

AGENDA
FOR THE
ORDINARY MEETING OF THE COUNCIL
TUESDAY, 15 JUNE 2021
COMMENCING AT 6.30PM

Held electronically in accordance with Regulation 14D(2)(a) of the Local Government (Administration) Regulations 1996.

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings, in order to meet the requirements of Regulation 14E(3)(b) of the *Local Government (Administration) Regulations 1996*, the public may view this meeting electronically and the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting.

Use this link to attend electronically, [Register for the Ordinary Meeting of Council 15 June 2021](#)

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

DISCLAIMER

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Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

The Audio Recording will be available within 10 days of the meeting and may be accessed at www.melvillecity.com.au in accordance with the provisions of the Policy.

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NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held electronically in accordance with Regulation 14D(2)(a) of the *Local Government (Administration) Regulations 1996* on Tuesday, 15 June 2021 commencing at 6.30pm.

The business paper for the Meeting is scheduled below and your attendance is requested.

Marten Tieleman
Chief Executive Officer

AGENDA

1. OFFICIAL OPENING

The Presiding Member will cause the Acknowledgement of Country to be read aloud by an Elected Member.

The Presiding Member will bring to the attention of the meeting Disclaimer.

The Presiding Member will bring to the attention of the meeting the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

3. IN ATTENDANCE

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES****4.2 APPROVED LEAVE OF ABSENCE****5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.****5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.****6. QUESTION TIME****7. AWARDS AND PRESENTATIONS****8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 18 MAY 2021**
Minutes 18 May 2021**RECOMMENDATION****That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 18 May 2021 be confirmed as a true and accurate record.****8.2 NOTES OF AGENDA BRIEFING FORUM – 8 JUNE 2021****(Notes of the Agenda Briefing Forum will be available on Friday, 11 June 2021)****RECOMMENDATION****That the Notes of Agenda Briefing Forum held on Tuesday, 8 June 2021, be received.****8.3 SPECIAL MEETING OF THE COUNCIL – 25 MAY 2021**
Minutes 25 May 2021**RECOMMENDATION****That the Minutes of the Special Meeting of the Council held on Tuesday, 25 May 2021 be confirmed as a true and accurate record.**

9. DECLARATIONS OF INTEREST

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

9.1 FINANCIAL INTERESTS

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required, in addition to declaring any financial interest, to declare any interest arising from the City of Melville Code of Conduct, that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making processes.

10. DEPUTATIONS

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

13. PETITIONS

14.1 REPORTS OF THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE

M21/5841 – CHIEF EXECUTIVE OFFICER TRIENNIAL REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Internal Audit Report
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M18/5597 - Chief Executive Officer Biennial Review of Risk Management Internal Control and Legislative Compliance FMARC Committee 12 March 2018 Item M21/5831 - Chief Executive Officer Biennial Review of Risk Management Internal Control and Legislative Compliance FMARC Committee 10 May 2021
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Ken Wan Process Improvement Auditor

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input checked="" type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<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>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

M21/5841 – CHIEF EXECUTIVE OFFICER TRIENNIAL REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The purpose of this report is to present to the Council the results of the Chief Executive Officer's (CEO) triennial review in 2021 of the appropriateness and effectiveness of the City's systems and procedures relating to risk management, internal control and legislative compliance pursuant to Regulation 17 of the Local Government (Audit) regulations.
- This matter was considered by the Financial Management Audit Risk and Compliance Committee (FMARCC) held 10 May 2021.
- The Committee resolved to note and approve the report and has recommended that the report be referred to the Council for noting and approval
- A review of the City of Melville's systems and procedures has been conducted and found they remain appropriate and effective.
- This report recommends that Council accepts and endorses the CEO triennial review of the appropriateness and effectiveness of the systems and procedures in relation to risk management, internal control and legislative compliance.

BACKGROUND

In 2013, Regulation 17 of the *Local Government (Audit) Regulations 1996* was amended to include a requirement for the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal controls and legislative compliance on a biennial basis. In 2018, Regulation 17 was amended to change frequency of the review requirement from biennial to triennial.

In accordance with Regulation 16, a Local Government's Audit Committee is responsible for reviewing the CEO's report, before providing a copy of the report and the results of its review to Council.

This report was considered at the Financial Management, Audit, Risk and Compliance Committee meeting held 10 May 2021 and was noted and referred to the Council for further noting and approval.

DETAIL

The last review was conducted in 2018 and the result of that review was presented to the FMARCC at its meeting held on 12 March 2018 in Item M18/5597, and presented to Council at its meeting held on 20 March 2018.

Whilst there is no mandatory or minimum requirement for conducting the review, as required by the Regulations, the City has used Operational Guidelines No 9 issued by the Department of Local Government, Sport and Cultural Industries (DLGSC) as a basis for conducting this review.

The findings of this 2021 review are presented to the FMARCC in compliance with the legislative requirements. [5841 CEO Triennial Review Report](#)

Below is an extract from the Appendix 3 of the DLGSC's Operational Guidelines No 9 relating to Audit in Local Government (issued in September 2013) which provides an useful overview of the issues that should be taken into account when undertaking a Regulation 17 review.

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“Issues that should be considered for inclusion in the CEO’s Review of Risk Management, Internal Control and Legislative Compliance are:

Risk Management

Internal control and risk management systems and programs are a key expression of a local government’s attitude to effective controls. Good audit committee practices in monitoring internal control and risk management programs typically include:

- *Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered.*
- *Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time.*
- *Assessing the internal processes for determining and managing material operating risks in accordance with the local government’s identified tolerance for risk, particularly in the following areas:*
 - *potential non-compliance with legislation, regulations and standards and local government’s policies*
 - *important accounting judgments or estimates that prove to be wrong*
 - *litigation and claims*
 - *misconduct, fraud and theft*
 - *significant business risks, recognizing responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government.*
- *Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported.*

Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance.

- *Reviewing the effectiveness of the local government’s internal control system with management and the internal and external auditors.*
- *Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk.*
- *Assessing the local government’s procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied.*
- *Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government’s control environment.*
- *Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud and misconduct risks.*

Internal Control

Internal control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency. Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.

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An effective and transparent internal control environment is built on the following key areas:

- *integrity and ethics.*
- *policies and delegated authority.*
- *levels of responsibilities and authorities.*
- *audit practices.*
- *information system access and security.*
- *management operating style.*
- *human resource management and practices.*

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

Aspects of an effective control framework will include:

- *delegation of authority.*
- *documented policies and procedures.*
- *trained and qualified employees.*
- *system controls.*
- *effective policy and process review.*
- *regular internal audits.*
- *documentation of risk identification and assessment.*
- *regular liaison with auditor and legal advisors.*

The following are examples of controls that are typically reviewed:

- *separation of roles and functions, processing and authorization;*
- *control of approval of documents, letters and financial records;*
- *comparison of internal data with other or external sources of information;*
- *limit of direct physical access to assets and records;*
- *control of computer applications and information system standards;*
- *limit access to make changes in data files and systems;*
- *regular maintenance and review of financial control accounts and trial balances;*
- *comparison and analysis of financial results with budgeted amounts;*
- *the arithmetical accuracy and content of records;*
- *report, review and approval of financial payments and reconciliations;*
- *comparison of the result of physical cash and inventory counts with accounting records.*

Legislative Compliance

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include:

M21/5841 – CHIEF EXECUTIVE OFFICER TRIENNIAL REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE (REC) (ATTACHMENT)

Monitoring compliance with legislation and regulations.

