review was \$3000.00.

For applicants once the policy has been adopted, there may be a cost to engage a suitably qualified traffic consultants to provide guidance in relation to the requirements of the AS/NZ standards for ramp gradients and sightlines at the design stage of development. Most substantial development applications are prepared with input from a traffic consultant and therefore the additional cost to applicants is likely to be minimal.

Where a proposal does not meet the ramp gradients and sight lines requirements and a traffic consultant is required to provide a risk assessment and mitigation measures, the cost to applicants may be more substantial, however for the benefit of the greater safety of the community.

**CONSEQUENCE**

The following options are available to Council:

1. Resolve to prepare draft amended LPP 1.1 as recommended.
2. Resolve to prepare draft amended LPP 1.1 as modified by Council.
3. Resolve not to prepare draft amended LPP 1.1. This would mean that the provisions of the current LPP 1.1 will continue to have effect and apply.

**15 MOTIONS WITH PREVIOUS NOTICE**

**15.1 Notice of Motion - CCTV Rebate Program**

<b>File Number:</b>	
<b>Related to Item:</b>	Nil.
<b>Elected Member:</b>	Cr Nicole Robins
<b>Attachments</b>	Nil

**MOTION**

**That the Council requests the CEO to prepare a report for the November Ordinary Meeting of Council outlining the feasibility of rolling out a CCTV rebate program for residents, similar to that being delivered by other local governments. This program would allow residents to obtain a rebate, or partial rebate, for the cost of installing CCTV equipment on their property. The report should include options for how such a program could be delivered, including the costings and administrative burden of each option. One option considered should be a rebate program only made available to holders of a WA Seniors Card, and perhaps made available only to those who have obtained the WA Government's Safety and Security Rebate.**

**REASONS FOR THE MOTION**

1. Crime is a real concern for some City of Melville residents, and there may be an opportunity for the City to provide support to residents who wish to increase the security of their property
2. Through this initiative, the City can play a role of increasing the safety of our suburbs by supporting residents with the costs of installing CCTV on their properties, but not taking on the burden on installing additional CCTV of its own
3. The City may benefit from safer streets as CCTV footage can be provided to police and may assist to reduce the likelihood of crime taking place

**15.2 Notice of Motion - Hall of Fame Policy**

<b>File Number:</b>	
<b>Related to Item:</b>	Nil
<b>Elected Member:</b>	Cr Terry Lee
<b>Attachments</b>	Nil

**MOTION**

**That the Council requests the CEO to prepare a report on developing a policy for a hall of fame recognition of Melville residents who have achieved great feats in a wide range of fields.**

**OBJECTIVE, BENEFIT AND POTENTIAL RISKS TO BE CONSIDERED**

Objectives: Set in place a policy for recognition for selecting high achievers in all fields like art, music, science, philanthropic, sports, environmental, economic, academic and social achievements in our Melville City which is open and inclusive of all people.

Benefits: Not only a tourist attraction with a potential walk of fame but it also creates pride in our City recognising special achievements by residents.

Potential Risks: Beed to ensure judging is independent and includes community members following criteria set in the Council policy.

**REASONS FOR THE MOTION**

Opportunity for the first time to have an official recognition process for awarding our residents who have achieved great feats in a broad range of areas.

**16 MOTIONS WITHOUT PREVIOUS NOTICE (APPROVAL BY ABSOLUTE MAJORITY)**

**17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**

**18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC**

**19 CLOSURE**



# City of Melville Statutory Delegation and Authorisation Manual

## Including Registers of Delegations

2024-2025 ~~2023-2024~~

**To search for a particular delegation, use  
CTRL+F on your keyboard to open the  
Find function.**

Updated ~~20 June 2023~~ 9 May 2024

# Statutory Delegation and Authorisation Manual Including Registers of Delegations

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Part 1 - Introduction

## **Part 1 - Introduction**

## Part 1 - Introduction

### 1.1 - Structure of this Document

Part 1 provides general background to delegations and authorisations in the City of Melville, including the statutory context.

Parts 2 and 3 comprise the City's Register of Delegations as required by section 5.46 of the *Local Government Act 1995*, section 47 of the *Cat Act 2011*, section 10AB of the *Dog Act 1976*, and Clause 84 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 2 contains instruments of delegation from the Council to the CEO. These instruments include sub-delegations from the CEO to other employees where relevant. Each Division under this Part deals with a specific primary statute, and the specific enabling provisions and any limitations or conditions on the power of delegation are described at the beginning of the division.

Part 3 contains delegations from the CEO to employees of powers and duties assigned to the CEO by legislation. All current CEO delegations are made under the *Local Government Act 1995* section 5.44. This part excludes sub-delegations from the CEO to other officers of delegated powers, which are included in the instrument of delegation from Council listed in Part 2.

Part 4 contains statutory authorisations and appointments by the Council relating to the CEO or any other officer. Currently Council has made an authorisation under the *Local Government Act 1995* and an appointment under the *Health (Miscellaneous Provisions) Act 1911*. Each Division under this Part deals with a specific primary statute. The specific enabling provisions and any limitations or conditions on the authorisation power are described at the beginning of each division.

Part 5 lists delegations and authorisations granted to the local government, the CEO or to specified local government employees by State agencies that are primarily responsible for assisting in the administration of the relevant legislation. These delegations may contain conditions regarding the officers who may exercise the delegation. The officers or classes of officers who have been allocated responsibility for the exercise of the delegated or authorised functions are listed below the copy of the instrument of delegation or authorisation.

