

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**HELD 6.30PM TUESDAY, 20 APRIL 2021**

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings and physical distancing only a limited number of the public were able to physically attend this meeting.

This meeting was publically broadcast to the community and the minutes and the audio recording of the meeting available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*.

**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.**

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**DISTRIBUTED: 23 April 2021**

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## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm and advised those present of the Disclaimer that is on the front page of these Minutes, the Affirmation of Civic Duty and Responsibility and advised that this meeting is being recorded and invited Cr Steve Kepert to read the Acknowledgement of Country.

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

## 2. PRESENT

Mayor Honourable G Gear

### COUNCILLORS

Cr J Barton (Deputy Mayor)  
Cr G Barber  
Cr D Macphail, Cr N Robins  
Cr C Robartson  
Cr Woodall (*from 6:43pm*)  
Cr N Pazolli, Cr S Kepert  
Cr K Mair, Cr M Sandford  
Cr T Fitzgerald, Cr K Wheatland

### WARD

Bicton – Attadale – Alfred Cove  
Bicton – Attadale – Alfred Cove  
Bateman – Kardinya - Murdoch  
Bull Creek - Leeming  
Bull Creek - Leeming  
Applecross – Mount Pleasant  
Central  
Palmyra – Melville - Willagee

## 3. IN ATTENDANCE

Mr M Tieleman  
Mr M McCarthy  
Mr A Ferris  
Ms C Young  
Mr S Cope  
Mr L Hitchcock  
Mr B Taylor  
Ms C Newman  
Ms R Davis

Chief Executive Officer  
Director Technical Services  
Director Corporate Services  
Director Community Development  
Director Urban Planning  
Executive Manager Governance and Legal Services  
Manager Governance and Property  
Governance Coordinator  
A/Governance Officer

At the commencement of the meeting, there were 5 members of the public in the Council Chambers, 8 members of the public in attendance electronically and one representative from the Press.

**4. APOLOGIES AND APPROVED LEAVE OF ABSENCE****4.1 APOLOGIES**

Nil.

**4.2 APPROVED LEAVE OF ABSENCE**

Nil.

**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.**

Nil.

**5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.**

Nil.

*At 6:43pm Cr Woodall entered the meeting.*

**6. QUESTION TIME****6.1 Questions Received with Notice**

Nil.

**6.2 Questions Received without Notice****6.2.1 City of Melville Residents & Ratepayers Association (Inc.)**

*We have been advised that the City's online job application process requires the applicant to specify their age and if they are male or female with no options for those that identify as non-binary or other categories.*

**Question 1**

*What are the City's inclusion and diversity policies relevant to its employment processes, how do these mandatory online requirements fit with the City's inclusion and diversity policies? and*

6.2.1 City of Melville Residents & Ratepayers Association (Inc.) continued

Response

The City's Disability Access and Inclusion Policy CP-084 and Disability Access and Inclusion Plan 2017-2022 are available on the City's website. <https://www.melvillecity.com.au/our-city/publications-and-forms/community-development/disability-access-and-inclusion-policy> and <https://www.melvillecity.com.au/our-community/people-with-a-disability/disability-access-and-inclusion-plan>

Further the City is in the test process to upgrade its Human Resource Information System to an upgraded version of the software which will occur this financial year. This upgrade will further evolve recruitment and on-boarding protocols and thus gender identification information may be obtained at various stages of the recruitment and on-boarding process to be provided by a candidate.

Question 2

*is requiring potential employees to answer questions about their age and gender  
a) appropriate in the context of our current society, and  
b) legal?*

Response

The City of Melville's employment practices include appropriate, reasonable and legal due diligence requirements to verify a potential employee's identity and credentials.

*We understand that in early February 2021 CEO Marten Tieleman admitted a failure and subsequently committed to removing the City produced inappropriate [obscenity removed] health promotion stickers from all of its facilities. Please confirm:*

Question 3

*When the CEO fully complied with his commitment to remove the inappropriate stickers from all of the City's facilities; if not why and when will his commitment be fulfilled?*

Response

The City worked in partnership with Lifeline WA to develop a sticker to promote help seeking behaviour and available supports specifically targeting younger people who are most affected by intentional self-harm and suicide in our community.

With suicide remaining the leading cause of death for Australians age 14 to 44 years and young people the most affected by intentional self-harm and suicide in our community, the sticker was specifically designed to appeal to that age group.

Unfortunately, due to one complaint to the Lifeline head office in the eastern states, it was decided the stickers should be removed. While the sticker removal was completed as soon as was possible following the decision, if this suicide prevention initiative impacted even one person to seek support, it was a worthwhile exercise.

6.2.1 City of Melville Residents & Ratepayers Association (Inc.) continued

The rates of young people dying by suicide and the number of hospitalisations and fatalities due to intentional self-harm and suicide are increasing. Intentional self-harm and suicide is the second highest cause of fatality due to injury for City of Melville residents.

Normalising help seeking behaviour is critical in encouraging people to seek appropriate help when they need it. Young people (particularly young men) are a notoriously difficult demographic to reach and a sticker placed on public toilet doors was an effective way to reach large numbers of young people in the City.

Intentional self-harm and suicide are an identified priority of the Safer Melville Plan. The Plan is endorsed by the Safer Melville Advisory Committee which has representatives from various State Government agencies, local police, Elected Members, community members, the business community and other key stakeholders in our community.

The use of the “poo” emoticon was tested with this age group who are regular users of emoticons (this one in particular) and was reported as being effective to gain attention.

The sticker read: “Feeling really #####? (emoticon used) Seeking support can help you get through the tough times. Call Lifeline 131114 (Lifeline logo included).

Question 4

*The total cost ratepayers have borne as a result of this incident?*

Response

The cost of the initiative was approximately \$260.00.

Question 5

*What the CEO has done to ensure that the City does not again distribute (internally or externally) any type of inappropriate material in any form, be it stickers, photos, brochures or the like?*

Response

The campaign specifically targeted younger people which helped inform the sticker language and design, and was approved by Lifeline WA. The City seeks approvals from both internal and external stakeholders for all collateral and campaigns and this has been standard practice for many years. This campaign was no different.

The use of the “poo” emoticon was tested with the relevant age group who are regular users of emoticons (this one in particular) and was reported as being effective to gain attention.

The sticker read: “Feeling really #####? (emoticon used) Seeking support can help you get through the tough times. Call Lifeline 131114 (Lifeline logo included).

6.2.1 City of Melville Residents & Ratepayers Association (Inc.) continued

Question 7

*Why has the CEO not yet provided fulsome, clear and honest answers to the 6 simple questions we put to the 6 April 2021 SMC, 2 weeks on, and to which Council should have had the answers at hand. Is it not true that the requirements published by the Department of Local Government Sports and Cultural Industries, that is that 'It is a requirement that the minutes of the meeting contain a summary of each question asked and the response given. Questions taken on notice should be researched and a written response provided to the questioner'. Why has the CEO delayed Council's responses to our questions?*

Response

15 questions were asked by the Melville Residents and ratepayers Association relating to the three separate motions with notice that were included in the 6 April Special Meeting agenda. The response provided at the meeting was that these questions that were received on a weekend, were taken on notice and the responses would be provided in the minutes of the April 2021 Ordinary Meeting of Council. The CEO has not delayed the responses to the questions. The questions were distributed to the various officers to provide a response. Responses to questions undertake a review process, which includes presentation and review by the Mayor, if time permits.

The questions and responses are provided in these minutes.

**6.3 Questions Taken on Notice at Previous Meeting**

**16 March 2021 – Ordinary Meeting of Council**

**6.3.1 Ms Edinger, Melville**

*Recently the mystifying decision was made to trial speed humps on the shared path at Apex Reserve at Canning Bridge, can the Council please advise:*

Question 1

(a) *if there was any formal community consultation in relation to the safety improvement proposal?;*

Response

Yes, the City employed several methods of consultation.

1. Responding to feedback from path users of shared path conflict occurring,
2. As part of the design process the City trialled the hump configuration with Cycling Without Age, a manager from WestCycle on a typical racing bike with narrow tyres, a wheelchair user and the hump configuration was designed to allow small wheeled vehicles like skateboards, rollerblades and people with limited mobility,

6.3.1 Ms Edinger, Melville continued

3. Because this section of path is used by people travelling from many local government areas consultation included a press release informing people that we were about to trial this speed hump configuration in Apex Park and that we invite feedback on the Melville Talks forum. Invitations to provide feedback were also included on the City's website and social media.

The City would then monitor the effectiveness of the humps and feedback from path users.

Question 2

- (b) *why the advice provided by WestCycle, that the the (sic) speed humps were "strongly advised against", was ignored?;*

Response

WestCycle represents bike riders, many of whom are competent and competitive and use this section of our shared path.

The City also needs to support pedestrians and other slower and potentially less capable path users that includes people with vision and mobility limitations, families with small children, people walking dogs and using wheelchairs etc.

Question 3

- (c) *whether the option of installing an adjacent pedestrian path considered?;*

Response

Yes. Path separation wasn't used at Apex Park because

1. Separated paths have a tendency to increase bike rider speeds and then introduces two conflict points i.e: where paths separate and then again when they merge. (We are experiencing this conflict on the separated path in Tompkins Park),
2. This speed hump configuration was being tested for general effectiveness to moderate path user speeds within an existing path width. If safe and effective, it might be used to improve path safety in places like Alfred Cove foreshore path where we are experiencing conflict and there is not adequate space to construct a separate path.
3. The City of South Perth continues to have issues on their separated paths with families on bikes not being able to ride on the pedestrian path and not being comfortable using what has become a high speed bike path.

6.3.1 Ms Edinger, Melville continued

Question 4

- (d) *why the installation of dual pathway not chosen, as it appears to be the easiest and safest to implement?;*

Response

Currently this path in Apex Park is a 'dual pathway.' See above for the reasons we didn't choose to construct a separate path.

Question 5

- (e) *will the city put the project on hold to enable formal community consultation to occur?;*

Response

The issue of conflict between faster path users and slower ones still exists on our shared paths and it is important for the City to take action to moderate speed and improve safety. The City has removed the speed humps and installed two Your Everyday Speed (YES) signs with the message to 'SLOW DOWN'.

The City is continuing to review the hump design with input from an independent transport consultant. Following this work we will consider treatment options that might also include a rumble strip type surface treatment.

Question 6

- (f) *how much has it cost residents and ratepayers to purchase, install and remove the speed humps?*

Response

Purchasing the humps cost \$850, the humps are still available for use as a regular speed hump. The installation cost was \$440 and the removal cost was \$250.

## **6 April 2021 – Special Meeting of Council**

### **6.3.2 Mr Delane, Leeming**

Mr C Delane submitted a question to the 6 April 2021 Special Meeting of Council relating to item 12.2 Motion with Notice - Organisational Cultural Change and is reproduced below:

#### Question 1

*Would you please what, if any, consultation or feedback was sought with/from residents and ratepayers in regard to the organisational cultural change required within the City of Melville Administration, and if none, why?*

In addition to the response provided at the 6 April Special Meeting of Council, the following further response is provided,

#### Response

That no consultation or feedback was sought with/from residents and ratepayers in regard to the organisational cultural change program. A consultant was appointed in July 2020 to work with the Council and Senior Staff on the update of the Corporate Business Plan. During this period the second Australian Institute of Company Directors Governance survey response was received as required by the Department of Local Government Inquiry. The Mayor supported the consultant being further appointed to consolidate the results of the two AICD reports and to work with the Council to incorporate the findings of the AICD Survey into the Cultural Change Program. It was not identified at this time that there was a requirement for wider consultation as the work undertaken was largely internal and working closely with Elected Members.

At the Special Meeting, the Council had the opportunity to undertake an alternative additional cultural change program and to determine the scope of that program with the terms of reference to be determined by the Council. This motion was not supported by the Council.

### **6.3.3 City of Melville Residents and Ratepayers Association (Inc)**

*Item – Motion 12.1 – CEO Complaints Management*

#### Question 1

1. *How many complaints have been made against the CEO over the last 2 years?*

#### Response

Eight conduct complaints have been received.

6.3.3 City of Melville Residents and Ratepayers Association (Inc) continued

Question 2

2. *CEO Marten Tieleman committed to publishing his KPIs at the February 2021 AGM of Electors; where can they be found on the City's website and when were they put there?*

Response

The CEO's KPI's have not yet been published to the City's website but will be published in the near future.

*Item – Motion 12.2 – Cultural Change*

Question 3

3. *Have, and if so when, were the City's key customers, ie the ratepayers, been consulted in relation to their views on the requirements for, and the progress of the City's much needed cultural change. What was the feedback from the customers, if any?*

Response

No external consultation was carried out in development of the Cultural Change Program.

*Item - Motion 12.3 – CP-017 Legal Representation Policy*

*We refer to the "Council divided by CEO Captain's call on defamation aid" article published on 29 August 2020 in the Melville City Herald.*

Question 4

- 4.1. *How much did the City spend for McLeods Barristers and Solicitors' services to provide the 'preliminary advice' and other work in relation to Mr Hitchcock's alleged defamation matter (per 1(c) of CP-017)?*

Response

McLeods Barristers and Solicitors provided advice in relation to allegations against a number of staff members, which included Mr Hitchcock, this advice cost \$6,948.00.

6.3.3 City of Melville Residents and Ratepayers Association (Inc) continued

Question 5

4.2. *What were CEO Marten Tieleman's reasons for determining Mr Hitchcock's alleged defamation was an 'exceptional circumstance' (per 1(c) of CP-017) and thus approving expenditure on the preliminary advice and other work?*

Response

The 'exceptional circumstances' were:

- The nature of the allegations, some of which were evidenced by the questioner, the City of Melville Residents and Ratepayers Incorporated's deliberate false statements of some of the City's officers, which were perceived as being highly destructive and intent on damaging personal reputations and that of the City of Melville, and potentially lessening the confidence of the community in the local government;
- The wide circulation of these highly defamatory statements.

Question 6

4.3. *Did any Court or Tribunal make judgements, rulings or other findings that supported Mr Hitchcock's defamation allegations?*

Response

This is a personal matter that was the subject to a partially confidential mediated outcome between the parties.

Question 7

4.4. *Did Mr Hitchcock re-imburse the City for all of the City's expenditure on McLeods' preliminary advice and other work?*

Response

Mr Hitchcock engaged Jackson McDonald to provide preliminary advice and other work and reimbursed the City the full amount provided to him under Council Policy CP-017 Legal Representation Employees and Elected Members.

Question 8

4.5. *Are Council satisfied all expenditure on Mr Hitchcock's defamation matter was an appropriate use of public funds?*

Response

The CEO is delegated to approve provide these funds under Council Policy CP-017 Legal Representation Employees and Elected Members and all funds provided to Mr Hitchcock were reimbursed to the City, there was no financial impact on the City for this matter.