- *Reviewing the annual Compliance Audit Return and reporting to Council the results of that review.*
- *Staying informed about how management is monitoring the effectiveness of its compliance and making recommendations for change as necessary.*
- *Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints.*
- *Obtaining assurance that adverse trends are identified and review management's plans to deal with these.*
- *Reviewing management disclosures in financial reports of the effect of significant compliance issues.*
- *Reviewing whether the internal and / or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee.*
- *Considering the internal auditor's role in assessing compliance and ethics risks in their plan.*
- *Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements.*
- *Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest."*

This review has considered all the above issues in the DLGSC's Operational Guideline No 9 – Appendix 3.

STAKEHOLDER ENGAGEMENT**1. COMMUNITY**

No external consultation has been carried out.

2. OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

M21/5841 – CHIEF EXECUTIVE OFFICER TRIENNIAL REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Regulation 17 of the *Local Government (Audit) Regulations 1996*

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*

- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every three financial years.*

- (3) *The CEO is to report to the audit committee the results of that review.*

Regulation 16(C) of the *Local Government (Audit) Regulations 1996* requires an audit committee to review a report given to it by the CEO under Regulation 17(3) and is to (i) report to the Council the result of that review, and (ii) give a copy of that report to the Council.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Risk of non-compliance with legislation.	Initial Risk – Medium Residual Risk (after risk mitigation strategy) - Low	1) Compliance Calendar is used as a reminder to the conduct of the CEO triennial review; and 2) The Four Year Internal Audit Plan is used to monitor the conduct of CEO triennial review.

There are no environmental management implications associated with this report.

M21/5841 – CHIEF EXECUTIVE OFFICER TRIENNIAL REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

There are no direct policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The requirement of legislation does not provide for alternatives to the provisions of the legislation but requires full compliance.

CONCLUSION

The City's Process Improvement Auditor has reviewed the City's practices and policies relating to risk management, internal control, and legislative compliance. The results of findings are that the City has appropriate and effective systems and procedures in place to deal with all requirements in the Operational Guideline No 9, and that they are regularly reviewed for continuous improvement.

The CEO under Regulation 17(3) and is to:

- (i) report to the Council the result of that review, and
- (ii) give a copy of that report to the Council.

The report is now presented to the Council for review and the Committee has recommended that the report be referred to the Council for noting and approval.

COMMITTEE RECOMMENDATION (5841)**APPROVAL**

That the Council notes and approves the [5841 CEO Triennial Review Report](#).

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

P21/3920 PROPOSED - LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

Ward	:	Palmyra – Melville - Willagee
Category	:	Strategic
Application Number	:	Not applicable
Property	:	40-44 Worley Street, Willagee Winnacott Reserve, Willagee
Proposal	:	Community consultation results of the Alchera Living Inc. proposal to acquire a portion of Winnacott Recreation Reserve (held by the State of Western Australia) and amalgamate the land into their adjoining freehold site.
Applicant	:	Alchera Living Inc.
Owner	:	State of Western Australia – Management Order to the City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item 16.1 Motion with Notice – Alchera Living – Community Engagement, Ordinary Meeting of Council held 16 February 2021
Responsible Officer	:	Gavin Ponton Manager, Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City of Melville Council has received a request from Alchera Living Inc. for the City's in-principle support for the acquisition of a portion of land at Winnacott Recreation Reserve (held by the State of Western Australia) for amalgamation into their adjoining freehold site.
- The proposed acquisition area (494m²) is currently subject to a temporary access easement with the State of WA, which the City agreed to for temporary access for construction purposes during recent redevelopment works over part of the site.
- A Motion with Previous Notice given at the Ordinary Council Meeting on 16 February 2021 requested the Chief Executive Officer commence community engagement on Alchera Living Inc.'s proposed acquisition.
- This report provides a summary of the community consultation which was carried out between 19 March 2021 and 19 April 2021 and provides recommendations in response to the request to acquire portion of Winnacott Reserve.



Location Map

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)**BACKGROUND**

At the Ordinary Council Meeting on 16 February 2021, Council resolve:

1. *Notes that the City of Melville administration does not support the relinquishment of its Management Order over the portion of Winnacott Reserve 24683 being approximately 494 sqm in size which is currently subject to a temporary access easement granted to Alchera Living Inc. by the City of Melville which expires on 30 September 2022. The subject portion of land forms part of Winnacott Recreation Reserve and is zone "Public Open Space" under LPS 6;*
2. *Requests the Chief Executive Office to instruct officers to commence a community engagement process detailing the request by Alchera Living Inc. for the City to relinquish its Management Order over the portion of the Reserve (currently subject to the temporary access easement) to facilitate Alchera's proposed acquisition of the land parcel in freehold from the State Government;*
3. *Requests that the Chief Executive Officer Report back to Council on the community engagement feedback and submissions with a final recommendation to Council on whether or not the City should relinquish its Management Order over the portion of the Reserve and the Chief Executive Officer to advise Alchera Living Inc. of Council's decisions; and*
4. *If Council does not approve the relinquishment of the Management Order, the Chief Executive Office is to extend the term of the temporary access easement to Alchera Living Inc. for a period of time not exceeding the life of the existing "Weeronga Village" residential accommodation situated at 40-44 Worley Street, Willagee, subject to Alchera Living Inc. at its own cost constructing a living wall (along the northern boundary of the access easement adjoining Winnacott Reserve) including substantial community artwork which reflects the cultural and historical significance of the area (This step is subject to the approval of the Department of Planning, Lands and Heritage (DPLH) as Winnacott Reserve is owned by the State Government).*

Winnacott Reserve (Crown Reserve 24683) comprises 4.6831 hectares and is owned by the State of Western Australia with a management order to the City for 'Recreation Purposes' over the reserve.

DETAIL

Alchera Living Inc. has requested the City's in-principle support for the acquisition of a portion of land at Winnacott Recreation Reserve (held by the State of Western Australia) for amalgamation into their adjoining freehold site. The 494m² portion of land is currently the subject of a temporary access easement road. The temporary access easement agreed by the City for the purpose of access during construction works, was granted by the Department of Planning, Lands and Heritage (DPLH) over the crown reserve for the redevelopment of the facilities for period of 5 years expiring in October 2022.

The non-exclusive easement has been registered on the Certificate of Title for access purposes for an easement consideration fee of \$30,000 exc. GST paid by Alchera Living Inc.

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

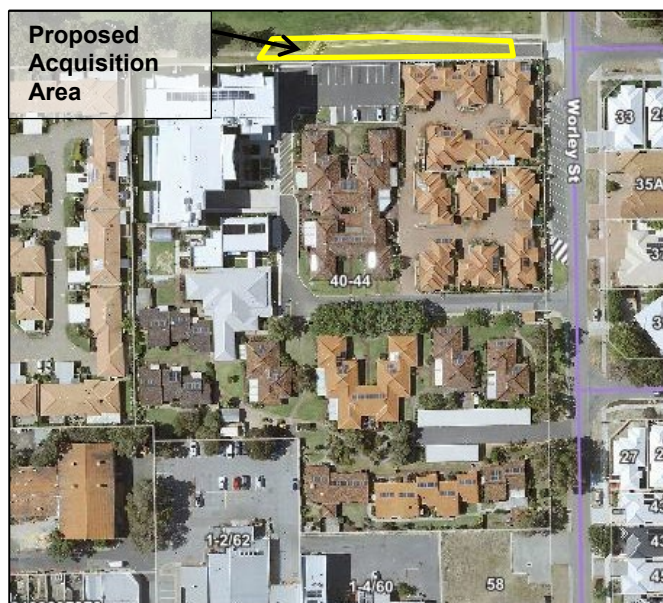
The temporary access easement road is almost rectangular in shape, providing bituminised 6m wide access to the Weeronga Village northern boundary car park via Worley Street (currently fenced and not utilised as there is no construction works underway at the moment).