Part 6 provides guidance notes for the use of delegations and authorisations.

### 1.2 - Background

Council is responsible for the overall government of the City's affairs and the performance of the City's functions. The CEO is responsible, among other functions, for the management of the day-to-day administration of the operations of the City, including the management of other employees, for advising Council and for implementing the decisions of Council.

Legislation applicable to local government may reserve specific powers and duties to the Council, the CEO or a defined authorised person or class of persons. Where legislation grants a power or imposes a duty on 'local government', this is conventionally interpreted to mean the Council unless otherwise specified even if the power or duty is operational in nature.

The functions and powers allocated to local governments by legislation are so many and so diverse that it would be unrealistic to expect any Council to make every discretionary decision itself. The business of local government could not be carried out under such conditions.

## Part 1 - Introduction

Where permitted by legislation, delegation of authority is a practical and prudent mechanism to facilitate timely decisions within legislative constraints and to ensure decisions are made lawfully by a delegate with appropriate technical expertise or experience. Delegations are made by the Council where permitted under relevant legislation in order to enable the efficient and orderly governance of the City. Under some legislation, the CEO may also delegate statutory or delegated powers to another person.

Safeguards may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

The delegation of a power or duty does not preclude a delegator from exercising or performing that power or duty itself or by acting through any employee authorised, by job description or otherwise, to carry out a function as the agent of, and on behalf of, the local government in accordance with approved policies.

A person granted a delegation is not obliged to exercise the delegated power and may, if circumstances indicate, refer the decision back to the delegator.

Legislation varies in how delegation of authority is provided for, including limitations, conditions and reporting or review requirements. Reviews of delegations, where required by law, are the responsibility of the delegator.

Under the *Local Government Act 1995* and some other legislation, persons affected by specified decisions made under delegated authority have a right under Part 9 Division 1 of the *Local Government Act 1995* to lodge an objection to the decision, which must be considered by Council, and/or to seek a review of the decision by the State Administrative Tribunal.

### 1.3 - Legislated Register of Delegations

Section 5.46 of the *Local Government Act 1995* requires:

- (1) The CEO to keep a register of the delegations made to the CEO and to employees under Part 5 Division 4 of that Act;
- (2) Delegations made under Part 5 Division 4 of that Act to be reviewed by the delegator at least once every financial year; and
- (3) Every person to whom a power or duty is delegated under that Act to keep prescribed records in relation to the exercise of the delegated authority.

Similar requirements apply to delegations under the *Cat Act 2011*, *Dog Act 1976* and *Planning and Development Act 2005*.

Other Acts conferring powers and duties on local governments do not specify such requirements for recording and review, but for the purposes of consistency and convenience, all delegations are listed in this register.

### 1.4 - Statutory Delegation by Local Governments

Delegation provisions in legislation are generally stated in the form 'a local government may delegate to [specified delegate(s)] its powers and duties under this Act'. Sometimes the delegation power may relate only to a part of the Act and sometimes it may refer to 'functions'. Under the *Interpretation Act 1984*, a 'function' includes powers, duties, responsibilities, authorities and jurisdictions.

A Council delegation is unnecessary where the legislation has conferred a specified function or power directly on the CEO or on another defined class of authorised persons. Section 50(1)

## Part 1 - Introduction

of the *Interpretation Act 1984* specifies that *'Where a written law confers upon a person power to do or enforce the doing of any act or thing, all such powers shall also be deemed to be conferred on the person as are reasonably necessary to enable him to do or to enforce the doing of the act or thing.'*

Delegations are therefore restricted to the statutory powers, duties and functions explicitly conferred or imposed on the delegator by legislation, and are often referred to as statutory delegations. Broadly, sections 58 and 59 of the *Interpretation Act 1984* provide for how delegations are to be made and exercised.

Delegation is appropriate for functions requiring the broad exercise of independent discretion in decision-making. A delegate is not expected to seek approval for their decisions under delegation. Section 58 of the *Interpretation Act 1984* clarifies this independence:

*'Where under a written law the performance of a function by a person is dependent upon the opinion, belief, or state of mind of that person in relation to a matter and that function has been delegated under a written law, the function may be performed by the delegate upon the opinion, belief, or state of mind of the delegate in relation to that matter.'*

This does not preclude the use of policies that guide decision-making to ensure consistency and alignment with certain principles and outcomes.

Section 59 of the *Interpretation Act 1984* states that *'where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law... such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office.'*

It is more efficient and effective to delegate to positions rather than individuals so that anyone appointed to or acting in that position may undertake the functions/duties or exercise the powers without a new delegation being required.

Some legislation may restrict the local government to delegating a power or function only to the local government CEO, although some Acts provide for the local government to delegate to persons other than the CEO, such as other local government employees or committees. The CEO may further delegate those powers to other officers only if sub-delegation is permitted by the legislation.

Delegations are required to be made in writing, and for Council delegations, this normally takes the form of a resolution that is recorded in the Council Minutes. The City has adopted a standard form for instruments of delegation that also provides for recording sub-delegations, specifying recordkeeping obligations, and listing relevant policies and legislation to guide the delegates in exercising the delegated authority.