6.3.3 City of Melville Residents and Ratepayers Association (Inc) continued

*In relation to any other City employees or Elected Members that has sought to assistance via the City's CP-017 Legal Representation Policy since August 2020? (sic)*

Question 9

5.1. *How many employees and Elected Members have sought to utilise CP-017?*

Response

One other employee and two Elected Members have sought to utilise CP-017.

Question 10

5.2. *Has CEO Marten Tieleman sought to utilise CP-017, if so when did the Director Corporate Services, the Mayor and/or Council approve any assistance in terms of preliminary advice or direct support pursuant to 2(f)?*

Response

The CEO has sought to utilise CP-017. In accordance with policy the determination was made by the Director of Corporate Services on 22 March 2021, with the Mayor being informed, that the CEO could utilise the Legal Representation Policy, if required. The City insurers have accepted liability for the claim under the City's Management Liability policy and therefore there is now no requirement to seek funding under CP-017.

Question 11

5.3. *What was/is the nature of the legal proceedings / matters to which the CEO, employees and/or Elected Members are seeking assistance under CP-017 and what were the reasons for the decisions to provide that assistance; be it preliminary advice or other assistance?*

Response

The CEO sought support to defend a civil action taken against him in relating to the carrying out of his functions in his role as CEO. The assistance was provided as an independent investigation had found no misconduct on the part of any officer of the City, with the findings reported to the relevant external agencies, prior to this action.

An Elected Member initially sought access to the policy for legal representation in responding to a Standards Panel minor breach complaint and later withdrew that request.

An Elected Member has applied to access the policy to make a written submission in relation to the findings of the Standards Panel. To date an Order has not been made by the Panel and depending on the Order the Elected Member can request financial support in accordance with section 2 (a), (b) and (c) of the policy.

*6.3.3 City of Melville Residents and Ratepayers Association (Inc) continued*

Question 12

*5.4. How much has been expended on preliminary advice and other assistance for each of the matters supported?*

Response

The City has not expended any money to date. The direct legal cost, in relation to the CEO matter, is expected to be approximately \$13,000. The City's insurers will pay the legal fees in full and will seek payment of the \$5,000 excess from the City.

Question 13

*5.5. How much has or is currently intended to be provided to employees and/or elected members?*

Response

There has been no expenditure to date. Refer question 12.

Question 14

*5.6. How much of the City's expenditure has or is currently anticipated will be returned?*

Response

No expenditure has been incurred under CP-017 so no expenditure will be returned, as required in certain circumstances by the Policy. The City insurers have accepted liability for the claim relating to the CEO.

Question 15

*6. When will Council execute the much needed amendments to CP-017?*

Response

A legal opinion as requested by the Governance Committee has been obtained and the opinion and the policy were posted to the Elected Members Discussion Board in March for comment. It is planned that the opinion, Elected Member comments and other relevant information will be considered at a future Elected Member Workshop.

This matter has been the subject of a Motion with Notice from an Elected Member and has been raised for discussion at this meeting.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 16 MARCH 2021**  
**Minutes 16 March 2021****COUNCIL RESOLUTION**

At 6:37pm Cr Wheatland moved, seconded Cr Mair –

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 16 March 2021 be confirmed as a true and accurate record.**

At 6:37pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 13 APRIL 2021**  
**Notes 13 April 2021****COUNCIL RESOLUTION**

At 6:37pm Cr Barton moved, seconded Cr Pazolli –

**That the Notes of Agenda Briefing Forum held on Tuesday, 13 April 2021, be received.**

At 6:38pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.3 SPECIAL MEETING OF THE COUNCIL – 6 APRIL 2021**  
**Minutes 6 April 2021**

At 6:38pm Cr Barton moved, seconded Cr Robins –

**That the Minutes of the Special Meeting of the Council held on Tuesday, 6 April 2021 be confirmed as a true and accurate record.**

**Amendment**

At 6:39pm moved Cr Kepert, Seconded Cr Pazolli –

**That the response provided in the 6 March 2021 Ordinary Meeting of Council Minutes to the Question asked by Mr C Delane at the Special Meeting of Council held 6 April 2021 be amended as below:**

**“That consultation or feedback has not been sought from the community regarding Organisational Cultural Change for the City of Melville. A motion of notice calling for the Council to begin an Organisational Culture Change process with an external consultant was raised by Cr Kepert at the Special Meeting of Council held on the 6<sup>th</sup> of April 2021. The motion was rejected by the Council 8 votes to 4.”**

At 6:59pm, the Mayor declared the motion

**LOST(4/9)**

<b>Yes</b>	4	Cr Barber, Cr Sandford, Cr Kepert, Cr Pazolli
<b>No</b>	9	Cr Robartson, Cr Macphail, Cr Barton, Cr Wheatland, Cr Mair, Cr Woodall, Cr Robins, Cr Fitzgerald, Mayor Gear

**8.3 SPECIAL MEETING OF THE COUNCIL – 6 APRIL 2021**  
**Minutes 6 April 2021**

**COUNCIL RESOLUTION**

At 6:38pm Cr Barton moved, seconded Cr Robins –

**That the Minutes of the Special Meeting of the Council held on Tuesday, 6 April 2021 be confirmed as a true and accurate record.**

At 7:00pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.4 GOVERNANCE COMMITTEE MEETING – 12 APRIL 2021**

**COUNCIL RESOLUTION**

At 7:00pm Cr Robins moved, seconded Cr Pazolli –

**That the Minutes of the Governance Committee Meeting held on Monday, 12 April 2021 be noted.**

At 7:00pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**NB:**

**Minutes to be confirmed at next Governance Committee Meeting**

**9. DECLARATIONS OF INTEREST****9.1 FINANCIAL INTERESTS**

- Nil.

**9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

- Cr G Barber – Item P21/3909 - Local Development Plan – Santa Maria College (2–44) Stoneham Road, Attadale – Interest Under the Code of Conduct.
- Cr K Wheatland - 18.2 Donation to the Lord Mayor’s Distress Relief Fund – Tropical Cyclone Seroja Appeal – Interest Under the Code of Conduct.

**10. DEPUTATIONS**

At 7:03pm Dr S Peterson entered the meeting for the purpose of making a deputation on Item 17.1 Motion with Notice Legal Representation Policy Elected Members and Employees. The deputation concluded at 7:09pm and Dr Peterson departed the Chambers at 7:10pm.

**11. APPLICATIONS FOR NEW LEAVES OF ABSENCE****COUNCIL RESOLUTION**

At 7:10pm Cr Robins moved, seconded Cr Wheatland –

**That the application for a new leave of absence submitted by Cr Barber on 20 April 2021 be granted.**

At 7:10pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

That the meeting may close to members of the public, if required, to allow for items deemed confidential in accordance with Sections 5.23 of the *Local Government Act 1995* to be discussed behind closed doors.

- C21/5833 - Confidential Late Item From The Governance Committee - City Of Melville Organisational Review

### 13. PETITIONS

#### 13.1 Petition – Request to Reconsider the Design of a New Path in Kennedy Street, Alfred Cove

A petition signed by 39 residents of the City of Melville was received on 12 April 2021 and reads as follows:

*“We the undersigned, all being electors of the City of Melville respectfully request that the Council:*

*Reconsider the design of the new path project and implement of these two scenarios instead:*

##### Scenario 1

*Do the same as what they did at Beach Street, Bicton by removing the wings and tying in with our existing driveways. This will be the best result both aesthetically and financially and keeps the structural integrity of our reinforced driveways.*

##### Scenario 2

*Put the new path in in (sic) normal concrete, replace the entire length of all existing concrete/aggregate at the front of the premises. This will keep everything the same colour and the rest of the driveway will be one engineered reinforced unit that allows for new falls drainage including drains and soak wells.*

*This is to be backdated to all affected properties.*

*There is, what we believe, some major issues with the new design brought in by the City of Melville, (refer to cover letter for details) and a precedent set with Beach Street that should allow Council to take a case by case approach and reconsider these works.”*

#### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 7:11pm Cr Barber moved, seconded Cr Wheatland –

**That the petition bearing 39 signatures of residents be acknowledged and be dealt with by the Council in conjunction with the late item on this agenda.**

At 7:11pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

At 7:12pm the Mayor brought forward item T21/3917 Late Item - Response to Petition to Reconsider the Design of a New Path in Kennedy Street, Alfred Cove for the convenience of the public gallery.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Category : Operational  
 Subject Index : Footpath Construction  
 Customer Index : Engineering Design, 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 : 2020/21  
 Funding : \$179,500  
 Responsible Officer : Kimberly Brosztl  
 Manager Engineering

**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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The installation of a path on Kennedy Street was included in the 2020-2021 budget in response to community requests.
- Detailed consultation was conducted in November 2020 and included the proposed design for community feedback.
- Feedback from consultation was focused around the layout of the crossing at Kennedy Street and Latham Street. The design of the crossing was reviewed and changed to provide a more suitable path of travel for pedestrians in February 2021.
- In February 2021, the contractor issued the standard two week notice of construction and it was at this point that three residents communicated their objection regarding their crossovers being cut through to allow for the path.
- The City responded by highlighting policy, crossover approval requirements and community safety issues associated with path construction.
- Investigations following the objections found that none of the objecting residents crossovers have been granted approvals from the City and that the crossovers did not meet current standards.
- Path construction began in March 2021; however works have now been halted around the crossovers of 52A, 52B and 54A to allow for the petition to be presented to the Council.
- The petition contains 39 signatories of which six reside on Kennedy Street from three properties objecting to the path construction design.
- Twenty-one properties now have the path works completed with no complaints regarding the cut through of crossovers, with only the path outside the three aforementioned properties remaining incomplete.
- The objecting residents have cited the Council resolution related to Beach Street in Bicton as a precedent for retaining crossovers, however officers have responded by advising that Beach Street was a special circumstance as reflected in the minute record relating to that decision.
- Completing the construction along Kennedy Street as a continuous concrete path that cuts through all existing crossovers will provide the safest and most accessible pedestrian connection for the community.
- A Council resolution to maintain some crossovers would compromise the City's ability to construct the path to meet adopted Policies and best practice guidelines and specifications. It is likely that such a decision would also lead to increased resident expectations, construction costs and capital works project timeframes for future path construction projects.
- Due to the number of projects already completed to the City's current path construction standards, the Officers recommendation to construct the footpath in accordance with the current design as it is the safest, most cost effective and equitable solution for completing the path project.

**BACKGROUND**

The need for a path along Kennedy Street was identified in 2018, at the time the City received reports the road was being used as a "rat run" for vehicles travelling via Kennedy Street to bypass Canning Highway and thereby creating safety concerns for pedestrians. This path was submitted as part of the City's 2020-2021 budget and approved by Council in June 2020.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

As part of Community consultation, letters and the proposed path design were mailed to affected residents on the 4 November 2020 with consultation closing date of 27 November 2020.

**3917 - Mail Out Letter & FAQs Plan - 6 Nov 2020**

Feedback showed a number of residents questioning the layout of the Latham Street crossing. There was little feedback given on the cutting through of crossovers as shown in the design at that time.

In February 2021, the City's contractor issued a standard two week notice for commencement of works. At this time, three residents began communicating with the City highlighting objections regarding the cutting through of their unapproved aggregate crossovers.

The objections were communicated by phone and in writing from the three residents, with one resident citing the Council resolution on Beach Street path project as a precedent. This prompted a written response from the City detailing why it is necessary for the City to cut through crossovers to construct a compliant path. Officers also advised that the Beach Street Council Resolution and supporting notes from the Ordinary Meeting of Council on the 18 August 2020 did not set a precedent as outlined below:

***“Retain the one approved and six unapproved crossovers with minor non-compliances (2A, 4, 14, 14A, 16, 22, 26A) and remove wings”.***

The following notes were included in the Minutes to provide further context around Council's decision:

***“At 8:07pm Mayor Gear foreshadowed that the Beach Street path project is a special circumstance requiring resolution and that Council will not get involved in this process in future, with officers to manage the path construction process in line with Council Policies and the City's guidelines and specifications. Elected Members requested that this statement be recorded in the minutes”.***

It should be noted that two residents on Beach Street later opted for the path to be continued through their crossover as per the City's standard design.

Also at the time that Beach Street path project was first programmed for construction, the City's Policy and Guidelines and Specifications had recently been updated to follow best practice guidelines. Therefore, Beach Street could be considered to be in the transition phase of adoption between superseded and current requirements. Since the adoption of the Policy, the City has completed over ten path construction projects following the latest standards including continuing the path through all of the existing crossovers along the path alignment.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

The City's response, which including legal representation on behalf of the objecting residents concerned, was rejected by the residents and the request to not continue the path through the crossovers was escalated to the Director Technical Services. Following a request from one of the objecting residents that a petition was planned to be lodged, the Director granted the pausing of the works planned for the three crossovers while the remainder of the path was completed to enable Council consideration of the petition.

**DETAIL**

Communications to residents clearly identified the safety of pedestrians is the priority of the City, therefore continuing the path through the crossovers is the safest option and is recommended as best practice in State guidelines. This methodology of path construction highlights pedestrians have priority over vehicles, provides a consistent surface material (colour and texture) to aid people with vision impairments and smoother transitions through crossovers for people that may have mobility restrictions.

Installing the path through the crossover reduces the undulations in the path, ensures grades are appropriate and reduces the risk of trip hazards.

References to the Beach Street path project, where a special circumstance led to the retention of crossovers as a result of a Council resolution, did not result in a change of Policy for future path construction.

The City received a petition on 12 April 2021. This petition cites major issues with the design consisting of:

- *"All driveways will be cut back two meters from the road and replaced with a normal concrete crossover/path.*
- *If your driveway does not meet the height level of the new path your driveway will be cut further back till the heights line up.*
- *That cut back will be replaced with pavers, concrete or exposed aggregate trying to match your existing aggregate. (Mine is eight years old exposed aggregate and I have been told by two exposed aggregate installers that they won't be able to match it.)*
- *Matching the levels has particular implications for concrete/exposed aggregate. To create the new levels they will cut through the steel reinforcement, the new path crossover, the infill aggregate and then the old existing driveway will be three different colour separate floating slabs. This will look shocking affecting property values and they will be more prone to movement by tree roots water etc.*
- *The new levels and falls will affect drainage of these driveways leaving them more prone to pooling.*
- *In the case of Kennedy Street and Beach Street we understand that there are historical concerns of cases of the council not responding to issues raised in the two week consultation period. My own concern is that the City deliberately does not respond to concerns, so they do not have to address said concerns and commence the work regardless."*

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

The City has managed these issues as part of its standard path construction process by:

- Ensuring impacts to verge and crossovers are minimised, with two metres from the road being the minimum cutback to allow a 1.8 metre wide path plus 200 millimetre kerbing.
- The City only cuts back further into the crossover to attain suitable levels, however crossovers constructed in accordance with the City's guidelines would not need to be cut back further as the levels would be compliant and only the minimum cut back would be required.
- Crossover reinstatements endeavour to match the existing colour and material as closely as possible.
- Steel reinforced crossovers are uncommon in residential areas. Steel reinforced crossovers are intended for commercial properties and are not approved for residential areas. The City would not reinstate to this specification under normal circumstances.
- Reinstatements are completed to minimise drainage issues within site specific constraints.
- The City takes all issues raised from consultation into consideration, noting that community feedback received for the Kennedy Street path project resulted in design changes for the crossing at Latham Street.