Vegetation and trees have already been removed as part of the installation of the access way. Upon termination of the access easement, Alchera must remove any fences and remediate the easement area in accordance with best industry practice at the time and to the satisfaction of DPLH, as Grantor; and the City, as the management body.

Alchera Living Inc. is now seeking to permanently acquire the land contained in the temporary access easement. If the reserve land were to be acquired it would be amalgamated into the adjoining Alchera site.

Site Details & Particulars

Crown Reserve	:	24683
Street Address	:	33 Winnacott Street, Willagee
Reserve Name	:	Winnacott Reserve
Land Description	:	Lot 12759 Deposited Plan 193249
Certificate of Title	:	Volume LR3109 Folio 625
Owner	:	State of Western Australia Reserve under Management Order to City of Melville
Encumbrances	:	1. Reserve 24683 for the purpose of Recreation 2. Easement Burden for Access Purposes N723416
Reserve Area	:	4.6831 ha
LPS 6 Zoning	:	Public Open Space
MRS Zoning	:	Urban



Proposed Acquisition Area

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

Alchera Livings proposal was advertised for 30 days, with City consulting with the community via the following:

- Letters to residents and sporting clubs within proximity of the site including all of Worley Street, Winnacott Street and the Archibald Street centre. Residents (154), absent landowners (73)
- Onsite signage
- Direct email to sample of Willagee residents (where details provided)
- About Melville advertising in Melville Gazette – 25th March 2021
- Melville Talks with submissions closing Monday 19th April
- City of Melville Facebook post

A total of 83 submissions were received with 44 (53%) supporting the proposal and 39 (47%) not supporting the proposal. Of the 44 (53%) supporting votes, 32 (73%) are Alchera Living residents, with 12 (27%) non Alchera residents. Of the 39 (47%) not supporting the proposal, 1 was an Alchera resident with the remaining 38 as non-Alchera residents.

The supporting Alchera Living resident's submissions mostly reflected their desire to have another exit in case of emergency and the main gate was blocked.

The submissions received that did not support the proposal reflected the desire for all of the Winnacott reserve to remain as public open space. Submissions noted that the proposal offered no perceived benefit to the wider residents and ratepayers with the proposal representing a commercial gain to Alchera Living Inc. (albeit a not for profit body). Concerns were raised to the long term precedent for similar encroachments into the City's public spaces.

Refer to Attachment 1 for the schedule of submissions including any additional comments.

Consideration has also been given to the reasons for the Motion with a summary of the officers response summarised below.

Rationale for Request	Officers Response
Safe and convenient vehicular access to basements of future development fronting Winnacott Reserve, as opposed to multiple additional crossovers to Worley Street	The site at 40-44 Worley Street is 1.9398 ha providing adequate frontage and access points to Worley Street of 155.8 metres In addition Alchera also own 58 Worley Street providing an additional 30.3 metres frontage. The site has adequate area to incorporate a two way local access road into its current and future redevelopment design without acquiring portion of the reserve.
Investment to be made into upgrading the safety and amenity of the accessway including for drainage and controlled access gates	Accessway was supported as a temporary easement for construction only. Upgrades for safety and amenity are not required as under the terms of the temporary arrangement the area will be reinstated to park. The City is happy to assist in finding suitable design solutions for the access and controlled access gates within the site

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

Rationale for Request	Officers Response
Additional access for emergency vehicles which is of paramount importance for the functionality of a retirement village	This has been granted for a 5 year construction/redevelopment period, Oct 2017 – Oct 2022. The site has adequate space and frontage to Worley Street to incorporate additional emergency vehicle access into its current and future redevelopment design without the need to acquire portion of the reserve.
Improved traffic circulation through the site. Additional dwellings in the future means additional residents and visitors and their vehicles, as well as the increased presence of delivery/service vehicles. By securing the accessway, it provides an additional entry/exit point and alleviates the pressure on the existing main access point	The access easement has been granted for a 5 year construction/redevelopment period, Oct 2017 – Oct 2022. The site has adequate space and frontage to Worley Street to incorporate additional emergency vehicle access through a one or two way local access road into its redevelopment design. There are currently 15 additional visitor bays provided for by the City in the Worley Street road reserve.

The access easement was agreed and granted by the City for the purposes of temporary construction access and was incorporated into the Construction Management Plan for the redevelopment of part of the site. However, the access was not envisaged as a permanent driveway. Although a local access road could be approved along the northern boundary, ideally any further redevelopment of the Alchera site would have direct park interface.

If this proposal is endorsed by Council, the portion of Winnacott Reserve will require a local planning scheme amendment as it is currently zoned Public Open Space.

If the Officer recommendation is supported not to endorse or approve the request relinquishment of the access way, then point 4 of the Council resolution from the Ordinary Meeting of Council held 16 February 2021 should be rescinded*. While the term of the extension of the temporary access easement is not stated, any extension will effectively nullify the previous resolution to undertake community consultation and decide accordingly.

- 4. *If Council does not approve the relinquishment of the Management Order, the Chief Executive Office is to extend the term of the temporary access easement to Alchera Living Inc. for a period of time not exceeding the life of the existing “Weeronga Village” residential accommodation situated at 40-44 Worley Street, Willagee, subject to Alchera Living Inc. at its own cost constructing a living wall (along the northern boundary of the access easement adjoining Winnacott Reserve) including substantial community artwork which reflects the cultural and historical significance of the area.***

* Absolute Majority Decision

Costs will be incurred by Alchera Living Inc. to construct the living wall, which once constructed will give permanency to the access easement. It is proposed that the City will provide assistance to Alchera Living Inc. to find alternate permanent solutions to access issues within their site.

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

This proposal was subject to consultation with the community in accordance with Stakeholder Engagement Policy CP-002.

I. COMMUNITY

This report outlines the results of the community engagement. If Council resolves to endorse Alchera Livings proposal, the City will refer the details, any submissions received and the minutes of the applicable Council meeting to the Department of Planning, Lands and Heritage (DPLH) as landowner for final approval.

II. OTHER AGENCIES / CONSULTANTS

If Alchera Living Inc.'s proposal is endorsed by Council and approved by the Department of Planning, Lands and Heritage (DPLH) the City will advise any other relevant stakeholders or service providers including, but not limited to:

- Australia Post
- Alinta Gas
- Western Power
- Water Corporation
- City's Technical Services
- City's GIS officer

STATUTORY AND LEGAL IMPLICATIONS

Winnacott Reserve is currently owned by the State of Western Australia with a Management Order to the City for the purpose of 'Recreation'. Under Section 87 of the *Land Administration Act 1997*, any revocation of a management order requires the Ministers consideration and approval.

Alchera Living Inc. has made a request to the Department of Planning, Lands and Heritage (DPLH) to purchase the access easement. DPLH requires the City's consent to relinquish the management order of the portion of Winnacott Reserve, prior to any sale of the land. If Council proceeds with the relinquishment, DPLH will be formally advised and will process the sale of the land, with all proceeds to go to the State of WA if approved.

Prior to the completion of the acquisition process from the State of WA by Alchera Living Inc., the access easement will require a Local Planning Scheme amendment to rezone the land from Public Open Space to Residential R60.