Under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976*, *Graffiti Vandalism Act 2016* and *Planning and Development (Local Planning Schemes) Regulations 2015*, delegations by Council must be made by absolute majority resolution. Other legislation does not require an absolute majority to grant, amend or revoke a delegation by Council.

Under section 5.71 of the *Local Government Act 1995*, an employee may not exercise a delegated power or discharge a delegated duty if they have a financial interest in the matter. Non-financial interests must be declared and managed.

## Part 1 - Introduction

A person who holds delegated powers or duties under Part 5 Division 4 of the Local Government Act is classified as a designated employee and a relevant person for the purposes of lodging primary and annual returns under sections 5.75 and 5.76. The [Local Government Operational Guideline on Primary and Annual Returns](#) specifies that if a designated employee ceases to hold that position within three months of the start date, no primary return is required. Short-term acting arrangements in a position holding relevant delegations therefore may not trigger a requirement for a primary return, but acting arrangements exceeding three months will do so.

Further information on delegations in local government can be found in the [Local Government Operational Guideline on Delegations](#).

### 1.5 - Alternatives to Delegation: Appointments, Authorisation and Acting Through

#### 1.5.1 Appointments

Some legislation, particularly that with a strong enforcement element, provides for the local government (or its delegate) to appoint authorised persons to undertake certain functions and duties, and to exercise powers, that are imposed or conferred on authorised persons by that legislation. They may also be called authorised officers, or approved officers, or designated officers, or a legislation-specific term. Once appointed under a specific Act, an authorised person does not need any further delegation to exercise the powers conferred on authorised persons by that legislation.

Section 26 of the *Health (Miscellaneous Provisions) Act 1911* is a special case in that it provides for the local government to appoint and authorise a person to be its deputy to exercise the powers and perform the functions of the local government under that Act and the regulations and local laws made under it. The Act does not grant local governments a delegation power but in practice the role of a deputy is equivalent to that of a delegate.

#### 1.5.2 Authorisation

Some legislative provisions may specify that a power may be exercised or a function performed only by a person specifically authorised to do so by the local government. While the power to authorise a person may be delegated, this authorisation is not itself a delegation. The person authorised acts as an agent of the local government within operational parameters such as a policy, procedure or work instruction and may be required to seek approval for their decisions.

Where a power is required under the Act to be exercised by a person authorised to do so, an authorisation rather than a delegation is required. The Council may authorise specified persons directly or delegate the power to the CEO to authorise persons to perform functions. Authorisation is usually granted to position titles and anyone employed or acting in that position may exercise the authorisation.

One example of authorisation is section 9.49A of the *Local Government Act 1995*, which provides for a local government, by resolution, to authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government.

#### 1.5.3 Acting Through

Section 5.45(2) of the *Local Government Act 1995* clarifies that regardless of delegations in place, a local government may perform any of its functions by acting through a person other

## Part 1 - Introduction

than the CEO, and the CEO may perform any of their functions by acting through another person.

[Operational Guideline 17 – Delegations](#), published by the Department of Local Government, Sport and Cultural Industries, provides guidance as to when delegation is appropriate and when a function may be effectively undertaken by acting through authorised employees.

The *Local Government Act 1995* does not define 'acting through', but generally where the legislation provides little or no discretion in carrying out a function or duty, then the function or duty may be undertaken by the local government acting through an employee operating in the normal course of their duties. For example, the legislation may state that a local government 'must' or 'shall' do or not do something under specified circumstances, or set out clear rules about how or when something must be done.

Conversely, where the legislation states the local government 'may' do something and allows for substantial discretion on the part of the decision maker, particularly if the decision will have a significant impact on the City or on the person affected, the function must be:

- delegated;
- where specified in the legislation, undertaken by a person authorised to exercise the power or undertake the function within specified parameters; or
- be subject to a formal policy and/or procedure that provides sufficient control and accountability about how the decisions are made by officers required to administer the function as part of their normal duties.

Where considered appropriate and effective in operation, Council may approve policies about particular functions of the local government. This may remove the need for a delegation as it is the role of the organisation to implement the Council's policies. The CEO has explicit authority to implement the City's decisions through the relevant employees.

'Acting through' may better suit certain operational processes, reduce additional recording and reduce reporting requirements compared with the exercise of delegated authority.

### 1.6 - Statutory Delegations and Authorisations by External Agencies

Some powers and duties exercised or discharged by the City may be a result of delegation by a State authority or public officer, generally the CEO of the department or statutory officer responsible for assisting the responsible minister in the administration of a specific Act.

Such delegations may be to the local government, or to the local government CEO or to specified officers or classes of officers in local governments. None of the State delegations currently held by the City provide for sub-delegation.

A State agency exercising a power or discharging a duty under a statute may also authorise a local government to undertake specified functions under legislation for which it has responsibility.

Currently, the City or its officers hold delegated authority or authorisations from the CEO of the Department of Water and Environmental Regulation, the Western Australian Planning Commission and the Commissioner of Main Roads.