Twenty-one properties on Kennedy Street now have the works completed with no complaints regarding crossovers.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

As part of the drive to improve consultation, an improved community engagement process was introduced in 2020 to enhance consultation with residents across a range of works including path construction. Previously the City had "informed" residents when construction was about to commence. As the Strategic Community Plan had identified aspirations for residents in the City to have paths, it was decided to "Consult" as described in Council Policy CP-002 Stakeholder Engagement and the path construction communication process was changed to accommodate this improvement.

As part of Community consultation letters, the proposed design was mailed to residents whose properties adjoined the path on the 4 November 2020 with consultation closing date of 27 November 2020. The community feedback received resulted in a number of residents questioning the layout of the Latham Street crossing which was subsequently adjusted. Little feedback was given on continuing the path through the crossovers at that time.

The majority of feedback was communicated by phone with each resident responded to within appropriate time frames. Feedback from residents was communicated to the design team for consideration, residents were notified no changes were being made at that time however if under further review major changes were accepted they would be notified.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

In February 2021, the City's path construction contractor issued a standard two week notice for commencement of works, at this time residents again questioned the Latham Street crossing. The design was reviewed by the Manager Engineering where an appropriate solution was found and designs updated, with this update communicated to the affected residents and those residents who raised the issue.

Following this initial round of consultation and resolution of issues raised, objections regarding cutting through the three unapproved aggregate crossovers were received by the City. This was responded to by phone initially and subsequently by email from the Manager Engineering and Director Technical Services as a result of escalation of the objections. The City's correspondence referenced the Council resolution and notes from the Mayor that concluded that Beach Street was not setting a precedent and also reinforced the safety and accessibility requirements for continuing paths through crossovers as the best outcome.

This response was rejected by the lead objecting resident who advised that a petition would be lodged seeking a decision by Council similar to that for the Beach Street path project. The Director Technical Services agreed to delay the completion of the path project related to the three crossovers to allow time for a petition to be presented to Council, noting that the remainder of the path construction project was completed.

**II. OTHER AGENCIES / CONSULTANTS**

No engagement with other agencies or consultants has occurred.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications.

**FINANCIAL IMPLICATIONS**

The amount of \$179,500 has been provided in the 2020/2021 budget to construct the path along Kennedy Street. Due to the delays from objections and additional design, additional costs have been incurred and the final cost is expected to be well above the planned budget. This does not include staff time for additional consultation activities and the fact that further cost increases are likely as contractors may need to remobilise and staff would need to continue to work on resolutions to complete the path project.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Exceptions to adopted Policy and Guidelines undermine community outcomes. Policy and Guidelines have been carefully created to mitigate risks to the community and council, by allowing exceptions this undermines these documents.	High likelihood with Moderate consequences, resulting in a <b>High</b> level of risk.	Continue to support Policy and Guidelines
By allowing existing non-conforming crossovers, this would require paths and kerbs to be modified to meet these levels and heights.  Non-conforming crossovers may: <ul style="list-style-type: none"> <li>• Be set too low and may cause future drainage issues</li> <li>• Impact future road surface treatments, create undulating surfaces causing hazards for path users and result in path material changes less suitable for the visually impaired</li> </ul>	Likely likelihood with Moderate consequences, resulting in a <b>High</b> level of risk.	Construct paths to current standards and guidelines to provide consistency and achieve wider community safety and accessibility benefits.

**POLICY IMPLICATIONS**

It should be noted that, given the references to Beach Street as a recent example of residents who have kept existing crossovers, the Council resolution and notes referred to in the background to this report clearly states that the Beach Street path project was a special circumstance and Council noted in the Minutes that Council would not get involved in the process in the future and that officers were to manage the path construction process.

There are significant cost and project delay consequences in allowing some crossovers to remain (including adjusting wings). This outcome would also undermine the Crossover Policy CP-110 and the Crossover Guidelines and Specifications, leading to reduced safety and accessibility for residents while increasing liability risks to the City.

Continued deviations and exceptions to Crossover Policy will set an undesirable precedent for the future and will require a complete review and major changes to the City's Policy and Guidelines and Specifications, which will compromise community safety and amenity.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City's responses to options provided in the petition are;

1. *Do the same as what they did at Beach Street Bicton by removing the wings and tying in with our existing driveways.*

Keeping existing crossovers is not recommended as this will go against current policy, guidelines and specifications. The path will then need to be redesigned and lowered to meet each independent crossover and meet each crossover level. Reducing the height of the kerb to meet the lower crossover is likely to create drainage issues where the crossover is at road level or lower and may limit future road resurfacing treatments. Changes in materials will result in losing continuity and visual representation of the path and pedestrian priority. Reinforced crossovers for residential properties are not specified as it is excessive in a residential situation and the City or service providers have a legal right to access services beneath the crossover at any time.

2. *Put the new path in normal concrete; replace the entire length of all existing concrete/aggregate at the front of the premises. This will keep everything the same colour and the rest of the driveway will be one engineered reinforced unit that allows for new falls drainage including drains and soak wells.*

Reinstatement to the property line may occur in certain circumstances to gain acceptable levels and minimise any access or drainage issues. The City does not perform works inside the resident's property due to legal and risk issues. The fall of the crossover should be as such that no additional drainage is required. The City will not be responsible for maintaining any additional drainage required for a crossover.

The City's practice is to only replace the section of crossover that is required to be modified to meet the back of the path in order to minimise the impact on the existing crossover. This is generally to the nearest expansion joint. Increasing this length to the property line in all cases would add excessive and unacceptable costs to the project. This practice is not generally undertaken on other path projects and therefore would expose the City to significant cost and equity issues.

The City's Contractors endeavour to best match existing crossover material taking age and weathering into consideration as part of the City's standard reinstatement requirements.

Examples photos taken from Kennedy Street path project and other recent path projects are provided and form an attachment to this Item.

[3917 Examples of Completed Crossovers](#)

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**CONCLUSION**

Completing the construction of the path along Kennedy Street as a continuous concrete path that cuts through all existing crossovers will provide the safest and most accessible pedestrian connection for the community.

A Council Resolution to maintain some crossovers would compromise the City's ability to construct the path to meet adopted Policies and best practice guidelines and specifications. Maintaining some crossovers in implementing the City's path capital works program would lead to increased and unrealistic resident expectations, significant additional costs and delays in timeframes for future path construction projects.

Due to the number of successful path construction projects completed to the City's current standards with community safety, accessibility and pedestrians as priority, the most cost effective and equitable solution is to construct the remaining footpath in accordance with the current design.

**OFFICER RECOMMENDATION (3917)**

**APPROVAL**

At 7:12pm Cr Barton moved, seconded Cr Wheatland –

**That the Council:**

- 1. Notes the petition received; and**
- 2. Approves the construction of the path along Kennedy Street, Alfred Cove to be completed in accordance with the current design that requires cutting through crossovers and is consistent with Council Crossover Policy CP – 110; and**
- 3. Directs the CEO to advise the lead petitioner of the above resolutions.**

**Procedural Motion**

At 7.18pm, Cr Kepert moved, seconded Cr Sandford –

**That the motion be deferred to the 18 May 2021 Ordinary Meeting of Council.**

At 7:22pm the Mayor declared the motion

**LOST (6/7)**

<b>Yes</b>	6	Cr Macphail, Cr Barton, Cr K Wheatland, Cr Sandford, Cr Kepert, Cr Pazolli
<b>No</b>	7	Cr Robartson, Cr Barber, Cr Mair, Cr Woodall, Cr Robins, Cr Fitzgerald, Mayor Gear

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3917)      APPROVAL**

At 7:12pm Cr Barton moved, seconded Cr Wheatland –

**That the Council:**

- 1. Notes the petition received; and**
- 2. Approves the construction of the path along Kennedy Street, Alfred Cove to be completed in accordance with the current design that requires cutting through crossovers and is consistent with Council Crossover Policy CP – 110; and**
- 3. Directs the CEO to advise the lead petitioner of the above resolutions.**

At 7:22pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**13.2 Petition – Landscaping and Returfing of Herb Napathally Reserve, Myaree**

A petition signed by 48 residents and 1 non-resident of the City of Melville was received on 16 April 2021 and reads as follows:

*“We the undersigned, all being electors of the City of Melville respectfully request that the Council:*

*We the local residents of Myaree, petition the City of Melville to re-landscape and re-place the playground equipment and Herb Napathally Reserve. Specifically re-turf the Reserve with new grass and update degrading play equipment and sand.”*

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 7:22pm Cr Mair moved, seconded Cr Robins –

**That the petition bearing 48 signatures of residents and 1 non-resident be acknowledged and that a report be prepared.**

**CARRIED UNANIMOUSLY (13/0)**

**14.1 ITEMS FROM THE GOVERNANCE COMMITTEE MEETING, 12 APRIL 2021**

**C21/5825 - REVIEW OF COUNCIL POLICY CP-099 RISK MANAGEMENT POLICY (REC)  
(ATTACHMENT)**

Ward	:	All
Category	:	Policy
Subject Index	:	City of Melville
Customer Index	:	Corporate Policy
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C21/5791 – Review of Council Policy CP-099 Risk Management Policy – 8 March 2021 Financial Management, Audit, Risk and Compliance Committee C16/5484 Policy Review – Corporate Services June 2018.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Alan Ferris Director Corporate 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>
<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 &amp; policies.</i>
<input checked="" type="checkbox"/>	<b>Review</b>	<b><i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i></b>
<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>

**C21/5825 REVIEW OF COUNCIL POLICY CP-099 RISK MANAGEMENT POLICY (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Risk Management policy was reviewed in conjunction with all City Risk Management documentation.
- The Risk Management Council Policy is due for review and has been updated and aligned with the standard, ISO 31000:2018 – Risk Management - Guidelines.
- The Policy was presented to the 8 March 2021 Financial Management, Audit, Risk and Compliance Committee Meeting.
- The Committee recommends the amended policy to Council for adoption.

**BACKGROUND**

A three yearly review cycle has been implemented to ensure all policies remain current. Officers have reviewed the Risk Management Policy which is due for review.

**DETAIL**

The Risk Management Council Policy has been reviewed; positions and terminology updated and aligned with, ISO 31000:2018 Risk Management – Guidelines (the Standard). The objective of this policy is to ensure a consistent risk management culture continues to be embedded within the City's operations.

The Financial Management, Audit, Risk and Compliance Committee considered the policy at its meeting of 8 March 2021 and recommends that the Council approves the attached policy [CP-099 Risk Management Policy](#), subject to:

- the inclusion of the following words into page 3 of 5 of the Policy. Under the heading of Tolerance/Risk Appetite  
*"Risk management involves coordinated activities integrated into the culture and values of an organisation to direct and control the organisation to maximise opportunities and minimise adverse effects. The City of Melville continues to focus on the identification and analysis of risk with appropriate application of mitigation strategies with insurance then being used to protect against financial loss when the realisation of a risk results in costs being incurred"*
- under the heading of Chief Executive Officer (CEO) include the following wording as dot point 6:  
*"providing the transfer of untreated risks to insurance policies."*

On the recommendation of the Committee the Policy with the committee's additions is presented to the Council for adoption.

**C21/5825 REVIEW OF COUNCIL POLICY CP-099 RISK MANAGEMENT POLICY (REC)  
(ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

No public consultation or communication is applicable.

**II. OTHER AGENCIES / CONSULTANTS**

No public consultation or communication is applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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 subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council as a result of this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Policies that are not in compliance with legislative requirements or standards lead to not following best practice within the City	<b>Medium</b>	Periodic review mitigates against outdated legislative or other relevant References.

**C21/5825 REVIEW OF COUNCIL POLICY CP-099 RISK MANAGEMENT POLICY (REC)  
(ATTACHMENT)****POLICY IMPLICATIONS**

The Risk Management Policy CP-099 outlines the City's commitment to implementing an enterprise wide risk management approach to the identification, assessment and management of all risks and opportunities associated with the performance of organisational functions and delivery of services.

The process of policy review will serve to minimise both strategic and risk management implications by ensuring the policies are consistent with current legislation.

Policy changes are highlighted in the attached Review Risk Management Policy CP-099

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options are presented as part of this report.

**CONCLUSION**

A complete review of the City's suite of risk management documentation ensures alignment with current practices and industry standards, the council policy was part of this suite.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5825) APPROVAL**

That the Council approves the attached policy [CP-099 Risk Management Policy](#), subject to:

- the inclusion of the following words into page 3 of 5 of the Policy. Under the heading of Tolerance/Risk Appetite  
*“Risk management involves coordinated activities integrated into the culture and values of an organisation to direct and control the organisation to maximise opportunities and minimise adverse effects. The City of Melville continues to focus on the identification and analysis of risk with appropriate application of mitigation strategies with insurance then being used to protect against financial loss when the realisation of a risk results in costs being incurred.”*
- under the heading of Chief Executive Officer (CEO) include the following wording as dot point 6:  
*“providing the transfer of untreated risks to insurance policies.”*

At 8:29pm the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)**

**CONFIDENTIAL LATE ITEM FROM THE GOVERNANCE COMMITTEE  
C21/5833 - CITY OF MELVILLE ORGANISATIONAL REVIEW (REC) (CONFIDENTIAL  
ATTACHMENTS)**

Item Deferred to later in the meeting.  
See page 91.