Regulation 10 (2) of the *Local Government (Administration) Regulations 1996* relates to revoking or changing a decision of the Council:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for the City in considering this proposed revocation of the Management Order for any (or all) of this site other than the Officer's time in preparing any Council Report and liaising with Department of Planning, Lands and Heritage (DPLH).

The City has no financial interest in this proposal and will not benefit financially from the sale of the land by the State Government to Alchera Living Inc.; and will not benefit from any annual rate revenue increase as Alchera Living Inc. is rate exempt.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are some strategic risk and environmental management implications with this proposal which are summarised in the risk table below:

Risk Statement & Consequence	Level of Risk	Risk Treatment
There is a risk that the Community do not support the permanent loss of this public open space & vegetation for private gain.	High level of risk	It is suggested that the proposal is not supported and the City provide assistance to Alchera Living to find alternate permanent solutions to access issues within their site
There is a risk that the Community perceive the City is making the decision to support the proposal purely for financial gain.	Medium level of risk	The City would need to clearly communicate that there is no financial gain in the revocation of the management order to the State for the potential sale of the land. Any financial proceeds from the sale would go straight to the State of WA.

POLICY IMPLICATIONS

The following City policies apply and have been considered:

- (CP-005) Land and Property Retention, Disposal and Acquisition
- (CP-103) Improving Public Spaces Policy and Public Spaces Strategy
- Corporate Business Plan 2020-2024
- Urban Forest Strategy

COMMENT

The City receives frequent requests to acquire small and large areas of road reserve, drainage sumps and public land in order to improve and increase the redevelopment potential of adjoining sites.

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)

The whole or any part of, Winnacott Reserve has not been assessed by the City as surplus to requirements. The reserved land is intended to be retained as public open space. Treatment of reserved land as an opportunity for acquisition by an adjoining owner is not recommended. It is recommended that the City not entertain requests for the purchase of any of its public land purely for the benefit of a private landowner, albeit a not for profit body.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Alchera Living site is of a size and configuration which enables many options for new development and associated access without loss of public land. It is suggested the City Officers assist Alchera Living Inc. with planning and design solutions to resolve the access needs within their site prior to revocation of any management order; to avoid any unnecessary relinquishment of public open space and sale of State land.

CONCLUSION

The community consultation did not result in overwhelming support for this proposal and demonstrated that support was largely from the Alchera Living, Weeronga Village residents.

Alchera Living has adequate site area and frontage to Worley Street to incorporate a well-designed local access road through their site. The City has granted, in good faith, a temporary construction access way to enable the redevelopment over the site for 5 years (expires 2022). In the event the redevelopment of the site exceeds the 5 year limit, Alchera Living Inc. can seek to extend the construction access easement with the City and DPLH. It is not recommended the City agrees to relinquish any part of its Management Order over Winnacott Reserve for the purpose of increasing the adjoining site area to instate a permanent local access way. The City officers can work with Alchera Living Inc. and the community to find other appropriate locations for a living wall for the community that includes substantial community artwork which reflects the cultural and historical significance of the area.

P21/3920 - PROPOSED LAND ACQUISITION BY ALCHERA LIVING AT WINNACOTT RECREATION RESERVE, WILLAGEE (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3920)****APPROVAL****That the Council**

1. a. Advise Alchera Living Inc and the Department of Planning lands and Heritage that it does not endorse or approve the requested relinquishment of the City's Management Order over the portion of Winnacott Reserve currently a temporary access easement, for amalgamation into the adjoining privately owned site;
 - b. Advise Alchera Living Inc. of the opportunity to work with the City's Statutory Planners to improve vehicular access to the Weeronga Village site and to find suitable solutions and locations for the planned controlled access gates within the site, Weeronga Village, Willagee;
 - c. If a suitable local access road and location for controlled gates can be reached within the site, requests the Chief Executive Officer inform the Department of Planning, Lands and Heritage (DPLH) that the access easement will terminate in October 2022 and the access way will be removed and reinstated as park in accordance with the easement agreement. The Chief Executive Officer will also inform Alchera Living Inc. that construction of a living wall is no longer required;
2. By absolute majority decision revoke Point 4 of item 16.1 Motion with Notice – Alchera Living – Community Engagement, of the Ordinary Meeting of Council held 16 February 2021 that:

“4. If Council does not approve the relinquishment of the Management Order, the Chief Executive Office is to extend the term of the temporary access easement to Alchera Living Inc. for a period of time not exceeding the life of the existing “Weeronga Village” residential accommodation situated at 40-44 Worley Street, Willagee, subject to Alchera Living Inc. at its own cost constructing a living wall (along the northern boundary of the access easement adjoining Winnacott Reserve) including substantial community artwork which reflects the cultural and historical significance of the area.”
3. Supports the extension of the access easement for construction purposes only for future stages of redevelopment on Weeronga Village, 40-44 Worley Street, Willagee upon submission of a Development Application prior to October 2022 (the expiry of the access easement); and
 4. Supports the accessway easement, with the fencing removed until required for construction purposes.

ATTACHMENT**[3920 ATTACHEMENT 1 ALCHERA LIVING CONSULTATION SUBMISSIONS REPORT](#)**

T21/3928 - SUPPLY AND INSTALLATION OF POINT WALTER GOLF COURSE IRRIGATION SYSTEM (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Bicton - Attadale – Alfred Cove
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Irrigation budgets and Local Roads and Community Infrastructure (LRCI) funding
 Responsible Officer : Jeff Bird – Manager Natural Areas & Parks

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T21/3928 SUPPLY AND INSTALLATION OF POINT WALTER GOLF COURSE IRRIGATION SYSTEM (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Supply and Installation of Point Walter Golf Course Irrigation System.

BACKGROUND

The City is seeking a suitably qualified and experienced Contractor to supply and install a new automatic irrigation system at Point Walter Golf Course in Bicton.

DETAIL

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually. The City set four qualitative criteria for this Request, being Demonstrated Experience, Key Personnel, Methodology and Suitability of Products.

The Evaluation Panel reviewed all Respondent 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.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No Stakeholder engagement has been required or undertaken for this tender.

II. OTHER AGENCIES / CONSULTANTS

No other agencies/consultants has been required or undertaken for this tender.

STATUTORY AND LEGAL IMPLICATIONS

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.

T21/3928 SUPPLY AND INSTALLATION OF POINT WALTER GOLF COURSE IRRIGATION SYSTEM (REC) (CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

Pre-Tender Estimate	\$600,000.00
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic Implications of these works relate only to the consequences of not procuring the Services through a tender, the WALGA Preferred Supplier Program or another Local Government, which would result in the City being in breach of the *Local Government (Functions and General) Regulations 1996*.

There is no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 25 May 2021.

POLICY IMPLICATIONS

Council Policy CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The CTAU is satisfied that the recommended supplier has demonstrated that they have the necessary relevant experience, appropriate key personnel to deliver the services, follows a methodology in line with the City's expectations, and offer suitable products. The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 25 May 2021 available on the Elected Members Portal.

OFFICER RECOMMENDATION (3928)

APPROVAL

That the Council:

- 1. Accepts the recommendation as contained in the Confidential Attachment – RFT202120 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded to;**

**T21/3929 - RFT202125 – MINOR REFURBISHMENT WORKS TOMPKINS PARK STAGE 2
(REC) (CONFIDENTIAL ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : As outlined in the confidential attachments
 Responsible Officer : Mario Murphy – Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**T21/3929 - RFT202125 – MINOR REFURBISHMENT WORKS TOMPKINS PARK STAGE 2
(REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Minor Refurbishment Works Tompkins Park Stage 2.