## Part 2 - Register of Statutory Delegations by Council

## Part 2 - Register of Statutory Delegations by Council

Previously reviewed in accordance with *Local Government Act 1995* section 5.46(2), *Cat Act 2011* section 47(2), *Dog Act 1976* section 10AB(2) and *Planning and Development (Local Planning Scheme) Regulations 2015* clause 84:

Ordinary Meeting of Council	21 June 2011	C/11/5187
Ordinary Meeting of Council	17 April 2012	C/12/5217
Ordinary Meeting of Council	21 May 2013	C/13/5291
Ordinary Meeting of Council	17 June 2014	M14/5369
Ordinary Meeting of Council	12 May 2015	M15/5418
Ordinary Meeting of Council	17 May 2016	M16/5477
Ordinary Meeting of Council	16 May 2017	M17/5549
Ordinary Meeting of Council	19 June 2018	M18/5618
Ordinary Meeting of Council	18 June 2019	M19/5691
Ordinary Meeting of Council	16 June 2020	M20/5749
Ordinary Meeting of Council	15 June 2021	M21/5842
Ordinary Meeting of Council	19 July 2022	M22/5920
Ordinary Meeting of Council	20 June 2023	C23/25

## Part 2 - Register of Statutory Delegations by Council

**Division 1 - Local Government Act 1995 and Regulations and Local Laws****2.1.1 Enabling legislative provisions**

Council may delegate to:

- a) A committee (section 5.16(1))
  - i) Comprising council members and employees – only powers and duties that may be delegated to the CEO (section 5.17(b)); or
  - ii) Including people who are neither council members nor employees, as described in section 5.9(c), (d) and (e) – only powers and duties related to management of the property or events in which the committee is involved (section 5.17(c)).
- b) The CEO (section 5.42 (1)(a) – all powers and duties of the local government under the Act except those listed in section 5.43 or prescribed by regulations.

**2.1.2 Matters that may not be delegated**

1) To committees:

- a) Comprising council members only – no power or duty that requires an absolute majority decision or that is prescribed (section 5.17(a)); and
- b) If the committee contains no members who are council members or employees, then no delegation is permitted (section 5.17(d)).

2) To the CEO:

Section 5.43 of the Act states that a local government cannot delegate to a CEO any of the following powers and duties

- (a) Any power or duty that requires a decision of an absolute majority of the council;
- (b) Accepting a tender which exceeds an amount determined by the local government;
- (c) Appointing an auditor;
- (d) Acquiring or disposing of any property valued at an amount exceeding that determined by the local government;
- (e) Any of the local government's powers under sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act (fees, allowances and payments to Council members);
- (f) Borrowing money on behalf of the local government;
- (g) Hearing or determining an objection of a kind referred to in section 9.5 (objection to certain local government decisions);
- (ha) The power under section 9.49A(4) to authorise the CEO, another employee or an agent to sign documents on behalf of the local government;
- (h) Any power or duty that requires the approval of the Minister or Governor; or
- (i) Such other duties or powers that may be prescribed by regulation.

With respect to the last point (i) above:

1. Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:
  - (a) Sections 7.12(a), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
  - (b) Regulations 18C and 18D (relating to the selection and appointment of CEO's and reviews of their performance).
2. Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

## Part 2 - Register of Statutory Delegations by Council

**2.1.3 Sub-delegation**

1. The CEO may delegate to any employee a power or duty that has been delegated to the CEO under section 5.42 (section 5.44(1) and (3)).
2. A delegation must be made in writing (section 5.44(2)) and is subject to any conditions imposed by the local government on its delegation to the CEO (section 5.44(3)).
3. The CEO may impose further conditions on a delegation that is sub-delegated (section 5.44(4)).

**2.1.4 Making delegations**

1. An absolute majority decision of Council is required to delegate powers and duties to the CEO (section 5.42(1)).
2. A delegation made under section 5.42 must be in writing and can be general or as otherwise provided (s.5.42(2)).
3. A delegation has effect indefinitely unless otherwise specified in the delegation (section 5.45(1)(a)).
4. Any decision to amend or revoke a delegation made by a local government is to be by an absolute majority decision (section 5.45(1)(b)).

**2.1.5 Recording and Review Obligations**

1. The CEO to keep a register of the delegations made under Part 5 Division 4 to the CEO and to employees (section 5.46(1)).
2. At least once every financial year delegations made under Part 5 Division 4 are to be reviewed by the delegator (section 5.46(2)).
3. Every person to whom a power or duty is delegated under the *Local Government Act 1995* is to keep records in accordance with the *Local Government (Administration) Regulations 1996* in relation to the exercise of the power or discharge of the duty (section 5.46(3)).

Regulation 19 of the *Local Government (Administration) Regulations 1996* specifies that where a power or duty has been delegated under the *Local Government Act 1995* to the CEO or any other employee, the person to whom the power or duty has been delegated must keep a written record of:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

**2.1.6 Other obligations on delegates**

Under section 5.71, an employee who has been delegated a power or duty under Part 5 Division 4 relating to a matter, must not exercise that power or discharge that duty if they have an interest in the matter as defined in sections 5.60A or 5.60B, and must disclose the nature of the interest to the Mayor (if the CEO) or to the CEO (any other employee).

Employees holding delegated authority (including sub-delegations) under Part 5 Division 4 of the *Local Government Act 1995* must lodge a primary financial return under section 5.75 of the Act within three months of receiving the delegation and must thereafter, while holding the delegated authority, lodge an annual return under section 5.76 of the Act.