## 14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

### Disclosures of Interest

Member	Cr Barber
Type of Interest	Interest under the code of Conduct
Nature of Interest	Daughter went to Santa Maria College five years ago
Request	Stay, Discuss and Vote
Decision	Stay, Discuss and Vote

### **P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2-44) STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)**

Ward	: Bicton/Attadale/Alfred Cove
Category	: Operational
Application Number	: DA-2020-1020
Property	: Santa Maria College (2-44) Stoneham Road, Attadale
Proposal	: Local Development Plan
Applicant	: Mr T Stewart
Owner	: McAuley Property Limited
Previous Items	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Peter Prendergast Manager Statutory Planning

### **AUTHORITY / DISCRETION**

#### **DEFINITION**

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<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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When Council review decisions made by Officers.</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 (e.g. 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>

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT**

**KEY ISSUES / SUMMARY**

- The City has received a proposed Local Development Plan (LDP) for Santa Maria College for determination.
- The LDP seeks to guide future built form, landscaping and accommodate the transport needs of the school.
- The LDP has been assessed in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
- This assessment has included formal consultation with surrounding landowners via four onsite signs and letters to surrounding landowners and occupiers.
- 32 submissions were received in response to the formal consultation period.
- In accordance with Council Delegation *DA-20: Planning and Related Matters*, the proposal is referred to Council for determination
- It is recommended that the proposed LDP be approved.



**Figure 1: Aerial image of the site**

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)****BACKGROUND**

Santa Maria College, located at 2-44 Stoneham Road, Attadale (the subject site) is zoned 'Private Clubs, Institutions and Place of Worship' under Local Planning Scheme No. 6 (LPS6). The administration building and chapel have heritage significance and are listed on the City of Melville Municipal Heritage Inventory.

Since the school was established in 1938, a number of buildings have been constructed on the subject site. The developments that have occurred in recent years include the development of a new science block, a new gymnasium, and various upgrades to existing buildings on site.

The subject site is located within the residential suburb of Attadale. It is bordered by Moreing Road, Cawston Road, Roberts Road and Stoneham Road. The character of the residential area around the site is typically of single residential style with a dominance of two storey houses. In terms of its topography, the highest point on the site is in the south west corner, falling by approximately 20 metres to the low point in the north east close to the intersection of Roberts Road and Stoneham Road.

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Private Clubs, Institutions and Place of Worship
R-Code	: N/A
Use Type	: NA
Use Class	: NA

**Site Details**

Lot Area	: 67432sqm
Street Tree(s)	: Numerous verge trees to be retained
Street Furniture (drainage pits etc.)	: NA
Site Details	: Refer to Figure 1 above

**DETAIL**

The LDP for Santa Maria College was received 26th August 2020.

The LDP sets out development expectations for the whole site however provides particular attention to future development in the south west part of the college campus.

It is noted that the intent of future development at the College is to enhance the quality of education provided rather than increase student numbers.

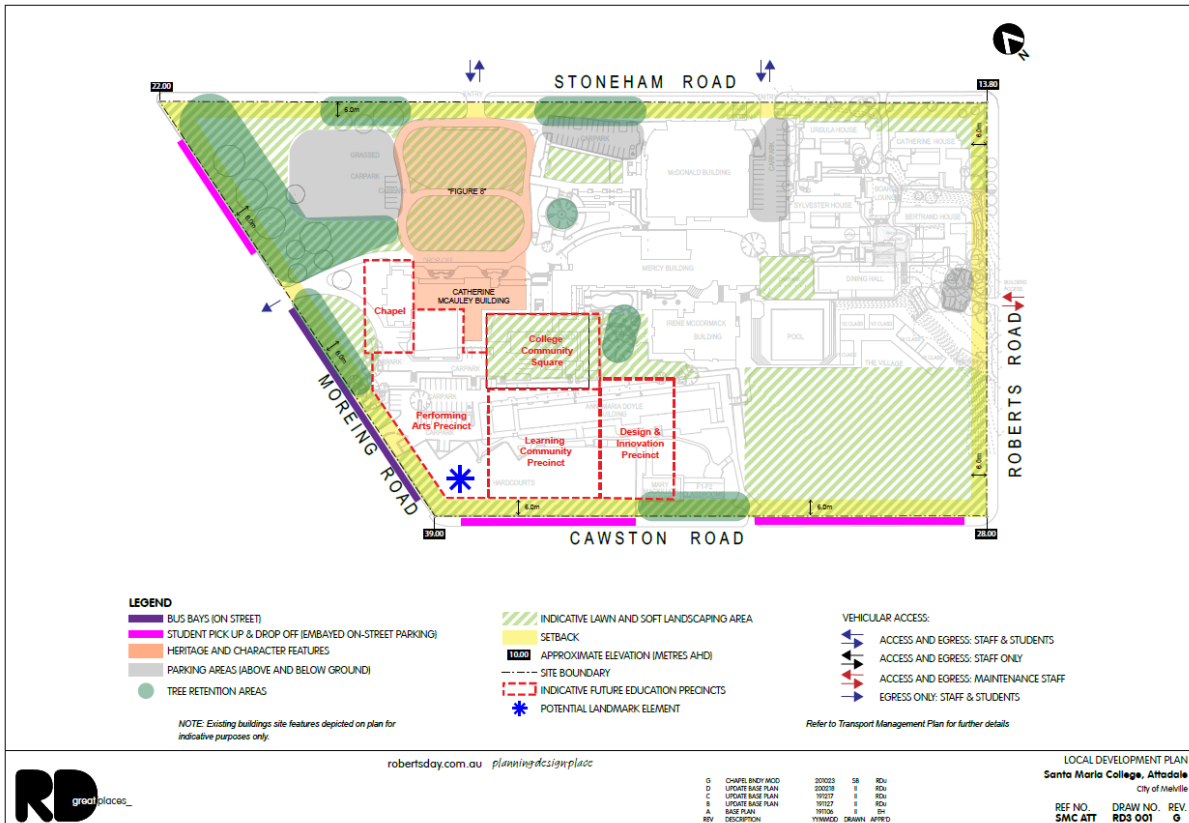
[3909 Local Development Plan](#)

[3909 Application and Plans Santa Maria College](#)

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)**

The LDP provides for the following:

- A maximum building height, in metres and storeys for all new buildings;
- The formalisation of the overflow carpark located in the north-western corner of the site;
- The provision of bus bays (on-street) along Moreing Road;
- Student pickup and drop off (embayed on-street parking) along Cawston Road;
- Tree retention zones; and
- Indicative landscaping.



**Figure 2: Proposed Local Development Plan**

Under the provisions of LPS6, development on land zoned ‘Private Clubs, Institutions and Place of Worship’, is required to have regard to a LPD which has been approved by the City in accordance with the regulations.

A LDP is a mechanism used to coordinate and assist in achieving built form outcomes by linking lot design to future development. Under Clause 46 Schedule 2 Part 6 of the Regulations, an LDP is defined as being “a plan setting out specific and detailed guidance for a future development including one or more of the following – (a) site and development standards that are to apply to the development: (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relate.

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
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The process associated with the development of the Santa Maria College LDP commenced in mid-2019. The discussions that have taken place since, between the City’s Officers and the applicant in conjunction with the College itself, have resulted in a negotiated outcome, and the LDP as now proposed is a product of that negotiation.



Figure 3: Indicative Staging of Development

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required:	Yes
Neighbour’s Comment Supplied:	Yes
Reason:	In accordance with Schedule 2 Cl. 50 of the Regulations
Support/Object:	4 submissions received in support of the LDP. 28 submissions received opposing the LDP.

The proposed LDP was advertised via four signs on site and letters sent to adjoining landowners and occupiers. The LDP was also advertised via Melville Talks. The following table contains a summary of the submissions received during the consultation period.

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)**

<b>Issues Raised</b>	<b>Officer's Comments</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
Building Heights	<p>The college site is currently zoned Private Clubs, Institutions, and Place of Worship under the provisions of LPS6. The LDP will include development controls to ensure building height is broadly consistent with that of the adjoining residential streets.</p> <p>The main body of this report explores the issues of building height in greater detail.</p>	Not Uphold
Building Design, Heritage and Character	<p>The proposed LDP contains provisions aimed at ensuring future buildings on site integrate well with the existing built form in respect of design, heritage and character.</p> <p>The main body of this report explores these issues in greater detail.</p>	Not Uphold
Protection and Provision of Landscaping	<p>Since the consultation stage, the LDP has been amended to allow tree retention and additional landscaping. Through the LDP landscaping will be a key focus on the campus. This will include existing trees and vegetation as well as proposed landscaping.</p>	Not Uphold
Provision and Location of Parking, Traffic Considerations	<p>Student numbers will generally remain as current. The improvements to car parking student pick up/drop off, and public transport stops represent a net gain for the college site and how it operates, particularly at peak a.m. and p.m. periods.</p> <p>The main body of this report explores traffic related issues in greater detail.</p>	Not Uphold

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)**

**II. OTHER AGENCIES / CONSULTANTS**

Required: Yes  
Reason: In accordance with Schedule 2 Cl. 50 of the Regulations  
Support/Object: Support

<b>Agency</b>	<b>Summary of Submission</b>	<b>Support/ Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Department of Planning, Lands and Heritage	No objections in principle subject to any future development of the site to be in accordance with the LDP to assist orderly and proper planning to facilitate future development.	Support	Noted	Uphold
	The LDP identifies a number of precincts for future development, while the original 1938 McAuley Building and 1956 Chapel will be retained. The Heritage Council shall be kept informed of the proposal as it progresses through the planning stages.	Support	Noted	Uphold

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville determine not to approve the LDP, the applicant has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There is no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

There are no policy implications associated with this LDP.

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)****COMMENT**

An LDP is a prerequisite for any future development on this site. This requirement for an LDP is provided for by LPS6.

The LDP focuses on a number of specific design elements that will combine to inform how future development takes place. These elements include:

- building height,
- landscaping and tree retention,
- building setback provisions.

The application of these controls will ensure that any future development at the college site occurs with due regard for the residential environment within which the college is located, whilst also meeting the requirements of the college to enhance the quality of education that is provided there.

**Building Setbacks and Design Guidance**

The LDP will require that buildings are setback from all adjoining street boundaries a minimum of 3m (average 6m).

The design clauses associated with the setback requirements will guide future development and ensure that it relates well to adjoining street(s). Development is proposed to be respectful of existing buildings on site, particularly those with heritage status. The 6 metre average setback is consistent with the development controls for the residential zoned land opposing the college site. It allows for good levels of separation between the school buildings and the surrounding dwellings and helps to create a consistent streetscape. The setback provisions will also allow for suitable opportunities for landscaping.

**Open Space and Landscaping**

The LDP sets out minimum open space requirements, a minimum level of soft landscaping and requires tree retention on site. A landscaping plan shall accompany each Development Application lodged to the City.

The minimum amount of open space and landscaping, combined with the retention of trees will ensure the school site will comfortably fit in its residential context. Building bulk will be managed through the use of maximum building heights and setbacks.

**Building Heights**

The proposed LDP sets out maximum building heights in AHD and number of storeys as viewed from the street. These height limits are reflective of the heights allowable in the City of Melville Local Planning Policy LPP 1.9 Height of Buildings which applies to the surrounding residential properties, whilst allowing a landmark element, in the south west corner.

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
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The building heights clause proposed in the LDP, indicates that buildings will be designed to present as two-storey when viewed from the street with the exception of the landmark building which would present as three storeys. All building heights across the site are measured in reference to the Australian Height Datum (AHD). The tower of the McAuley building will remain the highest point on the site at 48.7m AHD. Minor structures (such as a spire) may be permitted at greater height where the amenity of the locality is not compromised.

The building heights clause will ensure that new buildings on site are designed to respect the surrounding residential character which as stated is dominated by large single dwellings up to three storeys in height.

The proposed building height of 42 AHD for the chapel precinct is not supported. This would result in a building at a height of approximately 11 metres above the natural ground level (NGL) in this portion of the site, well beyond what is expected for a two storey development. On that basis, a condition has been recommended requiring the LDP be amended and height reduced to 39 AHD. This is 8 metres above (NGL) and more consistent with the expectation for a two storey development. It is also noted that the LDP indicates that there are no major changes proposed to the height of the chapel and as such additional height limits are not required.

**Parking**

A technical note prepared by consultant traffic engineers was submitted in support of the proposed LDP. This has been reviewed by traffic engineers from the City's Technical Services Directorate and is supported in principle. As noted earlier in the report no additional students are proposed to be accommodated on site as part of the future works and as such no additional vehicle movements are anticipated. The existing road network is considered to be capable of accommodating the additional development identified as part of the LDP, and the existing student and staff numbers. The number of formal parking bays on site exceeds the minimum requirements of the City's Local Planning Policy LPP1.6 Car parking and Access. While the future development of the performing arts precinct will result in the removal of some formal bays, the subject site will continue to exceed the minimum requirement. It is noted that informal/overflow car parking can be provided when the need arises on the extensive grassed area at the north western corner of the site.

The provisions of the LDP are aimed at improving traffic flow, via the future provision of embayed parking for cars and buses and the provision of pick up and drop off spaces. While the LDP contemplates the provision of an above ground car park at the north western corner of the site, this is not supported by the City in principle. An above ground or raised car park may have a detrimental impact on the streetscape and as such a condition of approval is recommended to remove this reference. It is observed that a raised parking area would require development approval in any instance and could be considered at a later date. The traffic report indicates that a multi-level car parking is not anticipated to be constructed until at least 2028. Irrespective, it is recommended that this element of the LDP be deleted.

The technical note provides a number of recommendations for the management of the provision of parking on site and some indicative designs for bus and car bays within the road reserve. Conditions are recommended to ensure the management of the site occurs in

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
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accordance with these recommendations and that detailed design drawings are submitted to the City prior to the construction of any bays.

**Servicing**

Waste collection, service areas, plant and conditioning equipment will be required to be screened from view from the street, and waste will be managed and collected in accordance with a Waste Management Plan. This aspect of the LDP will be assessed accordingly once a development application is lodged for each development precinct.

**Response to Objections**

The proposed LDP has been assessed in accordance with Part 6 of the Planning and Development (Local Planning Scheme) Regulations 2015. As part of this process the application was advertised via mail to all of the adjoining property owners. In addition, four signs were erected, one on each of the street boundaries, and details of the LDP were advertised to the broader community via Melville Talks.

As outlined above, 32 comments were received during the consultation period, of which 28 raised concerns and four wrote in support. The objections primarily focused on building height, building size and traffic. As such, additional comments below are provided in response to those issues raised:

**Building Height**

The intent of the LDP is to ensure the future building on this site does not have a negative impact on the adjoining properties in terms of building bulk and scale. This has been achieved by limiting the height of proposed buildings as described above. Subject to a condition relating to the chapel, the building heights are considered to be appropriate to allow for buildings which present as two storeys to the street, consistent with the existing residential character. The proposed buildings will not exceed the height of the Catherine McAuley Building ensuring that, views of significance will be retained. Due to the topography of the land, the surrounding residential dwellings on the southern side of Cawston Road and the western side of Moreing Road generally have a natural ground level which is higher than the ground levels associated with the school. In this way adverse impacts from development at the college are avoided in respect to those particular properties.

The proposed building heights are considered to be appropriate for the site having regard to the context and are recommended for approval on that basis.