BACKGROUND

The City of Melville (Principal), is seeking a suitably qualified and experienced Contractor to undertake the construction of the Stage 2 Minor Refurbishment Works (The Works) at the Tompkins Park Function Centre, 632 Canning Highway Attadale.

The Works include:

- The refurbishment of six (6) existing sporting club change rooms including shower and toilet facilities.
- The repurposing of existing facilities to create :
 - Two unisex change rooms for umpires and gymnasium patrons.
 - Two Universal Accessible Toilets.
 - A cleaner's store.
 - A first aid room.
 - Lockable storage space.
- Supply and installation of a 'Tankpak External' gas hot water system.
- Refurbishment of toilet facilities servicing the main function room.
- Refurbishment of a mezzanine level function room.
- Replacement of Heating, Ventilation & Air Conditioning Systems.
- General building works.

DETAIL

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually. The City set five qualitative criteria for this Request, being Demonstrated Experience, Key Personnel, Sustainable Procurement, Local Buy and Methodology.

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

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

**T21/3929 - RFT202125 – MINOR REFURBISHMENT WORKS TOMPKINS PARK STAGE 2
(REC) (CONFIDENTIAL ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Continued engagement and consultation with the sporting clubs and the Tompkins Park Community Recreation Association (TPCRA) has been conducted.

City officers continue to attend TPCRA monthly committee meetings at which design plans for the works the subject of this Request for Tender were presented. Comments from the TPCRA committee on the design plan have been incorporated into the final design for the refurbishment works.

II. OTHER AGENCIES / CONSULTANTS

Architectural, engineering, quantity surveying and tender evaluation support services have been provided by Holton Connor Architects.

STATUTORY AND LEGAL IMPLICATIONS

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

Pre-Tender Estimate	\$1,150,000
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic Implications of these works relate only to the consequences of not procuring the Services through a tender, the WALGA Preferred Supplier Program or another Local Government, which would result in the City being in breach of the *Local Government (Functions and General) Regulations 1996*.

There are no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 25 May 2021.

**T21/3929 - RFT202125 – MINOR REFURBISHMENT WORKS TOMPKINS PARK STAGE 2
(REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The only alternative to approving this tender is to not proceed with the Project. Given the considerable amount of engagement that has been undertaken during the course of the development of this Project this would likely lead to broad ranging outrage from the sporting association and community. In addition, external funding (as outlined in the confidential attachments) secured for the Project would be lost for the community.

CONCLUSION

The CTAU is satisfied that the recommended supplier has demonstrated that they have the necessary demonstrated experience, appropriate capacity to deliver, follow sustainable practices and follow a methodology in line with the City's expectations.

The recommended supplier offers the lowest cost to the City of the shortlisted submissions whilst satisfying the City's qualitative requirements therefore they offer the best value for money.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 25 May 2021 available on the Elected Members Portal.

OFFICER RECOMMENDATION (3929)**APPROVAL****That Council:**

- 1. Accepts the recommendation as contained in the Confidential Attachment – RFT202125 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the above recommendation, directs that the successful respondents' names be inserted below this point 2, awarded to;**

M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)

Ward	All
Category	Operational
Subject Index	Delegated Authority 5.15P
Customer Index	City of Melville CEO; City of Melville
Disclosure of any Interest	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	Item M19/5691 Review of City of Melville Delegated Authority Manual – Ordinary Meeting of Council 18 June 2019 Item M20/5749 Review of City of Melville Delegations – Ordinary Meeting of Council 16 June 2020
Works Programme	Not Applicable
Funding	Not Applicable
Responsible Officer	Corrine Newman Coordinator Governance

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Delegations made under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and deemed scheme provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 must by law be reviewed by the delegator at least once every financial year and listed in a register kept by the CEO.
- A comprehensive review of all Council delegations whether or not there is a statutory requirement for recurrent reviews was undertaken in 2021.
- The statutory review for 2021 has been undertaken and it is recommended that the outcome of this review be adopted by the Council.
- Following the Council's resolution on this matter the Register of Delegations will be updated and provided to Elected Members for information.

BACKGROUND

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.

Delegations made under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and the deemed provisions of Local Planning Schemes provided 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 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.

The responsibility for review, where required by legislation, lies with the delegator. This report deals only with 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 Council.

Delegation is only permitted when an Act or regulations specify that the local government has this power, and the delegation 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.

The delegation of a power or duty does not prevent the delegator from exercising that power or discharging that duty directly or by "acting through" the CEO or an officer.

It is important to note that major decisions or actions made under delegation are as a matter of procedure referred on to Elected Members for their information.

**M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)**

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

Under the *Local Government Act 1995*, local governments may delegate powers and duties to certain committees (section 5.16) or to the CEO (section 5.42). There are currently no delegations to committees made by the City of Melville Council. Under some other legislation, local governments may delegate directly to certain other officers, and such delegation to officers other than the CEO may be appropriate where no sub-delegation power exists.

Under the *Local Government Act 1995*, any employee other than the CEO, to whom any power or duty has been delegated (or sub-delegated) under Part 5 Division 4 of that Act, is classified as a designated employee and is obliged to lodge primary and annual returns under sections 5.75 and 5.76 of that Act. These obligations do not apply to delegations made under other legislation.

During 2020 a comprehensive review of delegations was undertaken to determine the relevance, consistency, efficiency and effectiveness of the then-current delegations and resulted in a reduction of the number of delegation instruments and a general clarification and compilation of all delegations and authorisations into the City of Melville Statutory Delegation and Authorisation Manual.

DETAIL

Reviewed Delegation – Minor Edits Required

DA-027	<u>Rejecting and Accepting Tenders and/or Application for Pre-Qualified Supplier Panels.</u>	Minor administrative amendments to tidy up wording.
DA-031	<u>Reimbursement of Expenses for Employee Committee Members</u>	Renaming of Delegation to better reflect purpose and update to relevant section of the Act.
DA-033	<u>Power to Invest</u>	Minor administrative amendments to clarify Description wording. Correction to Compliance link information.
DA-036	<u>Release of Confidential Information</u>	Inclusion of Meeting Procedures Local Law as Compliance Link.

M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)

Revoke Delegation

DA-055	<u>Authorised Persons (Local Government Act)</u>	Section 9.10 of the <i>Local Government Act 1995</i> has been amended to confer directly on the CEO the power to appoint persons or classes of persons to be authorised persons for the purposes of specified laws or provisions of specified laws, including the Local Government Act and subsidiary legislation. This power no longer lies with the Council.
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New Delegation

DA-129	<u>Appoint Officers to Receive and Withdraw Complaints (Elected Members Code of Conduct)</u>	New Delegation adopted at the OMC 16 March 2021
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In summary, the review recommends:

- Four Delegations require minor administrative edits to provide clarity.
- One delegation is no longer required due to changes to the *Local Government Act 1995* and it is recommended this delegation be revoked and removed from the City of Melville Register of Delegations.
- One new delegation was approved by the Council at the Ordinary Meeting of Council held 16 March 2021 and it is recommended this delegation be confirmed and included in the City of Melville Register of Delegations.

STAKEHOLDER ENGAGEMENT

All 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.