Part 2 - Register of Statutory Delegations by Council

**DA-006 Unvested Facilities in Two or More Districts**

<b>Delegator: Council Process Owner: CEO</b>		<b>Delegation: DA – 006 Last Review Date: 20 June 2023</b>
<b>Description</b>	Authority to agree on the control and management of an unvested facility if it lies within two or more Local Government districts.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 3.53: Control of certain unvested facilities	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> Section 5.42: Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> Section 5.44: CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	None	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	None	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Property/Land Administration 5.48 6D COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended title to clarify function.	

Part 2 - Register of Statutory Delegations by Council

**DA-007 Leasing/Licensing of Property**

<b>Delegator: Council</b>		<b>Delegation: DA – 007</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Authority to: <ul style="list-style-type: none"> <li>Dispose of property by way of lease/licence or hire agreement including to advertise disposal in accordance with section 3.58 of the Act; and</li> <li>Negotiate, execute and administer lease and other contractual documents for the purposes of a lease, licence or hire agreement, including assignment, extension and renewal.</li> </ul>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.58(2)-(3)</u> : Disposing of property		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>Director Corporate Services (any lease/ licence)</li> <li>Director Community Development (restricted to leases and management licences with community, sporting groups, government agencies, artists and cultural organisations, and to commercial parking leases)</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	Delegation to CEO limited to disposal of an interest in land/property by leasehold or licence or a hire agreement to an annual property rental value of \$100,000 per annum (excl. GST) and a maximum lease term of ten years.  Sub-delegation is limited to disposal of property by way of lease/licence or hire agreement to a value of \$50,000 per annum (excl. GST) and a maximum term of five years.		
<b>Compliance links</b>	<i>Local Government (Functions &amp; General) Regulations 1996</i> <u>Regulation 30</u> : Dispositions of property with market value less than \$20,000 excluded from section 3.58 of Act. <i>Property Law Act 1969</i> <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>		
<b>Policy Reference</b>	CP-005 – Land and Property Retention, Disposal and Acquisition Related Delegation: DA-008 Disposition of Land and Other Assets		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: PROPERTY MANAGEMENT – Leases-Licences-Agreements-Contracts 22.07 7D COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to incorporate delegations previously recorded in DA009,		

Part 2 - Register of Statutory Delegations by Council

	DA011 and DA-087.
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**DA-008 Disposition of Land and Other Assets**

<b>Delegator: Council</b>		<b>Delegation: DA – 008</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Authority to initiate and conclude the disposal (excluding disposal by way of lease) of land and property up to \$500,000.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 3.58: Disposing of property Section 3.59: Commercial enterprises by local government		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> Section 5.42: Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> Section 5.44: CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• <a href="#">Director Environment and Infrastructure</a></li> <li>• <del>Director Community Development</del> <a href="#">Director Community Development</a></li> <li>• Manager Financial Services</li> <li>• Manager City Buildings</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	Delegation thresholds per transaction: <ul style="list-style-type: none"> <li>• Chief Executive Officer – up to \$500,000</li> <li>• Director Corporate Services – \$19,999 / \$74,999</li> <li>• Director Environment and Infrastructure – \$19,999 / \$74,999</li> <li>• <del>Director Community Development – \$19,999 / \$74,999</del> <a href="#">Director Community Development- \$19,999/ \$74,999</a></li> <li>• Manager Financial Services – \$5,000 / \$19,999</li> <li>• Manager City Buildings – \$5,000/\$19,999</li> </ul> <p>Note the \$74,999 above relates to property which is provided as consideration for the purchase of other property up to the value of \$75,000, e.g., a motor vehicle trade in. This is in accordance with Regulation 30(3)(b).</p>		
<b>Compliance links</b>	<i>Local Government Act 1995</i> Section 5.43(d): Limit on value of disposed property <i>Local Government (Functions and General) Regulations 1996</i> Regulation 8A: Amount prescribed for major land transactions, exempt land transactions Regulation 8: Exempt land transactions Regulation 30: Dispositions of property excluded from Act section 3.58		
<b>Policy Reference</b>	CP-005 Land and Property Retention, Disposal and Acquisition Related Delegation: DA-007 Leasing/Licensing of Property		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index:		

Part 2 - Register of Statutory Delegations by Council

	COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P STRATEGIC PROPERTY MANAGEMENT – Land and Property Acquisition / Disposal / Development 20.71 5A
<b>Period of Validity</b>	Ongoing
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 15 June 2021 – M21/5842 Amended sub-delegation thresholds for Manager Financial Services and Manager City Buildings.

Part 2 - Register of Statutory Delegations by Council

**DA-015 Bonds for Works**

<b>Delegator: Council</b>		<b>Delegation: DA – 015</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Authority to determine the value of and conditions associated with the lodgement of cash bonds or other performance bonds for works associated with the subdivision or development of land that may affect thoroughfares and public places; and to approve the return or payment of such bonds upon the completion of the works or event.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> <u>Regulation 6(4)(c)-(d)</u> : Obstruction of public thoroughfare <u>Regulation 11(6)(b)-(c)</u> : Dangerous excavation in or near public thoroughfare <u>Regulation 17(5)</u> : Private works on, over, or under public places		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers and duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Planning</li> <li>• Director Environment and Infrastructure</li> <li>• Manager Statutory Planning <u>and Building</u></li> <li>• <u>Manager Engineering</u></li> <li>• <u>Manager Environmental Health and Compliance</u></li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Local Government Act 1995</i> , Schedule 9.1 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PROPERTY MAINTENANCE – Security Deposits/Bonds/Retention Money 21.09 7D		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Technical Services Committee – 5 November 1996 – T96/8030		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amend to clarify circumstances when delegation exercised.		