**Building Size**

Building size is a product of height and setbacks. The impact of a buildings size can also be influenced by the quality and quantity of open space including landscaping that is provided as well as tree retention.

The LDP incorporates requirements in respect of building height, setbacks, and landscaping, all of which combine to manage proposed development outcomes in the interests of both the college and third party stakeholders such as adjoining residents. For example the proposed LDP imposes particular height and setback parameters for development in the SW portion of the college site which are designed to allow for development to take place without

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
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compromising residential amenity levels enjoyed by the owners and occupiers of those adjoining residential properties.

The LDP also requires that for any development in this SW area there will be suitable complementary landscaping and open space, as well as tree retention where relevant and possible.

**Street Setbacks**

A number of submissions opposed the proposed street setbacks on the basis these would impact on the surrounding properties in relation to bulk and access to views. The proposed development controls in the LDP, require an average front setback of 6.0 metres and also require future buildings to interact well with the street. These setbacks are consistent with the development controls for the residential properties on the opposing sides of the streets and will allow for the creation of a consistent streetscape.

**Traffic and Parking**

A number of submitters raised concern in relation to traffic and parking issues in the locality which are attributed to the operation of the college. As discussed above, student numbers are not proposed to increase and the total number of car parking bays on site meets the minimum required under the provisions of the City's LPP1.6.

Officers from the City's Technical Services Directorate have reviewed the supporting information provided by the applicant and support the findings in principle. Conditions of approval are proposed requiring the provision of appropriate information prior to commence of works in the verge and the implementation of the parking management recommendations.

On the basis of the information provided the proposed LDP is supported by the City in terms of traffic and parking and is recommended for approval on that basis.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The application is recommended for approval for the reasons outlined in the Comment section above. Should the Council have an alternate view, the application could be refused, or alternatively, additional conditions may be imposed.

If the Council refuses to grant approval, or, if any conditions of planning approval are imposed that are considered to be unreasonable, the applicant can apply to have the decision of the Council reviewed by the SAT.

**CONCLUSION**

The proposed LDP establishes controls applicable to the site in order to facilitate site specific built form outcomes which respond to the site context. The LDP is considered to have the potential to deliver a range of building types for the school and wider community while upholding the objectives of the City's planning framework. On that basis, it is recommended that the LDP be approved with a number of conditions.

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)**

OFFICER RECOMMENDATION (3909)

APPROVAL

That the Council:

1. approves the Local Development Plan for Santa Maria College (2 – 44) Stoneham Road, Attadale, in accordance with Schedule 2 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions
  - a) Within 30 days of the date of this approval, the following changes are to be made to the LDP:
    - Reference to above ground parking in the legend on page 1 of the LDP shall be removed.
    - The maximum building height limit for the chapel shall be reduced to 39.00 AHD
  - b) Prior to the commencement of any work within the road reserve, including the construction of bus embayments and on street parking, detailed design drawings shall be submitted to and approved in writing by the City.
  - c) The recommendations contained in the Parking Management section of the Traffic and Transport Technical Note prepared by Porter Consulting Engineers (3 July 2020) shall be implemented within 60 days of the date of this approval to the ongoing satisfaction of the City.
2. directs that, in accordance with Schedule 2 Clause 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the approved Local Development Plan be made available to view by the public.

**Amendment**

At 7:24pm Moved Cr Barber, Seconded Cr Barton –

That the Officer Recommendation be amended to include:

- Part a) to include a third point – On site student parking for up to 30 cars to be included in the plans.
- After b) insert a new point c) “a satisfactory traffic management plan for Moreing and Roberts Road be submitted to the Council for approval.”
- Renumber the existing point c) to be d).

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)**

At 7:44pm the mover and seconder consented to voting on the Amendment points separately.

**Amendment**

**COUNCIL RESOLUTION**

At 7:24pm Moved Cr Barber, Seconded Cr Barton –

**That the Officer Recommendation be amended to include:**

- **Part a) to include a third point – On site student parking for up to 30 cars to be included in the plans**

At 7:52pm the Mayor declared the motion

**CARRIED (8/5)**

<b>Yes</b>	8	Cr Barber, Cr Barton, Cr Katy Mair, Cr Margaret Sandford, Cr Matthew Woodall, Cr Nicholas Pazolli, Cr Nicole Robins, Mayor Gear
<b>No</b>	5	Cr Robartson, Cr Macphail, Cr Wheatland, Cr Fitzgerald, Cr Kepert

**Amendment**

At 7:24pm Moved Cr Barber, Seconded Cr Barton –

- **After b) insert a new point c) “a satisfactory traffic management plan for Moreing and Roberts Road be submitted to the Council for approval.”**
- **Renumber the existing point c) to be d).**

At 7:57pm the Mayor declared the motion

**LOST (6/7)**

<b>Yes</b>	6	Cr Barber, Cr Barton, Cr Mair, Cr Sandford, Cr Pazolli, Mayor Gear
<b>No</b>	7	Cr C Robartson, Cr Macphail, Cr Wheatland, Cr Woodall, Cr Robins, Cr Fitzgerald, Cr Kepert

**P21/3909 - LOCAL DEVELOPMENT PLAN – SANTA MARIA COLLEGE (2–44)  
STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)****Substantive Motion as Amended****COUNCIL RESOLUTION**

At 7:23pm Cr Woodall moved, seconded Cr Wheatland –

**That the Council:**

1. **approves the Local Development Plan for Santa Maria College (2 – 44) Stoneham Road, Attadale, in accordance with Schedule 2 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:**
  - a) **Within 30 days of the date of this approval, the following changes are to be made to the LDP:**
    - **Reference to above ground parking in the legend on page 1 of the LDP shall be removed.**
    - **The maximum building height limit for the chapel shall be reduced to 39.00 AHD**
    - **On site student parking for up to 30 cars to be included in the plans**
  - b) **Prior to the commencement of any work within the road reserve, including the construction of bus embayments and on street parking, detailed design drawings shall be submitted to and approved in writing by the City.**
  - c) **The recommendations contained in the Parking Management section of the Traffic and Transport Technical Note prepared by Porter Consulting Engineers (3 July 2020) shall be implemented within 60 days of the date of this approval to the ongoing satisfaction of the City.**
2. **directs that, in accordance with Schedule 2 Clause 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the approved Local Development Plan be made available to view by the public.**

At 7:58pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M21/5826 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY  
(AMREC) (ATTACHMENT)**

Ward	:	All
Category	:	Policy
Subject Index	:	Council Administration
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 Item	:	M21/5751 New Council Policy – CP-113 Attendance at Events Policy – 21 July 2020 Ordinary Meeting of Council
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

**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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**M21/5826 – NEW COUNCIL POLICY – CP-013 ATTENDANCE AT EVENTS POLICY  
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Local Government Legislation Amendment Bill 2019 introduced new reforms including the requirement for local governments to develop an Attendance at Events policy.
- The policy is to provide a framework for the acceptance of invitations to events and transparency to the community for the acceptance of those invitations.
- The Chief Executive Officer is required to publish, on the City's website, a policy for attendance at events.
- This matter was considered at the 21 July 2020 Ordinary Meeting of Council and deferred for further discussion.
- Elected Members comments have been gathered via the Elected Member Electronic Discussion Board.
- The proposed Council Policy CP-113 has been revised to reflect the comments of Elected Members.
- It is recommended that the Council adopt the new Policy CP-113 Attendance at Events.

**BACKGROUND**

In June 2019 the Local Government Legislation Amendment Act was passed by Parliament, which introduced a range of new legislative requirements for local governments, including the requirement for local governments to introduce a policy that provides a framework and transparency to the community for the acceptance of invitations events.

This matter was presented to the Ordinary Meeting of Council held 16 June 2020, where it was deferred with a request for a presentation. A presentation on the proposed policy was provided at the Agenda Briefing Forum held 7 July 2020 and the matter presented to the 21 July 2020 Ordinary Meeting of Council where it was deferred for Elected Members' discussion at an Elected Members Information Session.

Due to the number of items referred to Elected Member Information Sessions and a heavy meeting schedule in late 2020, this matter was directed to the Elected Members Electronic Discussion Board for comment.

The comments of Elected Members received through the discussion board process and comments made by Elected Members at previous meetings have been taken into consideration in the review of proposed policy

**DETAIL**

New Section 5.90A of the Local Government Act 1995 requires that local governments have an Attendance at Events Policy. The purpose of the policy is for the Council to actively consider the purpose of and benefits to the community of Elected Members and the CEO attending events.

**M21/5826 – NEW COUNCIL POLICY – CP-013 ATTENDANCE AT EVENTS POLICY  
(AMREC) (ATTACHMENT)**

A new Council Policy has been developed to meet this legislative requirement and provides a framework for the acceptance of invitations to various events and clarifies who will pay for tickets or the equivalent value of the invitation.

The proposed new policy addresses:

- attendance at any events, including concerts, conferences, functions or sporting events, or other hospitality occasions, whether free of charge, part of a sponsorship agreement, or paid by the local government
- that attendance at events should not interfere with the business of the Council.
- any payments for, or expenses associated with, attendance at events;
- where an event is not covered by the policy, attendance at the event will require Council approval, by simple majority. The policy provides the details of the matters that should be taken into consideration when making a decision.

It should be noted that under the new legislation, any gifts, including tickets to events not covered by this policy, that are over \$1,000 and are associated with a matter before the Council will require the approval of the Minister for:

- the Elected Member to participate; or
- for the Chief Executive Officer, if the recipient, to provide advice on the matter.

The original proposed policy was based on the template policy provided by the Department of Local Government, and has been revised taking into consideration comments of Elected Members made at meetings and through the discussion board process. The proposed policy is attached [5825 CP-113 Attendance at Events](#) with revisions shown in red text. Revisions include:

- The inclusion of “prescribed event” in the definition of ‘event’
- The rewording of the description of events
- Inclusion of sub-section headers
- Revision of the section dealing with “Disclosures Associated with Attendance at Approved Events”
- Reordering of paragraphs
- Update to reference documents

Since the original proposed policy was presented, the new *Local Government (Model Code of Conduct) Regulations 2021* have come into effect and the implications and reference to this has been considered in the revision process.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No comment from the community has been sought.

**M21/5826 – NEW COUNCIL POLICY – CP-013 ATTENDANCE AT EVENTS POLICY  
(AMREC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

No comment has been sought from other agencies or consultants, however the Department of Local Government, Sport and Cultural Industries provided information and circulars in relation to the implementation of the new *Local Government Legislation Amendment Act 2019*, specifically in relation to the development and implementation of an Attendance at Events policy that has been taken into consideration.

**STATUTORY AND LEGAL IMPLICATIONS**

New section 5.90A of the *Local Government Act 1995* requires the City to prepare and adopt a policy that deals with matters relating to the attendance of Elected Members and the Chief Executive Officer at events and comply with any prescribed requirements relating to the form or content of the policy.

**Division 6A – Attendance at events****5.90A. Policy for attendance at events**

- (1) In this section -  
**event** includes the following -
  - (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including -
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* *Absolute majority required.*
- (3) A local government may amend\* the policy.  

\* *Absolute majority required.*
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

An absolute majority decision of the Council is required to adopt and amend a policy and the adopted policy must be published on the City's website.

Invitations to events may be considered gifts and the implications of the Disclosure of Financial Interests and Gifts covered in Division 6 of the *Local Government Act 1995* and Part 6 of the *Local Government (Administration) Regulations 1996* should be taken into consideration.

**M21/5826 – NEW COUNCIL POLICY – CP-013 ATTENDANCE AT EVENTS POLICY  
(AMREC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

Attendance at events and associated expenses generally align with Elected Members training and development and are covered under existing budget considerations. The new legislative requirements associated with attendance at events can be accommodated under existing budget allocations.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Risk of not providing sufficient transparency to the community of the events attended by Elected Members and the Chief Executive Officer when considering and providing advice on matters before the Council.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Development and implementation of the relevant policies and registers and publication on the City's website for improved transparency.

**POLICY IMPLICATIONS**

This is a proposed new Council Policy as required under the Local Government Act 1995. The intention of the new policy is to provide guidance and support to the Elected Members and the Chief Executive Officer when attending events to ensure appropriate disclosure and transparency to the community.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options as this is a legislative requirement. This matter was addressed in the Department of Local Government's 2020 Compliance Annual Return, with the City recording a non-compliance on this matter for that year.

**CONCLUSION**

The City is committed to meeting its legislative requirements and to transparency and accountability to its community. The adoption of this policy will establish guidelines for appropriate disclosure and management of the acceptance of invitations to events for Elected Members and the Chief Executive Officer.

**M21/5826 – NEW COUNCIL POLICY – CP-013 ATTENDANCE AT EVENTS POLICY  
(AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5826)  
ABSOLUTE MAJORITY**

At 8:00pm Cr Barton moved, seconded Cr Fitzgerald –

**That the Council adopts new Council Policy CP-113 – Attendance at Events as attached [5825 CP-113 Attendance at Events](#) and that this policy be published on the City of Melville website.**

At 8:00pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M21/5827 - POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Subject Index : Corporate Policy  
 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 : M19/5664 Policy Review Management Services Ordinary Meeting of Council 19 February 2019.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Corrine Newman  
 Governance Coordinator

**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 checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**M21/5827 - POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Policies within the responsibility of Management Services have been reviewed and are presented to the Council for consideration.
- Policies that are designated as a Council Policy require the approval of the Council, whereas those that are designed Operational Policies are approved by the Chief Executive Officer.
- This report presents six Council policies that have been reviewed as part of the review cycle and are considered to require no amendment or minor amendments and recommends their adoption by the Council.

**BACKGROUND**

The City of Melville has a number of Council Policies, for which Management Services is responsible. These policies are generally reviewed as needed or on a biennial basis. Where substantial changes to a Council Policy are required, a report dealing with that policy is presented to the Council for consideration.

This report considers six policies that require no amendment or minor changes.

**DETAIL**

Policies, not specifically related to planning process, are held under one of two categories being, Council Policies or Operational Policies. Council Policies require the approval the Council and relate to:

- Strategic Positioning of Council
- Executive Functions
- Legislative Functions
- Termination payments in excess of contracts of employment or Award provisions

All other Policies are considered to be operational in nature and have therefore been designated as Operational Policies. Operational Policies are those which are made in relation to the functions of the Chief Executive Officer as prescribed by Section 5.41 of the *Local Government Act 1995* (the Act) as follows:

- Management of the day to day operations of the local government;
- The employment, management supervision, direction and dismissal of other employees;
- Ensuring that records and documents of the local government are properly kept for the purposes of the Act and any other written law; and
- Policy on powers and duties delegated by the Council within the limitations as set by Section 5.43 of the Act.