**M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The majority of Council delegations (46) have been made under the *Local Government Act 1995*. The following are the key issues under Local Government Act the relating 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;*
- (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);*
- (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).*

**M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)**

In addition to the above references, the following legislative provisions are also relevant to this review of 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, Cat Act, Dog Act, Graffiti Vandalism Act and the Planning and Development (Local Planning Schemes) Regulations 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

Implementation of the recommendations of the 2021 delegation review will not incur additional financial costs. 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 Council, and to the City's customers as a consequence of slower decision-making.

**M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
A situation arises that requires an urgent decision to ensure public health and safety	Moderate to serious consequences which are likely – high risk	Prudent and appropriate delegation of power and functions to allow prompt response
The CEO or sub-delegates exercise a delegated power or perform a delegated duty or function that results in a decision contrary to the outcomes required by Council	Moderate consequences which are unlikely – medium risk	Conditions may be imposed to limit the exercise of delegated powers. Clear policies are established to guide officers in the exercise of the delegated powers. The Council may exercise a delegated power or perform a delegated function itself at its own discretion, and may revoke a delegation. All exercises of delegated authority are recorded to ensure accountability.
A delegation is inconsistent with the relevant legislative provisions	Minor consequences which are unlikely – low risk	Annual review of delegations

POLICY IMPLICATIONS

A number of Council delegations are supported by policies adopted by the Council to guide the use of discretionary powers. The recommendations of this review do not specifically require additional policies.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council is required to review its delegations once every financial year as required by s5.46 of the *Local Government Act 1995*.

CONCLUSION

The review of Council delegations conducted in 2020 was rigorous and extensive and included a number of opportunities for improvement which have been implemented.

An absolute majority is required for the approval of recommendations report regarding the approval, amendment, and revocation of delegations under the Cat Act, Graffiti Vandalism Act, Local Government Act and the Planning and Development (Local Planning Schemes) Regulations.

**M21/5842 REVIEW OF CITY OF MELVILLE COUNCIL DELEGATIONS 2021 (AMREC)
(ATTACHMENT)****OFFICER RECOMMENDATION (5842)****ABSOLUTE MAJORITY****That the Council resolves to:**

- 1. Note the review of the Council delegations of authority and endorse the review recommendations as shown in Attachment 1 – Summary of Delegation Review Recommendations.**
- 2. Confirms the minor edits to:**
 - DA-027 Rejecting and Accepting Tenders and/or Application for Pre-Qualified Supplier Panels.
 - DA-031 Reimbursement of Expenses for Employees Committee Members
 - DA-033 Power to Invest
 - DA-036 Release of Confidential Information
- 3. Confirm new Delegation DA-129 Appoint Officers to Receive and Withdraw Complaints (Code of Conduct Elected Members Committee Members and Candidates)**
- 4. Revokes Delegation DA-055 Authorised Persons (Local Government Act)**

M21/5000 – COMMON SEAL REGISTER (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Program : Not applicable
 Funding : Not applicable
 Responsible Officer : Bruce Taylor – Manager Governance and Property

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<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>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 13 April 2021 up to and including 17 May 2021 for the Council's noting.

M21/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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.

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2171	City of Melville & Vincent Charlie Pty Ltd	Restrictive Covenant for No. 4 Hannibal Street Palmyra Section 129BA	DA-2021-194
CS2172	City of Melville and Aung Min Naing	Notification 70A for Lot 446 No. 72 Riseley Street ARDROSS	DA-2021-523

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M21/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

Section 2.5(2) of the *Local Government Act 1995* states:

The local government is a body corporate with perpetual succession and a common seal.

Section 9.49A (3) of the *Local Government Act 1995* states:

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

- (a) *the mayor or president; and*
- (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

FINANCIAL IMPLICATIONS

There are no financial implications in this report other than that held in any contract advised above.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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 13 April 2021 up to and including 17 May 2021.

OFFICER RECOMMENDATION (5000)**NOTING**

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 13 April 2021 up to and including 17 May 2021.

C21/6000 - INVESTMENT STATEMENTS FOR APRIL 2021 (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statements and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Debbie Whyte – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input type="checkbox"/>	Quasi-Judicial	<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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 April 2021 for the Council's information and noting.

C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)

BACKGROUND

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.

DETAIL

The following statement details the investments held by the City as at 30 April 2021.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2021		
SUMMARY BY FUND		
Municipal		\$46,938,826
Reserve		\$147,518,253
Trust		\$-
Citizen Relief		\$217,779
TOTAL		\$194,674,857
SUMMARY BY INVESTMENT TYPE		
11AM		\$11,754,385
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$158,320,473
TOTAL		\$194,674,857
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$145,174,142
A Category (A+ to A-)	A+	\$10,000,716
	A	
	A-	
BBB+ Category	BBB+	\$39,500,000
TOTAL		\$194,674,857

C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)

Exposure to an individual institution is limited according to Council Policy and in April 2021 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 8,500,000	4.37%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 28,000,000	14.38%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 11,500,000	5.91%	15.00%	✓
CBA	AA-	AA Category	\$ 40,000,000	20.55%	30.00%	✓
Macquarie	A+	A Category	\$ 7,000,716	3.60%	25.00%	✓
NAB	AA-	AA Category	\$ 39,832,582	20.46%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 3,000,000	1.54%	25.00%	✓
Westpac	AA-	AA Category	\$ 56,841,560	29.20%	30.00%	✓
TOTAL			\$ 194,674,857	100%		

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

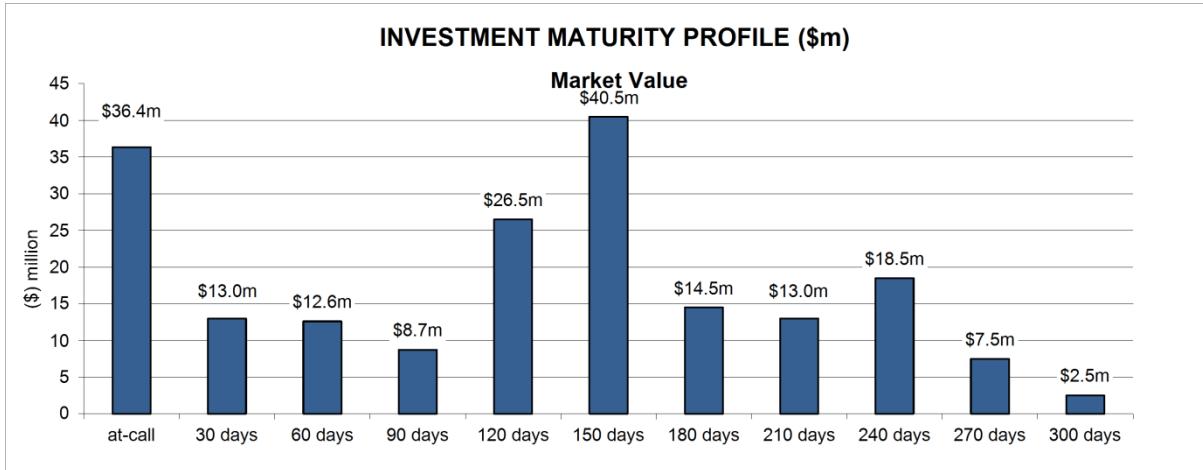
The City's investments were invested within the limits allowed within each category rating for April 2021.