Part 2 - Register of Statutory Delegations by Council

**DA-016 Administration of Local Laws**

<b>Delegator: Council</b>		<b>Delegation: DA – 016</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Authority to administer City of Melville Local Laws.		
<b>Statutory Power or Duty Delegated</b>	<p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws:</p> <ol style="list-style-type: none"> <li>1. <i>Activities in Thoroughfares, Public Places and Trading Local Law 2014</i></li> <li>2. <i>By-laws Relating to Fences 1996</i></li> <li>3. <i>Dog Local Law 2021</i></li> <li>4. <i>Health Local Laws 1997</i></li> <li>5. <i>Local Government Property Local Law 2010</i></li> <li>6. <i>Local Law relating to Firebreaks 1997</i></li> <li>7. <i>Local Law relating to Street Numbering 2006</i></li> <li>8. <i>Parking Local Law 2016</i></li> </ol>		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers and duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	See attached sub-delegation matrix		
<b>Conditions on Delegation/Sub Delegation</b>	Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995</i> .		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Part 9, Division 1</u> : Objections and Review <u>Part 9, Division 2</u> : Enforcement and Legal Proceedings		
<b>Policy Reference</b>	CP-068 Street Numbering Policy Australian Standard AS/NZS 4819:2011: Geographic Information - Rural and Urban Addressing <i>Local Law relating to Street Numbering 2006</i> SPP 7.3 Residential Design Codes CP-078 - Residential Development Policy LPP 2.2 Outdoor Advertisements and Signage Policy CP-097 Parking Permit Policy CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index for decision		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Planning & Development Services Committee – 12 November 1996 – P96/7023		

Part 2 - Register of Statutory Delegations by Council

<b>Substantive Amendments</b>	<p>Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to align with legislative provisions, add policy and legislative references.</p> <p>Ordinary Meeting of Council 15 June 2021 – M21/5842 Updated sub-delegate position titles, add sub-delegation for purposes of Parking Local Law to Manager Engineering, and sub-delegation for purposes of Thoroughfares Local Law to Manager Cultural Services; revoke sub-delegation to Manager Natural Areas and Parks in relation to Street Numbering Local Law.</p>
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**DA – 016 SUB-DELEGATION MATRIX**

**Key to Local Laws:**

1. *Activities in Thoroughfares, Public Places and Trading Local Law 2014*
2. *By-laws relating to Fences 1966*
3. *Dog Local Law 2021*
4. *Health Local Laws 1997*
5. *Local Government Property Local Law 2010*
6. *Local Law relating to Street Numbering 2006*
7. *Parking Local Law 2016*

Position	1	2	3	4	5	6	7
Director Community Development	√		√		√		√
Manager Community Safety	√		√		√		√
Coordinator Rangers and Emergency Management	√		√		√		√
Manager Healthy Melville	√			√	√		
Manager Cultural Services	√						
Director Environment and Infrastructure	√				√		√
Manager Engineering	√				√		√
Manager Natural Areas and Parks	√				√		
Director Planning	√	√				√	
Manager Statutory Planning and Building		√				√	
Planning Services Coordinator/Principal Statutory Planner		√				√	
Senior Planning Officer		√				√	
Manager Building and Environmental Health Services/Manager Environmental Health and Compliance	√	√					
Coordinator Environmental Health	√			√			
Building Services Coordinator	√	√					
Senior Building Surveyor		√					
Director Corporate Services	√				√		

Part 2 - Register of Statutory Delegations by Council

**DA-024 Senior Employees**

<b>Delegator: Council</b>		<b>Delegation: DA –024</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to designate any employees or persons belonging to a class of employee to be a senior employee; and</li> <li>2. Authority to advertise the vacant position of a designated senior employee.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 5.37 (1), (3)-(4)		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	None		
<b>Conditions on Delegation/Sub Delegation</b>	An advertisement is to be in the manner and contain such information with respect to the position as is prescribed.		
<b>Compliance links</b>	<i>Local Government (Administration) Regulations 1996</i> <u>Regulation 18A</u> : Vacancy in position of CEO or senior employee to be advertised		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P ORGANISATIONAL DEVELOPMENT POSITION DESCRIPTIONS – Employee Services 60.1 2D		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

Part 2 - Register of Statutory Delegations by Council

**DA-026 Determination of Criteria for Acceptance of Tenders and Pre-Qualified Supplier Panels**

<b>Delegator: Council</b>		<b>Delegation: DA – 026</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Before tenders and/or applications for pre-qualified supplier panels are publicly invited, authority to determine in writing the criteria for deciding which tender should be accepted.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Functions &amp; General) Regulations 1996 Regulation 14(2a):</i> Publicly inviting tenders, requirements for <i>Regulation 24AD(3):</i> Requirements when inviting persons to join panel of pre-qualified suppliers		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995 Section 5.42:</i> Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995 Section 5.44:</i> CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	All Directors		
<b>Conditions on Delegation/Sub Delegation</b>	Directors may only exercise this sub-delegation with respect to tenders and/or prequalified supplier panels emanating from their Directorate.		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	CP-023 Procurement Policy		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Procurement – Tenders 5.36 5A		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