Where applicable, procedures are prepared for policies to define a sequence of activities, tasks or steps that when undertaken in the sequence laid down produces the described result or outcome.

**M21/5827 - POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENT)**

This report provides comment on six policies from Management Services. These policies require minimal changes for update.

- **CP-004 Use of Elected Member Meeting Rooms and Facilities**

Minor changes to:

- Amend “Council” to “City” in Policy Objective.
- Provide for the CEO to authorise the use of the Council Chambers.

Proposed changes CP-004 Use of Elected Member Meeting Rooms and Facilities are shown in attached [5827 CP-004 Use of Elected Member Meeting Rooms and Facilities](#)

- **CP-011 Ex Gratia Payments**

Minor changes to provide clarity in making ex gratia payments

Proposed changes CP-011 Ex Gratia Payments are shown in attached [5827 CP-011 Ex Gratia Payments](#)

- **CP-016 Civic and Ceremonial Functions**

Minor changes to:

- reference the City’s mission.
- provide for the Council to resolve not to hold Annual functions
- Amend “Council” to “City of Melville” in section 7

Proposed changes CP-016 Civic and Ceremonial Functions are shown in attached [5827 CP-016 Civic and Ceremonial Functions](#)

- **CP-020 Nomination on WALGA Committees**

Minor change to amend title to “Nomination to WALGA Committees”.

Proposed changes CP-020 Nomination on WALGA Committees are shown in attached [5827 CP-020 Nomination to WALGA Committees](#)

- **CP-022 Disaster Appeals**

No change.

[5827 CP-022 Disaster Appeals](#)

- **CP-083 Provision of Mayoral Vehicle**

Minor changes to:

- reference the City’s updated Light Fleet Vehicles Policy.

Proposed changes CP-083 Provision of Mayoral Vehicle are shown in attached [5827 CP-083 Provision of Mayoral Vehicle](#)

**M21/5827 - POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

There was no community consultation undertaken in relation to these policy reviews.

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with other agencies or consultants was not required for this report.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications associated with this report.

**FINANCIAL IMPLICATIONS**

Any financial implications associated with the policies referenced in this report provide guidance for items included and considered by the Council as part of the Budget adoption process each year.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Administration undertakes functions delegated by the Council in a manner not in accordance with the Council's objectives or strategic vision causing reputational risk.	<b>Minor to Major</b> depending on the issue.	Ensure sound Council Policies are in place which provide clear guidance and direction to the administration.
Policies are not in accordance with legislative requirements or contemporary standards	<b>Minor</b> consequences which are possible, resulting in a <b>Medium</b> level of risk.	Periodic review mitigates against outdated legislative or other relevant references.

**POLICY IMPLICATIONS**

All Council Policies are reviewed on a regular basis. The policies the subject of this report require no or minor changes as a consequence of the review.

**M21/5827 - POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council has policies to provide direction to officers on the Council's resolved position on various matters. The direction provides for a consistent approach in dealing with similar matters and provides confidence that the City has a consistent approach and that decisions are made in a structured manner.

The removal of Council Policies would no longer provide the guidance to officers and may result in similar matters having different responses or outcomes.

**CONCLUSION**

The six policies the subject of this report have been reviewed by officers and no changes or minor changes that do not substantially change the intent of the policy are recommended. Any recommended changes to policy are consistent with current legislation.

**OFFICER RECOMMENDATION (5827)****APPROVAL**

At 8:01pm Cr Sandford moved, seconded Cr Fitzgerald –

**That the Council approves the review of, and amendments to the following policies:**

- **5827 CP-004 Use of Elected Member Meeting Rooms and Facilities**
- **5827 CP-011 Ex Gratia Payments**
- **5827 CP-016 Civic and Ceremonial Functions**
- **5827 CP-022 Disaster Appeals**
- **5827 CP-020 Nomination on WALGA Committees**
- **5827 CP-083 Provision of Mayoral Vehicle**

*At 8:24pm Cr Barber left the meeting and returned at 8:27pm*

*At 8:24pm Cr Woodall Left the meeting and returned at 8:28pm*

*At 8:28pm Cr Wheatland left the meeting and returned at 8:29pm.*

**M21/5827 - POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENT)**

**Amendment**

**COUNCIL RESOLUTION**

At 8:03pm Cr Pazolli seconded Cr Kepert –

**That Council Policy M21/5827 CP-022 Disaster Appeals:**

- **be amended to include the words “and no more than \$70,000 per annum” after one “incident/appeal”**

At 8.22pm, the Mayor declared the motion

**CARRIED (7/6)**

<b>Yes</b>	7	Cr Macphail, Cr Barber, Cr Mair, Cr Woodall, Cr Robins, Cr Kepert, Cr Pazolli
<b>No</b>	6	Cr Robartson, Cr Barton, Cr Wheatland, Cr Sandford, Cr Fitzgerald, Mayor Gear

*At 8.08pm Cr Robins left the meeting and returned at 8.09pm.*

*At 8.08pm Mr Ferris left the meeting and returned at 8.10pm.*

**Substantive Motion As Amended**

**COUNCIL RESOLUTION**

**APPROVAL**

At 8:01pm Cr Sandford moved, seconded Cr Fitzgerald –

**That the Council approves the review of, and amendments to the following policies:**

- [5827 CP-004 Use of Elected Member Meeting Rooms and Facilities](#)
- [5827 CP-011 Ex Gratia Payments](#)
- [5827 CP-016 Civic and Ceremonial Functions](#)
- [5827 CP-022 Disaster Appeals](#) **subject to a further amendment to include the words “and no more than \$70,000 per annum” after the words “one incident/appeal”.**
- [5827 CP-020 Nomination on WALGA Committees](#)
- [5827 CP-083 Provision of Mayoral Vehicle](#)

At 8:25pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**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>
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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies.</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 (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	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 17 February 2021 up to and including 15 March 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**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
CS2161	City of Melville and Niche Living Projects Pty Ltd	Agreement to defer construction to plate height: Lot 97 (No. 25) Fletcher Street, Applecross	6059851
CS2165	City of Melville and Western Australian Planning Commission	To adopt the Local Planning Scheme Amendment No. 8 Report to rezone 11 Cottrill Street, Myaree from R40 to Public Open Space as per Council resolution at 16 February 2021 Ordinary Meeting of Council.	6140490

**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 17 February 2021 up to and including 15 March 2021.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (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 17 February 2021 up to and including 15 March 2021.**

At 8:29pm the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)**

**C21/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 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**

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<input checked="" type="checkbox"/>	<b>Information</b>	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 28 February 2021 for the Council's information and noting.

**C21/6000 - INVESTMENT STATEMENTS FOR 28 FEBRUARY 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 28 February 2021.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2021</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$49,229,558
Reserve		\$147,502,108
Trust		\$-
Citizen Relief		\$217,779
<b>TOTAL</b>		<b>\$196,949,445</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$9,953,801
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$162,220,473
Units (Local Govt Hse)		\$175,171
<b>TOTAL</b>		<b>\$196,949,445</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$151,273,558
A Category (A+ to A-)	A+	\$10,000,716
	A	
	A-	
BBB+ Category	BBB+	\$35,500,000
Units (Local Government House)		\$175,171
<b>TOTAL</b>		<b>\$196,949,445</b>

**C21/6000 - INVESTMENT STATEMENTS FOR 28 FEBRUARY 2021 (REC)**

Exposure to an individual institution is limited according to Council policy and in February 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	4.32%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 26,000,000	13.20%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 9,500,000	4.82%	15.00%	✓
CBA	AA-	AA Category	\$ 40,000,000	20.31%	30.00%	✓
Macquarie	A+	A Category	\$ 7,000,716	3.55%	25.00%	✓
NAB	AA-	AA Category	\$ 44,731,998	22.71%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 3,000,000	1.52%	25.00%	✓
Westpac	AA-	AA Category	\$ 58,041,560	29.47%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.09%	100.00%	✓
<b>TOTAL</b>			<b>\$ 196,949,445</b>	<b>100%</b>		

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

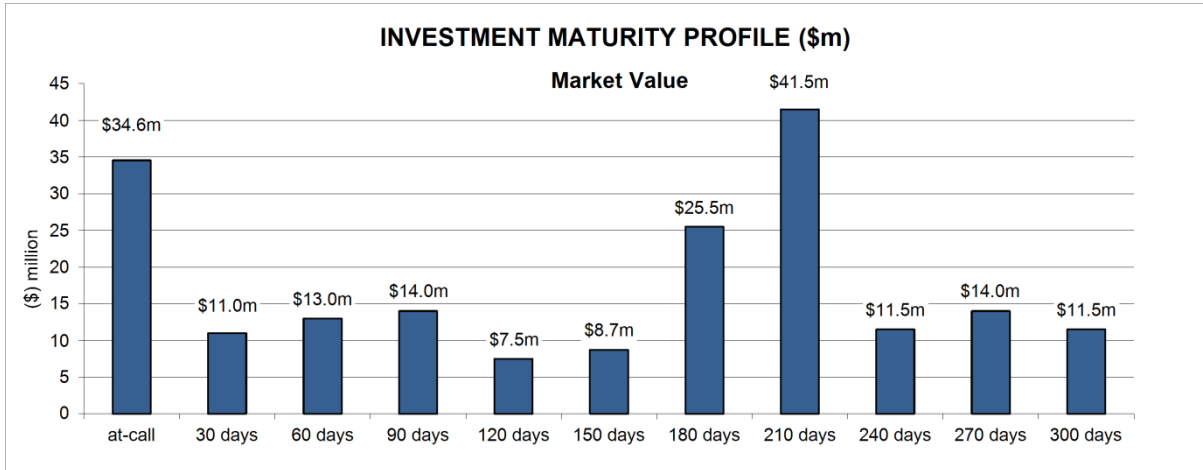
The City's investments were invested within the limits allowed within each category rating for February 2021.

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-)	\$ 151,273,558	77%	80%	✓
A Category (A+ to A-)	\$ 10,000,716	5%	50%	✓
BBB+ Category	\$ 35,500,000	18%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
<b>TOTAL</b>	<b>\$ 196,949,445</b>	<b>100%</b>		

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

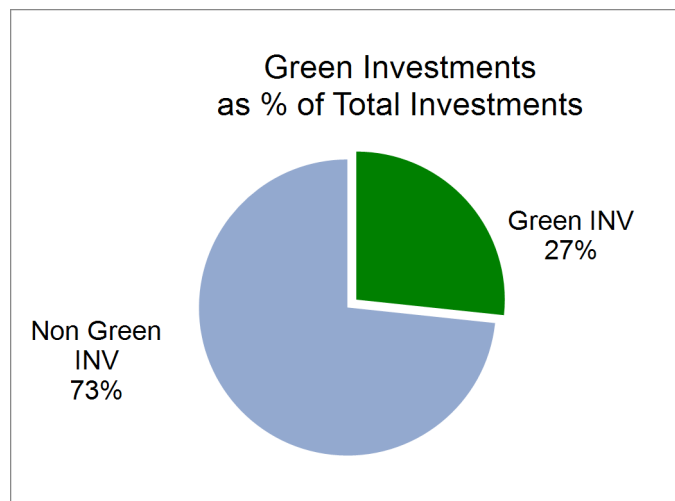
**C21/6000 - INVESTMENT STATEMENTS FOR 28 FEBRUARY 2021 (REC)**

The below graph summarises the maturity profile of the City’s investments at market value as at 28 February 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 28 February 2021 was \$52,500,000 or 27% of total investment holdings being in non-fossil fuels institutions, compared to \$50,500,000 (25%) in January 2021. The total investments holding for February and January were \$196,949,445 and \$203,149,445 respectively.



**C21/6000 - INVESTMENT STATEMENTS FOR 28 FEBRUARY 2021 (REC)**

<b>Green Investment with financial institutions</b>			
<b>Institution</b>	<b>Credit Rating</b>	<b>Credit Rating Category</b>	<b>Funds held at period end</b>
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 9,500,000
CBA	AA-	AA Category	\$ 40,000,000
Suncorp	A+	A Category	\$ 3,000,000
<b>TOTAL</b>			<b>\$ 52,500,000</b>

Green investments are invested in three banks listed above in the table based 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 oversight 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 28 FEBRUARY 2021 (REC)**

**FINANCIAL IMPLICATIONS**

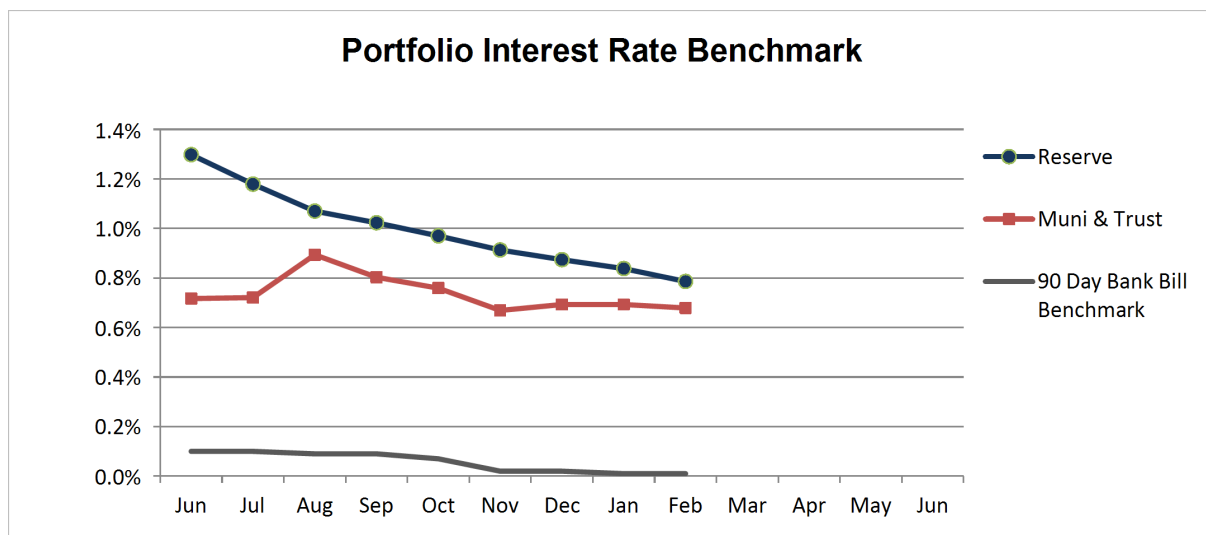
For the period ending 28 February 2021:

- Investment earnings on Municipal and Trust Funds were \$223,770 against a year to date budget of \$50,000 representing a positive variance of \$173,770.

The weighted average interest rate for Municipal and Trust Fund investments as at 28 February 2021 was 0.68% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.