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-)	\$ 145,174,142	75%	80%	✓
A Category (A+ to A-)	\$ 10,000,716	5%	50%	✓
BBB+ Category	\$ 39,500,000	20%	25%	✓
TOTAL	\$ 194,674,857	100%		

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

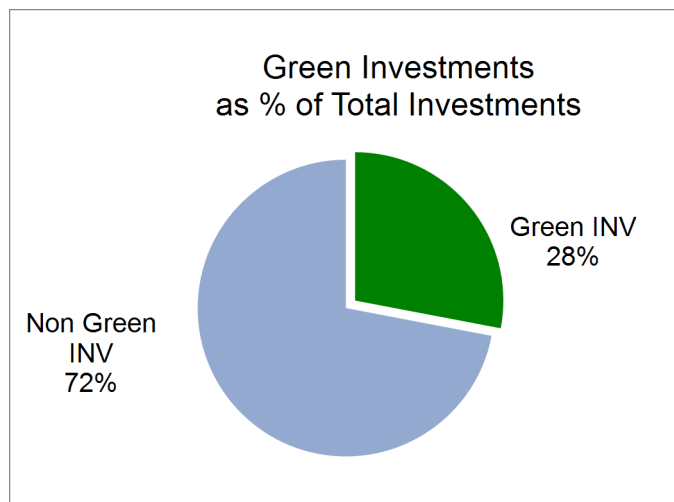
C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 30 April 2021. 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 below meets the liquidity requirements of the Council policy.



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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 April 2021 was \$54,500,000 or 28% of total investment holdings being in non-fossil fuels institutions, compared to \$54,500,000 (27%) in March 2021. The total investments holding for April and March were \$194,674,857 and \$198,874,857 respectively.



C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 11,500,000
CBA	AA-	AA Category	\$ 40,000,000
Suncorp	A+	A Category	\$ 3,000,000
TOTAL			\$ 54,500,000

Green investments are invested in three banks listed above, following the council credit rating policy. Green Term Deposits with CBA are currently limited or no longer available as the pool of funds with them has reached full capacity. Other banks offer a lower interest rate on Green Investment.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

This report is available to the public on the City's web-site.

II. OTHER AGENCIES / CONSULTANTS

A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI's) were engaged with during the course of the month in respect to the placement and renewal of investments.

STATUTORY AND LEGAL IMPLICATIONS

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 oversighted by the Australian Prudential Regulation Authority (APRA).

Effective from 13 May 2017 the *Local Government (Financial Management) Regulations 1996* were amended (regulation 19C) to allow local governments to deposit funds for a fixed term of three years or less. The regulation previously only allowed for deposits of 12 months 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.

C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)

FINANCIAL IMPLICATIONS

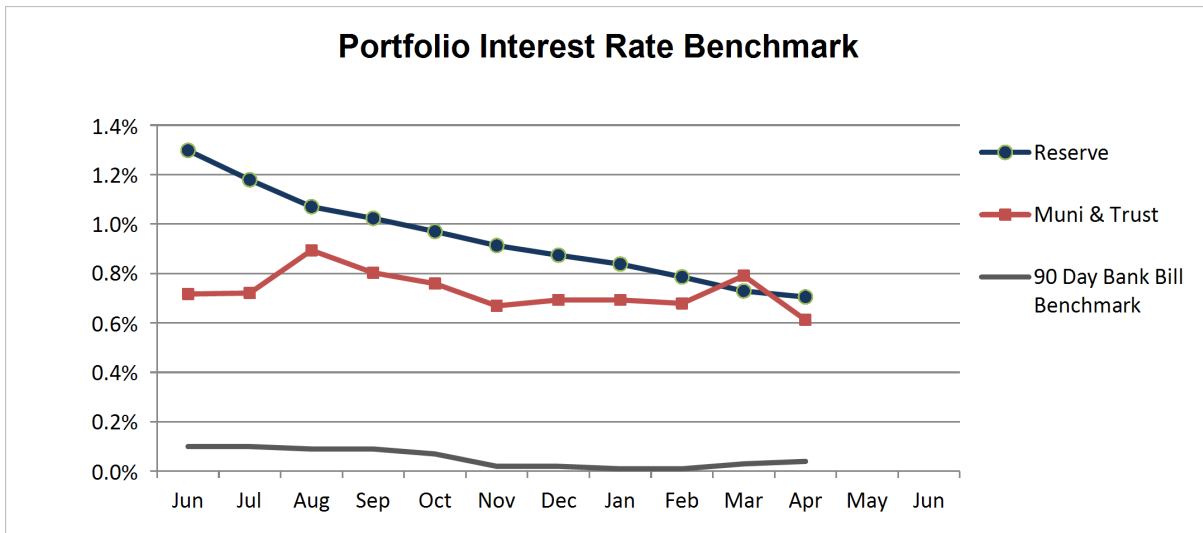
For the period ending 30 April 2021:

- Investment earnings on Municipal and Trust Funds were \$248,723 against a year to date budget of \$239,875 representing a positive variance of \$8,847.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 April 2021 was 0.61% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

- Investment earnings on Reserve accounts were \$1,087,644 against a year to date budget of \$1,107,500 representing a negative variance of \$19,856.

The weighted average interest rate for Reserve account investments as at 30 April 2021 was 0.71% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT 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 so as 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 as a result of investments that may be perceived as unsuitable by the Community.

C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)**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.

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*.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

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 0.61% to 0.71% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

28% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 27% in March 2021.

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

OFFICER RECOMMENDATION (6000)**NOTING**

That the Council notes the Investment Report for the period ending 30 April 2021.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2021 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statement and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not Applicable
Funding	:	Annual Budget
Responsible Officer	:	Debbie Whyte – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of April 2021 and recommends that the Schedule of Accounts Paid be noted.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2021 (REC) (ATTACHMENT)

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 and other senior staff. 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.

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

DETAIL

The Schedule of Accounts Paid for April including Payment Register numbers, Cheques: 792-793, Electronic Funds Transfers batches: 699-702, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 28th May 2021.

A total of \$6,383,443 direct creditor payments were paid during the month, of which, 29% of payments were paid to suppliers located within the City of Melville and 35% to suppliers within the South West Group, compared to 17% and 24% of total of \$8,621,796 direct creditor payments made over March 2021 respectively. The biggest payment of \$1,286,219 made during the month was the FOGO, General and recycling waste Fees to South Metropolitan Regional Council (SMRC). Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

SCHEDULE OF PAYMENTS MADE		
APRIL 2021		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 792 and 793	\$9,281.20
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 700 and 702	\$6,104,732.60
	EFT Payment on Restricted Funds Register No. 106, 699 and 701	\$178,875.47
	Less Cancelled EFTs	(\$5,784.36)
		\$6,287,104.91
<i>Direct Debits</i>	Bank Fees	\$13,942.65
	Ampol Fuel	\$73,334.21
<i>Direct Payments</i>		\$9,061.41
	Total Direct Creditor Payments	\$6,383,443.18
<i>Payroll</i>	Total Pay 21 and 22	\$3,633,526.03
	Total Payroll	\$3,633,526.03
<i>Cards</i>	Corporate Cards	\$4,330.70
	Purchase Cards	\$58,468.80
	American Express	\$2,153.73
	Total Card Payments	\$64,953.23
	Total Direct Creditor Payments from Municipal Account	\$10,081,922.44

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2021 (REC) (ATTACHMENT)

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$5,516,144.36)
Reserve			\$5,516,144.36
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	7/04/2021		\$500,000.00
Westpac Bank	8/04/2021		\$1,800,000.00
Westpac Bank	15/04/2021		\$2,200,000.00
Westpac Bank	19/04/2021		\$2,200,000.00
Westpac Bank	21/04/2021		\$2,200,000.00
<i>Total New Investments</i>			\$8,900,000.00
Grand Total			\$18,981,922.44

Details of the payments are shown in attachment [6001 Payment Details April 2021](#).

Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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.*

FINANCIAL IMPLICATIONS

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

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2021 (REC) (ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$18,981,922.44.

The report and the attached Schedule of Accounts Paid are presented for the Council's information.

OFFICER RECOMMENDATION (6001)**NOTING**

That the Council notes the Schedule of Accounts paid for the period April 2021 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details April 2021](#).

C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)

Ward : All
 Category : Operational
 Subject Index : Financial Reporting - Statements of Financial Activity
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Debbie Whyte – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 April 2021 and recommends that they be noted by the Council. • The variances for the month of 30 April 2021 and recommends that they be noted by the Council. • The Budget amendments required for the month of 30 April 2021 and recommends that they be adopted by Absolute Majority decision of the Council.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 30 April 2021 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The Municipal cash balance at the end of the month is \$46.9m. This reflects that the City has a positive financial position to meet its obligations.
- There was no change in investment holdings in reserve accounts, compared to the reserve investment holding \$147.5m in April 2021. 76% of the City's investment holdings are held in reserve accounts which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 30 April 2021 was \$54,500,000 or 28% of total investment holdings, compared to \$54,500,000 (27%) in March 2021.
- During April, budget amendments were made to reflect budget reallocations between capitals works projects and operating expenditure, and additional expenditure funded by new grant income.
- Rates raised year to date were \$81,343,356 with a positive variance of \$10,282 compared to the year to date annual budget of \$81,333,074. Rates collection progress for April is at 92.4% which is below the month end target of 92.9%.
- Total debtor collections for April equalled \$2,223,591. The year to date total outstanding debtors (including all rates and sundry debtors) is \$9,583,678. The YTD cash collection of \$108,299,403 from total debtors is lower than the cash collection of \$117,795,446 during the same period in the previous year. The rates raised in 2020-21 were lower due to COVID -19 concessions; hence the amount collected is also lower.
- Total waivers under the Community Stimulus Package adopted by Council on 9 April 2020, is \$1,021,464 over multiple financial years. There were no new waivers during the month of April 2021.

DETAIL

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 Sub-Program
Provides further breakdown on the Program classifications.

C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY for April 2021 (AMREC)
(ATTACHMENTS)

Variations

A detailed summary of variations and comments based on the Rate Setting Statement by Sub-Program is provided in attachments:

[6002C Statement Sub Program April 2021](#): Rate Setting Statement by Sub-Program

[6002H Statement of Variations April 2021](#): Statement of Variations in Excess of \$50,000

Revenue

Rates raised as at April were \$81,343,356, compared to a year to date budget of \$81,333,074. The positive variance of \$10,282 is made up of minor variances.

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	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	102,186,992	102,091,016	0%	116,184,500	-12%
Payments Received	(102,670,621)	(101,037,145)	2%	(111,598,229)	-8%
Closing Balance	8,658,857	10,196,359	-15%	11,193,952	-23%

Total rate debtor collections for the month equalled \$1,633,477.

Sundry Debtor Movement

SUMMARY OF SUNDRY 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	1,238,865	1,238,865	0%	432,873	186%
Invoices Raised	5,295,544	4,649,762	14%	7,208,254	-27%
Receipts	(5,628,782)	(5,038,667)	12%	(6,197,217)	-9%
Prepayments	19,193	22,440	-14%	35,497	-46%
Closing Balance	924,821	872,400	6%	1,479,407	-37%

Sundry debtor balances increased by \$52,421 over the course of April from \$872,400 to \$924,821 of which total 90 day sundry debtors over \$1,000 for the month is \$284,324, representing 31% of total sundry debtors.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)****Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for April 2021.

Budget Amendments

Details of Budget Amendments requested for the month of April 2021 are shown in attachment [6002J April 2021](#). Variances greater than \$50,000 processed in April 2021 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 Director Corporate Services to write off debts or grant concessions to a value of \$5,000.

Hall hire fees (\$195) were written off under delegated authority in the month of April due to inability to locate debtor and no response to statements for two years.

Administration fees for two months (\$126.90) were written off in the month of April due to COVID-19 prohibiting the use of the facilities.

Reserve Accounts

Section 154 of the *Planning and Development Act 2005* was amended on 20 July 2020, thereby stipulating that payments made by developers in lieu of public open space be held in a separate reserve account established and maintained under the *Local Government Act 1995* section 6.11, instead of in a trust fund account. The City of Melville currently holds \$33,013 in trust funds which represents payments made in lieu of public open space for developments in Applecross and Melville.

As a result of the aforementioned amendment, a new reserve titled “Funds held in lieu of Development on Public Open Space Reserve” will be established for the purpose of retaining and using funds in accordance with section 154 (2) of the *Planning and Development Act 2005*. The balance of \$33,013 currently held in trust funds will be transferred to the newly established reserve.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)**

The following attachments form part of the Attachments to the Agenda for the month of April 2021.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	6002A Statement Nature Type April 2021
Rate Setting Statement by Program	6002B Rate Setting Program April 2021
Rate Setting Statement by Sub-Program	6002C Rate Setting Sub Program April 2021
Representation of Net Working Capital	6002E Net Working Capital April 2021
Reconciliation of Net Working Capital	6002F Reconciliation Net Working Capital April 2021
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	6002H Notes Rate Setting Statement April 2021
Details of Budget Amendments requested	6002J Budget Amendments April 2021
Summary of Rates Debtors	6002L Summary Rate Debtors April 2021
Graph Showing Rates Collections	6002M Rates Collections Graph April 2021
Summary of General Debtors aged 90 Days Old or Greater	6002N General Debtors Aged 90days April 2021

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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:

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)****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 \$50,000 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.

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment [6002H Notes Rate Setting Statement April 2021](#): Notes on Statement of Variances in excess of \$50,000 by Sub-Program.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The impact of Covid-19 on the services provided by the City, the health of the city employees and community itself as well as the financial impacts on the City, State and Federal economy is a significant strategic risk. The City has well developed business continuity plans in place and has enacted the Incident Response Team (IRT) to coordinate and plan the City's response to the Covid-19 crisis.

POLICY IMPLICATIONS

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.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 April 2021.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION (6002)

NOTING and ABSOLUTE MAJORITY

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 April 2021 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	<u>6002A Statement Nature Type April 2021</u>
Rate Setting Statement by Program	<u>6002B Rate Setting Program April 2021</u>
Rate Setting Statement by Sub-Program	<u>6002C Rate Setting Sub Program April 2021</u>
Representation of Net Working Capital	<u>6002E Net Working Capital April 2021</u>
Reconciliation of Net Working Capital	<u>6002F Reconciliation Net Working Capital April 2021</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	<u>6002H Notes Rate Setting Statement April 2021</u>
Details of Budget Amendments requested	<u>6002J Budget Amendments April 2021</u>
Summary of Rates Debtors	<u>6002L Summary Rate Debtors April 2021</u>
Graph Showing Rates Collections	<u>6002M Rates Collections Graph April 2021</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002N General Debtors Aged 90days April 2021</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for April 2021 [6002J Budget Amendments April 2021](#)**
- 3. The establishment of the “Funds held in lieu of Development on Public Open Space Reserve” for the purpose of retaining and using funds in accordance with section 154 (2) of the *Planning and Development Act 2005* is approved and the transfer of \$ 33,013 currently held in trust funds to this reserve is approved.**

15. EN BLOC ITEMS
16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL
18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED
19. CLOSURE