Part 2 - Register of Statutory Delegations by Council

**DA-027 Rejecting and Accepting Tenders and/or Applications for Pre-Qualified Supplier Panels**

<b>Delegator: Council</b>		<b>Delegation: DA – 027</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to accept tenders and applications for pre-qualified supplier panels, up to the value of \$550,000 (excluding GST), including pre award minor variations but excluding post award variations, per tender or application, per contract year; and</li> <li>2. Authority to decline to accept any tender and to accept the withdrawal of a tender once awarded.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.57</u> : Tenders for providing goods and services <u>Section 9.49B</u> : Contract formalities		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	Sub-delegation is not permitted		
<b>Sub Delegated to:</b>	Not applicable		
<b>Conditions on Delegation/Sub Delegation</b>	Maximum threshold \$550,000 (excl. GST) per tender, per contract year.  Decision to be made following receipt and consideration of a recommendation from the Contracts and Tenders Advisory Unit.		
<b>Compliance links</b>	<i>Local Government (Functions and General) Regulations 1996</i> <u>Regulation 11</u> : When tenders have to be publicly invited <u>Regulation 13</u> : Requirements when a local government invites tenders though not required to do so <u>Regulation 14</u> : Publicly inviting tenders, requirements for <u>Regulation 15</u> : Minimum time to be allowed for submitting tenders <u>Regulation 18</u> : Rejecting and accepting tenders <u>Regulation 20</u> : Variation of requirements before entry into contract <u>Regulation 21</u> : Limiting who can tender, procedure for <u>Regulation 22</u> : Minimum time to be allowed for submitting EoI <u>Regulation 24AH</u> : Rejecting and accepting applications to join panel of pre-qualified suppliers  DA-028 – Contract Variations and Selection of Next Successful Tenderer		
<b>Policy Reference</b>	CP-023 Procurement Policy		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Procurement – Tenders 5.36 5A		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove reference to expressions of interest (covered in DA-030) and unnecessary reference to ‘capital projects’		

Part 2 - Register of Statutory Delegations by Council

**DA-028 Contract Variations and Selection of Next Successful Tenderer**

<b>Delegator: Council</b>		<b>Delegation: DA – 028</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	<p><b>Pre-Award</b></p> <ol style="list-style-type: none"> <li>1. Power to make a minor variation to the goods and services specified and enter a contract with the chosen tenderer for the supply of the varied requirement; and</li> <li>2. Power to select the next most advantageous tenderer if the chosen tenderer does not agree on a contract with the varied requirements.</li> </ol> <p><b>Post Award</b></p> <p>Following acceptance of a tender and having entered into a contract for the supply of products or services, authorise variations which are unforeseen.</p>		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government (Functions and General) Regulations 1996</i>  <u>Regulation 20</u>: Variation of requirements before entry into the contract  <u>Regulation 21A</u>: Varying a contract for the supply of goods or services</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• All Managers</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>Directors/Managers may only exercise the sub-delegated power with respect to tenders and contracts originating in their directorate.</p> <p>A minor variation means a variation that has does not significantly increase the risk to the City associated with the terms and conditions, and does not fundamentally alter the scope of works and/or the goods or services that tenderers were invited to supply.</p> <p>Post-contract variations are to be made following the post award contract variation procedure.</p>		
<b>Compliance links</b>	<p><i>Local Government (Functions and General) Regulations 1996</i>  <u>Regulation 11</u>: When tenders have to be publicly invited  <u>Regulation 20</u>: Variation of requirements before entry into contract  <u>Regulation 21A</u>: Varying a contract for the supply of goods or services</p> <p>Post Award Contract Variation Directorate Procedure          DA-027 – Rejecting and Accepting Tenders and/or Applications for Pre-Qualified Supplier Panels</p>		
<b>Policy Reference</b>	CP-023 Procurement Policy		

Part 2 - Register of Statutory Delegations by Council

<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Procurement – Tenders 5.36 5A
<b>Period of Validity</b>	Ongoing
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Simplified description.

Part 2 - Register of Statutory Delegations by Council

**DA-030 Consideration of Expressions of Interest to Supply Products or Services**

<b>Delegator: Council</b>		<b>Delegation: DA – 030</b>
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>
<b>Description</b>	Authority to consider expressions of interest that have been called in accordance with the <i>Local Government Act (Functions &amp; General) Regulations 1996</i> and decide which, if any, of those expressions of interest are from persons capable of satisfactorily supplying the products or services.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Functions and General) Regulations 1996 Regulation 23(3)</i> : Rejecting and accepting expressions of interest to be acceptable tenderer	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995 Section 5.42</i> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995 Section 5.44</i> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	All Directors	
<b>Conditions on Delegation/Sub Delegation</b>	Directors may only exercise the sub-delegated power in respect to expressions of interest originating in their Directorate.	
<b>Compliance links</b>	<i>Local Government (Functions and General) Regulations 1996 Regulation 23</i> : Rejecting and accepting expressions of interest to be acceptable tenderer	
<b>Policy Reference</b>	CP-023 Procurement Policy	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>		