- Investment earnings on Reserve accounts were \$899,598 against a year to date budget of \$950,000 representing a negative variance of (\$50,402) as a result of lower interest rate than expected rates.

The weighted average interest rate for Reserve account investments as at 28 February 2021 was 0.79% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.



**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 28 FEBRUARY 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 0.68% to 0.79% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.

27% 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 25% in January 2021.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)****NOTING**

**That the Council notes the Investment Report for the period ending 28 February 2021.**

At 8:29pm the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)**

**C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 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>
<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 &amp; 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 September be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

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

**C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 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. 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 February including Payment Register numbers, Cheques: 789-790, Electronic Funds Transfers batches: 683-694, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 April 2021.

A total of \$8,467,211 direct creditor payments were paid during the month, of which, 16% of payments were paid to suppliers located within the City of Melville and 22% to suppliers within the South West Group. This is compared to 13% and 17% respectively of the total of \$11,430,878 direct creditor payments made in January 2021. Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoice.

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

<b>SCHEDULE OF PAYMENTS MADE FEBRUARY 2021</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b>Cheques</b>	Chq Payment Register No. 789 and 790	\$24,114.26
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	(\$6,276.41)
<b>Electronic Funds Transfers</b>	EFT Payment Register No. 691,692 and 694	\$8,200,823.89
	EFT Payment on Restricted Funds Register No. 104 and 693	\$166,653.15
	Less Cancelled EFTs	\$0.00
		<b>\$8,385,314.89</b>
<b>Direct Debits</b>	Bank Fees	\$14,605.52
	Ampol Fuel	\$66,065.03
<b>Direct Payments</b>		\$1,225.18
	<b>Total Direct Creditor Payments</b>	<b>\$8,467,210.62</b>
<b>Payroll</b>	Total Pay 16 and 17	\$3,531,467.42
		<b>Total Payroll</b>
<b>Cards</b>	Corporate Cards	\$11,115.05
	Purchase Cards	\$41,364.45
	American Express	\$6,011.78
	<b>Total Card Payments</b>	<b>\$58,491.28</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$12,057,169.32</b>

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

*Schedule of Payments Made continued.*

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>			
<b><i>Interfund Transfers</i></b>			
Loan			\$0.00
Citizen Relief Trust			(\$2,000.00)
Citizen Relief Operating			\$2,000.00
Municipal			(\$7,500,000.00)
Reserve			\$7,500,000.00
Trust			\$0.00
<b><i>Total Interfund Transfers</i></b>			<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>			
Westpac Bank	17/02/2021		\$1,500,000.00
Commonwealth Bank	22/02/2021		\$2,000,000.00
Westpac Bank	23/02/2021		\$2,800,000.00
Commonwealth Bank	23/02/2021		\$2,000,000.00
<b><i>Total New Investments</i></b>			<b>\$8,300,000.00</b>
<b>Grand Total</b>			<b>\$20,357,169.32</b>

Details of the payments are shown in attachment [6001 Payment Details February 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 FEBRUARY 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 \$20,357,169.32.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)                      NOTING**

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

At 8:29pm the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)**

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2021 (REC)  
(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**

<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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**KEY ISSUES / SUMMARY**

<p>This report presents:</p> <ul style="list-style-type: none"> <li>• The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 28 February 2021 and recommends that they be noted by the Council.</li> <li>• The variances for the month of 28 February 2021 and recommends that they be noted by the Council.</li> <li>• There are no budget amendments presented for the month due to the Mid-Year Budget Review being underway.</li> </ul>
--

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2021 (REC)  
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 28 February 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 \$49.2m. 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 of \$147.5m in January 2021. 75% 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 28 February 2021 was \$52,500,000 or 27% of total investment holdings, compared to \$50,500,000 (25%) in January 2021.
- There were no budget amendments processed during February due to the Mid-Year Budget Review being underway. The Mid-Year Budget Review is undertaken in accordance with the *Local Government (Financial Management) Regulations 1996* and was presented to Council in March.
- Rates raised year to date were \$81,240,283 with a positive variance of \$773,387 compared to the year to date annual budget of \$80,466,896. This is due mainly to a material positive variance in residential interim rates.

Rates collection progress for February is at 81.7% which is below the month end target of 84.5%.

- Total debtor collections for February equalled \$4,045,364. The year to date total outstanding debtors (including all rates and sundry debtors) is \$21,734,124. The YTD cash collection of \$94,942,916 from total debtors is lower than the cash collection of \$108,266,928 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. The final rates instalment is due 19 March 2021.
- Total waivers under the Community Stimulus Package adopted by Council on 9 April 2020, is \$1,021,464 over multiple financial years.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY for February 2021 (REC)  
(ATTACHMENTS)**

**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.

**Variances**

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

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

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

**Revenue**

Rates raised as at February were \$81,240,283, compared to a year to date budget of \$80,466,896. The positive variance of \$773,387 is due mainly to a positive variance of \$1,017,143 of interim rates raised, off set by \$243,756 of unbudgeted rate concessions.

**Rates Collection**

<b>SUMMARY OF RATE DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	102,158,688	102,148,569	0%	115,949,030	-12%
Payments Received	(90,569,259)	(87,172,295)	4%	(102,802,795)	-12%
Closing Balance	20,731,916	24,118,761	-14%	19,753,917	5%

Total rate debtor collections for the month equalled \$3,396,964 .

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2021 (REC)  
(ATTACHMENTS)**

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	1,238,865	1,238,865	0%	432,873	186%
Invoices Raised	4,114,277	3,764,280	9%	5,891,476	-30%
Receipts	(4,373,657)	(3,725,257)	17%	(5,464,133)	-20%
Prepayments	22,722	23,172	-2%	39,076	-42%
Closing Balance	1,002,208	1,301,060	-23%	899,291	11%

Sundry debtor balances decreased by \$298,852 over the course of February from \$1,301,060 to \$1,002,208 of which total 90 day sundry debtors over \$1,000 for the month is \$596,560, representing 60% of total sundry debtors.

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

Not applicable for February 2021.

**Budget Amendments**

There were no budget amendments in February 2021 due to the Mid-Year Budget Review being underway.

**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.

\$195.50 for hall hire was written off under delegated authority in the month of February due to inability to locate or contact the debtor.

\$126.90 in administration fees for the period 1 July to 31 August were written off due to COVID-19.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2021 (REC)  
(ATTACHMENTS)**

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

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity By Nature and Type	<a href="#"><u>6002A Statement Nature Type February 2021</u></a>
Rate Setting Statement by Program	<a href="#"><u>6002B Rate Setting Program February 2021</u></a>
Rate Setting Statement by Sub-Program	<a href="#"><u>6002C Rate Setting Sub Program February 2021</u></a>
Representation of Net Working Capital	<a href="#"><u>6002E Net Working Capital February 2021</u></a>
Reconciliation of Net Working Capital	<a href="#"><u>6002F Reconciliation Net Working Capital February 2021</u></a>
Summary of Rates Debtors	<a href="#"><u>6002L Summary Rate Debtors February 2021</u></a>
Graph Showing Rates Collections	<a href="#"><u>6002M Rates Collections Graph February 2021</u></a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#"><u>6002N General Debtors Aged 90days February 2021</u></a>

**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:

**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;*

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2021 (REC)  
(ATTACHMENTS)**

- (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 February 2021](#): Notes on Statement of Variances in excess of \$50,000 by Sub-Program.

**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.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2021 (REC)  
(ATTACHMENTS)**

**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 28 February 2021.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)**

**NOTING**

**That the Council:**

**Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 28 February 2021 as detailed in the following attachments:**

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

At 8:29pm the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)**

**16. EN BLOC ITEMS****COUNCIL RESOLUTION**

At 8:28pm Cr Barber moved, seconded Cr Barton–

**That the recommendations for the following items be carried En Bloc:**

- C21/5825 Review of the Council Policy CP-099 Risk Management Policy**
- M21/5000 Common Seal Register**
- C21/6000 Investment Statements February 2021**
- C21/6001 Schedule of Accounts Paid February 2021**
- C21/6002 Statements of Financial Activity for February 2021**

At 8:29pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

**17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****17.1 Motion with Notice - Review of Policy CP-017 - Legal Representation Policy Elected Members and Employees**

An Officer Advice Note has been provided for this Motion [Advice Note Motion 17.1](#)

**Motion**

At 8.31pm Cr Kepert, Seconded Cr Pazolli –

**The Council will review CP-017 Legal Representation Policy Elected Members and Employees.**

At 8:40pm, Cr Kepert, with the consent of Cr Pazolli, withdrew the motion.

**Reasons for the Motion with Notice as provided by Cr Kepert**

There has been much confusion as to the intended purpose of this policy and inconsistencies in its application.

*At 8:34pm Cr Barton left the meeting and returned at 8:36pm.*

*At 8:35pm Ms Davis left the meeting and returned at 8:37pm.*

## 17.2 Amendment to Tree Policy CP-029

### Motion

1. That the third last dot point in clause 3.3 of the Tree Policy CP-029 be amended to include the words underlined below to enable a verge tree to be removed at the resident's sole cost for removal and replacement by a minimum of one tree:

*When agreed by any three out of the following four persons: the Mayor, the relevant Ward Councillors and Director of Technical services in writing.*

2. That the second last dot point in clause 3.3 of the Tree Policy CP-029 be amended to include the word underlined below:

*If majority agreement cannot be reached between any three out of the following four persons: the Mayor, the relevant Ward Councillors and Director of Technical services, a report which outlines the advantages and disadvantages of removing the tree is to be presented to the Council in order for the Council to determine whether or not the tree will be removed. This report is to include the results of notification of local residents seeking feedback on request for tree removal as part of the City's community consultation process.*

3. This tree policy CP-029 shall be reviewed by Council at the April 2022 Ordinary Meeting of Council to assess the effect of the above amendments, if any, on the number of tree removal requests over the next 12 months.

### Procedural Motion

#### **COUNCIL RESOLUTION**

At 8:41pm Cr Woodall moved, seconded Cr Barton –

**That the motion 17.2 Amendment to Tree Policy OP-029 be withdrawn and brought to an Elected Member Workshop at the earliest opportunity.**

At 8:44pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

### Reasons for the Motion as provided by Cr Sandford

1. The current version of Tree Policy CP-029 was last reviewed on 17 March 2020.
2. The number of tree removal requests in the 13 months since 17 March 2020 have been few, probably because, under clause 3.3 of the Policy, the cost of removal and replacement of the tree by a minimum of one tree is to be borne solely by the resident, which seems to have deterred many residents.
3. By reason of the current policy requiring the unanimous agreement of all four of the Mayor, the two Ward Councillors, and the Director of Technical Services, a few tree removal requests have had to be brought before Council to decide, which uses up a lot of Council and officer's time in the lead up the OMC, at the ABF and at the OMC.

17.2 *Amendment to Tree Policy CP-029, continued*

5. The persons best placed to assess the merits of the tree removal request are the Ward Councillors, as not all members of Council will have had the opportunity to visit the subject site and communicate with the resident prior to the OMC.
6. The current tree policy has proven to be very inflexible in its application in that, unless the tree is shown to be very unhealthy, the Director of Technical Services' position has been to refuse all tree removal requests. This has caused the affected residents to feel aggrieved.
7. This inflexibility is leading to residents being limited by the location of verge trees, and delayed, in their house design plans; and irreversibly stuck with a legacy of poorly positioned trees planted on the verge by their predecessors, such as in the case of the March 2021 OMC tree removal request. Consequently, in many cases, people take matters into their own hands resulting in trees that are unwatered and left to die, irreparably damaged, or poisoned. In these cases, because the City cannot prove who caused the tree to die or why the tree died, the cost of removal and replacement is solely borne by the City, such as in McCallum Crescent, Ardross in 2020.
8. Elderly residents, such as in the Polglass Way tree removal request of 2020, are left to struggle with dealing with tree debris which they are physically or financially incapable of keeping to a minimum. The Aged Care Assistance Fund is limited in its scope.
9. The proposed amendments to the tree removal policy are unlikely to significantly affect the extent of the tree canopy and will lead to replanting of up to two trees for one in locations, and of a species, which will cause homeowners less stress and work and increase their amenity. On the other hand, it is noteworthy that, in letters from the City to residents of March 2021 about the [Releaf Melville Program 2022](#), it is stated that the program aims to establish a minimum of **1** tree per verge, but that residents can opt out if they would prefer not to have a street tree planted on the verge outside their home at this time.
10. This motion provides for a review of the proposed amendments to the tree policy after 12 months to enable Council to make such further amendments, if any, to the tree policy as Council may think fit, having regard to the City's record of tree removal requests over the next 12 months.

### 17.3 Amendment to Policy LPP 1.12 Child Care Premise & Family Day Care

The Officers have provided an Advice note in relation to this matter [Advice Note Child Care Premise](#)

#### Motion

At 8:47pm Cr Pazolli moved, seconded Cr Kepert –

**That Council requests that the Chief Executive Officer amend Local Planning Policy 1.12 – Child Care Premise and Family Day Care, by inserting a new item (c) under “Section 3.1 Undesirable characteristics” as follows:**

**(c) Sites located on Primary Distributor or Regional Distributor Roads**

At 9:09pm during discussion and debate the mover and the seconder consented to the inclusion of the words “(as per WAPC Planning Policy 72)”.

#### **COUNCIL RESOLUTION**

At 8:47pm Cr Pazolli moved, seconded Cr Kepert –

**That Council requests that the Chief Executive Officer amend Local Planning Policy 1.12 – Child Care Premise and Family Day Care, by inserting a new item (c) under “Section 3.1 Undesirable characteristics” as follows:**

**(c) Sites located on Primary Distributor or Regional Distributor Roads (as per WAPC Planning Policy 72)**

At 9:09pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

#### **Reasons for the Motion as provided by Cr Pazolli**

1. There have been two recent DAP applications for Child Care Centres located on sites fronting Canning Highway in Bicton (Harris Rd) and Applecross (Matheson Rd). Neighbours and the associated communities strongly objected to the location of these child care centres adjacent to residential homes and, though the associated City of Melville planning officers’ RARs recommended refusal of the development applications, the Metro Central South JDAP passed the DAs 3 votes to 2.
2. At the Harris Rd Bicton JDAP meeting the City of Melville planners were asked to confirm that LPP 1.12 clause 3.1 Preferred site characteristics (e): “Located on Local Distributor and District Distributor Roads”, did not support locating child care premises on higher order Primary Distributor Roads. The City of Melville planners stated that the LPP 1.12 did not exclude the location of child care centres on Primary Distributor Roads like Canning Highway, Leach Highway, South St, etc.
3. At the City of Melville February 16, 2021 Ordinary Meeting of Council, the Matheson Rd, Applecross JDAP DA was called up as a late item & the officer recommendation to

refuse the DA be supported with the following amendment passed unanimously by the Council:

“That the officer recommendation be amended to include the following words at the end:

That the Council advises that the correct interpretation of Clause “3.1(e) of Local Planning Policy LPP1.12 “Child Care Premises and Family Day Care” which states the

“3.1 Preferred site characteristics ...e) Located on either Local Distributor and District Distributor Roads”

means that Child Care Premises within a Residential Zone should be located on either a Local or District Distributor Road.