Part 2 - Register of Statutory Delegations by Council

**DA-031 Reimbursement of Expenses for Employee Committee Members**

<b>Delegator: Council</b>		<b>Delegation: DA – 031</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Authority to reimburse an employee on a committee for an expense that was incurred in relation to a matter affecting the City of Melville.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 5.101(2)</u> : Payments for employee committee members		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• Managers</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	Delegates and sub-delegates are not authorised to approve payments to themselves.		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 5.102</u> : Expense may be funded before actually incurred		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate financial records		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 15 June 2021 – M21/5842		

Part 2 - Register of Statutory Delegations by Council

**DA-032 Granting of a Concession or Writing off Debts Owed to the Council**

<b>Delegator: Council</b>		<b>Delegation: DA – 032</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to determine what conditions apply to the granting of a concession proposed to be undertaken (except for rates &amp; service charges);</li> <li>2. Authority to waive or grant concessions in relation to any amount of money except for rates &amp; service charges; and</li> <li>3. Authority to write off any amount of money that is owed to the local government (including rates &amp; service charges).</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.12(1)(b)-(c)</u>: waive and grant concessions; write off any amount of money  <u>Section 6.12(3)</u>: grant of a concession under section 6.12(1)(b) may be subject to any conditions</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors in relation to concessions or write offs emanating from their Directorate</li> <li>• Manager Financial Services</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>Delegation thresholds:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer – Limit \$10,000 for any one item</li> <li>• All Directors – Limit \$5,000 for any one item</li> <li>• Manager Financial Services – Limit \$1,000 for any one item</li> </ul> <p>Any write offs in accordance with function 3 above are to be notified to the Council in the next available Council meeting in the CEO report that presents the monthly Statements of Financial Activity.</p> <p>This delegation does not apply to waiving fees or granting concessions in relation to the Community Partnership Fund, which is to be done under delegation DA-115.</p>		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	CP-025 Accounting Policy		
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:                  COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P                  Appropriate financial records</p>		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended conditions to differentiate from waivers and concessions granted under the Community Partnership Fund under DA-115.		

Part 2 - Register of Statutory Delegations by Council

**DA-033 Power to Invest**

<b>Delegator: Council</b>		<b>Delegation: DA – 033</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Authority to invest money held in the Municipal or Trust funds that is not, for the time being, required for any other purpose, in accordance with the <i>Trustees Act 1962</i> , Part III. <b>Note:</b> The Municipal Fund includes the Reserve Accounts which form part of what is commonly known as the City of Melville Reserve Fund.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 6.14(1): Power to invest		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> Section 5.42: Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> Section 5.44: CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Manager Financial Services</li> <li>• Senior Accountant (Management)</li> <li>• Management Accountant</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	Investment must be in accordance with Part III of the <i>Trustees Act 1962</i> , the <i>Local Government Act 1995</i> , the <i>Local Government (Financial Management) Regulations 1996</i> and Council Policy.  All investment transactions are required to be authorised by two of the delegated officers of which at least one of whom will be a Category A authorised signatory as outlined in DA-035.		
<b>Compliance links</b>	<i>Trustees Act 1962</i> , Part III Investments <i>Local Government (Financial Management) Regulations 1996</i> Regulation 19: Investments, control procedures for Regulation 19C: Investment of money, restrictions on		
<b>Policy Reference</b>	CP-009 Investment of Funds		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate financial records		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 15 June 2021 – M21/5842 Ordinary Meeting of Council – 20 June 2023 – C23/25 Manager Organisational Development removed as position no longer exists		

Part 2 - Register of Statutory Delegations by Council

**DA-035 Payment of Accounts from Municipal or Trust Funds**

<b>Delegator: Council</b>		<b>Delegation: DA – 035</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 20 June 2023</b>	
<b>Description</b>	Power to authorise payments from the Municipal and Trust Funds and all transactions on Municipal, Trust and Reserve Bank Accounts.		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.7(2)</u>: Money held in the municipal fund may be applied towards the performance of functions and exercise of powers of the local government</p> <p><u>Section 6.9(2)</u>: Money or property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer (Category A signatory)		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	<b>Position (Signatory)</b>	<b>Signatory category</b>	
	Director Corporate Services	Category A	
	Manager Financial Services	Category A	
	Director Community Development	Category A	
	Director Environment and Infrastructure	Category A	
	Director Planning	Category A	
	Senior Accountant (Management)	Category B	
	Management Accountant	Category B	
<b>Conditions on Delegation/Sub Delegation</b>	<p>The <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 requires a list of accounts detailing payments made under delegated authority from the Municipal Fund or the Trust Fund to be prepared each month and submitted to the Council showing for each account paid since the last such list was prepared — (a) the payee’s name; (b) the amount of the payment; (c) the date of the payment; and (d) sufficient information to identify the transaction.</p> <p>Two signatures of the ‘authorised signatories’ shown above are required with at least one signatory being a category A signatory.</p>		
<b>Compliance links</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.8</u>: Expenditure from the municipal fund</p> <p><i>Local Government (Financial Management) Regulations 1996</i>  <u>Regulation 11</u>: Payments, procedures for making</p> <p><u>Regulation 12</u>: Payments from municipal fund or trust fund, restrictions on making</p> <p><u>Regulation 13</u>: Payments from municipal fund or trust fund by CEO, CEO’s duties as to</p> <p>City of Melville Procurement Authorisation Limits</p>		
<b>Policy Reference</b>	CP-025 Accounting Policy		







































































































































































































































































































































































































