Canning Highway is not a preferred location for the siting of a Child Care Premises as it is a Primary Regional Road. “

4. This amendment reflecting, the Council's interpretation of the Local Planning Policy, did not result in the JDAP accepting the officer RAR recommendation to refuse the DA.
5. This Notice of Motion now seeks to amend the wording of LPP 1.12 to make locating a Child Care Centre in residential areas on a Primary Distributor Road an “Undesirable characteristic” in terms of LPP 1.12, that hopefully should require the JDAP to reject such future Child Care Centre applications.

*At 8.47pm Cr Robartson left the meeting and returned at 8.49pm.*

*At 8.47pm Cr Mair left the meeting and returned at 8.49pm.*

*At 8.50pm Ms Young left the meeting and returned at 8.53pm.*

*At 9.10pm Cr Kepert left the meeting and returned at 9.12pm.*

**18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Disclosures of Interest

Member	Cr Wheatland
Type of Interest	Interest under the code of Conduct
Nature of Interest	Friends in the affected area, friends are closely impacted by event.
Request	Stay, Discuss and Vote
Decision	Stay, Discuss and Vote

**18.1 Donation to the Lord Mayor’s Distress Relief Fund – Tropical Cyclone Seroja Appeal**

**COUNCIL RESOLUTION**

At 9:11pm Cr Wheatland moved, seconded Cr Sandford –

**That Cr Mair be permitted to present to the Council a Motion Without Notice relating to Donation to the Lord Mayor’s Distress Relief Fund – Tropical Cyclone Seroja Appeal**

At 9:11pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (7/6)**

<b>Yes</b>	7	Cr Macphail, Cr Barton, Cr Wheatland, Cr Mair, Cr Sandford, Cr Robins, Mayor Gear
<b>No</b>	6	Cr Robartson, Cr Barber, Cr Woodall, Cr Kepert, Cr Fitzgerald, Cr Pazolli

Motion

At 9:13pm Cr Mair moved, seconded Cr Wheatland –

**That the Council:**

- 1. Authorise the Chief Executive Officer to make a donation to the Lord Mayor’s Distress Relief Fund – Tropical Cyclone Seroja Appeal 2021 on behalf of the community of the City of Melville for the amount of \$50,000.**
- 2. Increase the Disaster Relief Account by the appropriate amount to enable this Motion.**

At 9:27pm, during discussion and debate the mover and seconder consented to include the budget information “from Account 200.29805 – Budget Savings” at the end of point 2.

18.1 Donation to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja Appeal

**Motion**

At 9:13pm Cr Mair moved, seconded Cr Wheatland –

**That the Council:**

1. Authorise the Chief Executive Officer to make a donation to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja Appeal 2021 on behalf of the community of the City of Melville for the amount of \$50,000.
2. Increase the Disaster Relief Account by the appropriate amount to enable this Motion – from Account 200.29805 – Budget Savings.

**Amendment**

**COUNCIL RESOLUTION**

At 9:22pm Cr Pazolli moved, seconded Cr Barber -

**That the motion be amended by**

- **reducing the amount to \$20,000; and**
- **including a point 3 “that further support to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja Appeal be considered after 1 July 2021.”**

At 9:53pm the Presiding Member declared the motion

**CARRIED (8/5)**

<b>Yes</b>	8	Cr Robartson, Cr Macphail, Cr Barber, Cr Sandford, Cr Woodall, Cr Robins, Cr Kepert, Cr Pazolli
<b>No</b>	5	Cr Barton, Cr Wheatland, Cr Mair, Cr Fitzgerald, Mayor Gear

*At 9.25pm Mr Hitchcock left the meeting and returned at 9.36pm.*

At 9.28pm the Mayor vacated the Chair to participate in the debate on the amendment.

At 9:28pm Cr Barton assumed the Chair.

At 9.35pm Cr Barton vacated the Chair.

At 9:35pm the Mayor assumed the Chair.

*At 9.35pm Mr Ferris left the meeting and returned at 9.38pm.*

18.1 Donation to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja Appeal

**Substantive Motion As Amended**

**COUNCIL RESOLUTION**

At 9:13pm Cr Mair moved, seconded Cr Wheatland –

**That the Council:**

- **Authorise the Chief Executive Officer to make a donation to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja Appeal 2021 on behalf of the community of the City of Melville for the amount of \$20,000.**
- **Increase the Disaster Relief Account by the appropriate amount to enable this Motion - 200.29805 – Budget Savings**
- **That further support to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja Appeal be considered after 1 July 2021.**

At 10:00pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (10/3)**

<b>Yes</b>	10	Cr Robartson, Cr Macphail, Cr Barber, Cr Barton, Cr Wheatland, Cr K Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Mayor Gear
<b>No</b>	3	Cr Woodall, Cr Robins, Cr Kepert

**Reasons for the Motion Without Notice as provided by Cr Mair**

1. Tropical cyclone Seroja has ripped across a 1,000km (621-mile) stretch of Western Australia, leaving a trail of damage as it moved from Kalbarri and Geraldton on the coast, and inland across the state's Wheat Belt.
2. Insurers estimate the cost to be \$25million on insured property only but there are many more affected who were not insured adequately or insured at all. They are often the disadvantaged.
3. The State Premier Mark McGowan said that the cyclone was "like nothing we have seen before in decades". The Bureau of Meteorology said it was the first cyclone to hit some affected areas since 1956.
4. There are lengthy building delays of up to two years and residents are unsure where they will live. Farmers also are in need of assistance.
5. Insurance, State and Federal contributions to help do not cover all the personal needs of people in their recovery and the Councils in those areas will be devastated in terms of their ability to financially assist those in need.
6. Since the City of Melville is very financial and in the very lucky position of not having been affected by the cyclone, it is not a big impost to give \$50,000 to help those in desperate need.
7. City of Perth administers the Lord Mayor's Distress relief Fund (LMDRF) which is Western Australia's official State Emergency Fund. The fund was established in 1961 in conjunction with the State Government to provide financial assistance to individuals for the alleviation of relief and distress, suffering and personal hardships brought about by disaster or emergency in Western Australia.
8. The City of Perth administers the LMDRF and all administration costs are absorbed by the City of Perth, so 100 percent of all funds raised go directly to those in need. So the City of Perth Council has already made a substantial contribution to this disaster relief already and we should follow suit.

**T21/3917 – LATE ITEM - RESPONSE TO PETITION TO RECONSIDER THE DESIGN OF  
A NEW PATH IN KENNEDY STREET, ALFRED COVE (REC) (ATTACHMENT)**

Item brought forward  
See page 18

**19. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED****COUNCIL RESOLUTION**

At 10:03pm Cr Kepert moved, seconded Cr Wheatland –

**That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, to be discussed behind closed doors.**

At 10:03pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

*At 10.03pm the Mayor adjourned the meeting.  
At 10.08pm the Meeting resumed.*

**CONFIDENTIAL LATE ITEM FROM THE GOVERNANCE COMMITTEE  
C21/5833 - CITY OF MELVILLE ORGANISATIONAL REVIEW (REC) (CONFIDENTIAL  
ATTACHMENTS)**

Ward	: All
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	: C21/5828 City of Melville Organisational Review (Governance Committee 12 April 2021) M21/5811 Late Item from the Governance Committee – Review of the City of Melville (Ordinary Meeting of Council 16 February 2021)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Alan Ferris – Director Corporate Services Matt Hawes – Procurement & Contracts Coordinator

**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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**CONFIDENTIAL LATE ITEM FROM THE GOVERNANCE COMMITTEE  
C21/5833 - CITY OF MELVILLE ORGANISATIONAL REVIEW (REC) (CONFIDENTIAL  
ATTACHMENTS)****KEY ISSUES / SUMMARY**

- The Council at its Ordinary Meeting on 16 February 2021 resolved to begin the process of advertising for independent consultants to conduct an organisational review of the City of Melville.
- The City advertised RFT202119 City of Melville Organisational Review.
- The three shortlisted Respondents from RFT202119 City of Melville Organisational Review were invited to make a presentation to a meeting of the Governance Committee on 12 April 2021.

**BACKGROUND**

The Council and Executive Leadership Team of the City consider that an independent evaluation of the City's operations will benefit the organisation in achieving its objective of meeting the current and future community expectations in the most effective and cost efficient way.

The City therefore sought tenders from a suitably qualified and experienced professional consultant or consulting firm to undertake a review that:

- identifies strengths and weaknesses in the City's current service delivery;
- assesses the costs and efficiencies associated with current services;
- identifies the need for new services, new modes of service delivery and future gaps considering changing needs of the community; and
- identifies and records opportunities for improvement that will ensure community outcomes are delivered in accordance with the Strategic Community Plan and other key informing documents.

**DETAIL**

The City advertised a Request for Tender on 24 February 2021, closing on 18 March 2021 with the City receiving 7 offers.

The submissions from the various respondents were analysed by an Evaluation Panel comprising of various City Officers including the Chief Executive Officer and Directors. 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 for Tender, being:

- Demonstrated Experience,
- Key Personnel,
- Methodology, and
- Sustainable Procurement.

**CONFIDENTIAL LATE ITEM FROM THE GOVERNANCE COMMITTEE  
C21/5833 - CITY OF MELVILLE ORGANISATIONAL REVIEW (REC) (CONFIDENTIAL  
ATTACHMENTS)**

The Evaluation Panel reviewed all respondent offers and prepared an Evaluation Report, identifying recommended respondent. The Confidential Evaluation Report – 5828 RFT202119 Evaluation Report was distributed to Elected Members on Friday 1 April 2021. The three short-listed respondents were invited to make a presentation to the Governance Committee held 12 April 2021.

Committee Members were provided with an evaluation workbook which included a scoring matrix to complete during the presentations. Prior to the first presentation committee members were advised to make notes on each presentation and consider a score for each of the qualitative criteria.

Following the completion of all three presentations it was intended that the Procurement and Contracts Coordinator would work with Committee members to identify a consensus score for each respondent. After the presentations the Committee had an overall discussion on the process, the level of local government experience and provided views on the three different presentations based on the information provided in the tender documents and the presentations. The Committee felt it did not have sufficient information to determine a consensus position, with the Governance Committee resolving to seek further information from all tenderers, not just the shortlisted tenders.

In particular the Committee requested further information be sought from all tenderers on their local government experience and the key personnel that would be involved in the review. This additional information would be provided to the Governance Committee for further consideration and recommendation to the Council.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

No stakeholder engagement 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".*

**CONFIDENTIAL LATE ITEM FROM THE GOVERNANCE COMMITTEE  
C21/5833 - CITY OF MELVILLE ORGANISATIONAL REVIEW (REC) (CONFIDENTIAL  
ATTACHMENTS)**

**FINANCIAL IMPLICATIONS**

Pre-Tender Estimate	\$100,000 for Stage 1 \$200,000 for Stage 2
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 this project relate only to the consequences of not procuring the Services through a tender, the Western Australian Local Government Association (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.

**POLICY IMPLICATIONS**

Council Policy CP-023 Procurement of Products or Services.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternative option would be for the Council to resolved not to accept any tenders and to conclude this tender process and commence a new procurement,

**CONCLUSION**

The organisational review is a significant project for the City and the City has to be confident that the respondent can deliver to meet the expectations of the key stakeholders. It was acknowledged in discussions prior to the tender being advertised that there are limited organisational reviews of this magnitude being undertaken across the local government sector.

Whilst the Evaluation Panel was satisfied that the shortlisted consultants had demonstrated that they have the good overall experience, appropriate key personnel and use effective methodologies there were concerns raised about the level of specific local government experience.

Whilst all three shortlisted consultants presented well the Committee also expressed concerns around the levels of specific local government experience.

**CONFIDENTIAL LATE ITEM FROM THE GOVERNANCE COMMITTEE  
C21/5833 - CITY OF MELVILLE ORGANISATIONAL REVIEW (REC) (CONFIDENTIAL  
ATTACHMENTS)**

The Confidential attachments are included as RFT202119 Evaluation Report and were provided to Elected Members under confidential cover.

The Committee has now resolved to recommend to the Council to seek further information from all tenders.

**COMMITTEE RESOLUTION (5833)****APPROVAL**

That the Council seek further information from all tenderers including:

- a full CV of key personnel and proposed time to be committed to the City of Melville Review; and
- additional details of local government experience on a project of this size and scope.

**Reject And Replace**

At 10:10pm Cr Barton moved, seconded Cr Barber –

**That the Council reject the Committee resolution and replace it with, that the Council:**

- a) As per Local Government (Functions and General) Regulations 1996, Regulation clause 18 (5) declines to accept any tender submitted to Tender RFT202119.**
- b) Requests the CEO to prepare a report to the Council with alternative options as to how to further progress an organisational review.**

At 10:22pm, during discussion and debate, the mover and the seconder consented to the inclusion of the words “and the scope of the organisational review” at the end of point b).

**COUNCIL RESOLUTION**

At 10:10pm Cr Barton moved, seconded Cr Barber –

**That the Council reject the Committee resolution and replace it with, that the Council:**

- a) As per Local Government (Functions and General) Regulations 1996, Regulation clause 18 (5) declines to accept any tender submitted to Tender RFT202119.**
- b) Requests the CEO to prepare a report to the Council with alternative options as to how to further progress an organisational review and the scope of the organisational review.**

At 10:24pm the Mayor declared the Motion

**CARRIED UNANIMOUSLY (13/0)****Reasons for the Reject and Replace**

All presented offers failed to give the council confidence in regards to relevant experience with a review of a large local government and with the breadth of scope of the organisational review requested by the City.

**COUNCIL RESOLUTION**

At 10:24pm Cr Macphail moved, seconded Cr Kepert –

**That the meeting comes out from behind closed doors.**

At 10:24pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

At 10:24pm no members of the public returned to the meeting and the Mayor advised the meeting that in relation to Item C21/5833 - City of Melville Organisational Review the Council unanimously resolved:

**That the Council reject the Committee resolution and replace it with, that the Council:**

- a) As per Local Government (Functions and General) Regulations 1996, Regulation clause 18 (5) declines to accept any tender submitted to Tender RFT202119.**
- b) Requests the CEO to prepare a report to the Council with alternative options as to how to further progress an organisational review and the scope of the organisational review.**

**20. CLOSURE**

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 10:27pm.