

MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
TUESDAY, 14 DECEMBER 2021
COMMENCING AT 6.30PM

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

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

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: 17 DECEMBER 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 invited Cr Tomas Fitzgerald to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

Mayor Honourable G Gear

3. IN ATTENDANCE

Cr T Fitzgerald (Deputy Mayor)
Cr K Wheatland
Cr G Barber, Cr J Edinger
Cr N Robins, Cr D Macphail
Cr M Woodall (*from 6:31pm*)
Cr J Spanbroek
Cr N Pazolli, Cr C Ross
Cr K Mair, Cr M Sandford

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

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

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

At the commencement of the meeting, there were 51 members of the public in the Council Chambers, 9 members of the public and one representative from the Press in attendance electronically.

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 6:31pm Cr Woodall entered the meeting.

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

Nil.

6.2 Questions Taken on Notice**6.2.1 Mr S Kepert, Mt Pleasant**

I refer to pages 6-10 of the minutes of the Ordinary Meeting of Council 21st September 2021 regarding the public questions asked by Mr R Aubrey of Leeming:

Question 1

Why did the City's officers insert false responses to the Council's responses to public questions asked by Mr R Aubrey of Leeming when these are not the answers given by the Council at that meeting?

6.2.1 Mr S Kepert, Mt Pleasant, continued.

Response

The responses provided at the Ordinary Meeting of Council held 21 September 2021 were provided by former Councillor Kepert at the meeting, with the consent of the Mayor as Presiding Member and then further responses were provided by the CEO. As former Cr Kepert repeatedly interjected when the CEO was attempting to provide those further verbal responses the Mayor as Presiding Member adjourned the meeting and on the resumption of the meeting requested that the Administration publish their answers in the Minutes of the meeting. The Administrations answers are factually correct.

Question 2

Was the Council notified prior to the 21 September 2021 Ordinary Meeting of Council that the City's officers were attempting to insert their own untruthful answers or did they simply perform the action in the hope the Council would not notice?

Response

No – as stated above the factual responses were provided by the Administration as requested by the Mayor as Presiding Member of the meeting.

Question 3

Why are the footnotes inserted by the City's officers preceded with the statement "The Administration's Response as requested by the Presiding Member" when the Presiding Member made no such requests?

Response

The Presiding Member made the following statement at the September Ordinary Meeting of Council, which can be found at 13:30 of the audio recording available on the [City's website](#).

"I've made a decision that if we allow the CEO to go on, it is highly likely that Cr Kepert may interject again so I'm going to ask the CEO to respond in the minutes."

Question 4

Why are the Council's answers to these public questions preceded with the statement "Response as provided by Cr Kepert" when they are the Council's actual and truthful answers to Mr R Aubrey of Leeming's public questions?

Response

The responses in Public Question Time of Meeting are not answers of the Council. In this case former Cr Kepert undertook to provide responses as the questions related to him and the Administration needed to provide further clarifications. Separate response titles were therefore required to differentiate the Administration's response from the Councillors response.

6.2.1 Mr S Kepert, Mt Pleasant, continued.

Question 5

Why did the City's officers remove text from the Council's response to the public question #9 asked by Mr R Aubrey of Leeming, (found on page 9 of the minutes) by removing the statement "... and the question is derogatory and offensive" which was part of the Council's response to Mr Aubrey's incorrect and misguided statement that Cr Kepert "fail(ed) to declare a financial interest"?

Question 6

Why did the City's officers remove text from the Council's responses to the public question #10 asked by Mr R Aubrey of Leeming (found on page 9 of the minutes) by removing the statement "... and the question is derogatory and offensive" which was part of the Council's response to Mr Aubrey's incorrect and misguided statement that Cr Kepert "failed to meet his obligations..."?

Response to 5 and 6

Former Cr Kepert provided a written copy of his responses to the Governance Team immediately prior to the Ordinary Meeting of Council held 21 September 2021. These written responses were used in the production of the minutes of the meeting that were published on the City's website on 24 September 2021. The minutes provide a summary of responses as required by Clause 11 of the *Local Government (Administration) Regulations 1996*.

Following the publishing of the minutes, former Cr Kepert submitted to the CEO a request for the minutes to be changed. At the Ordinary Meeting of Council held 12 October 2021, former Cr Kepert moved that the Minutes of the Ordinary Meeting of Council held 21 September 2021 be amended, the motion was lost and the minutes were confirmed as a true and accurate record.

Question 7

Why did the City's officers remove the Council's response to public question #11 asked by Mr Aubrey of Leeming (found on page 10 of the minutes) and replace it with the untruthful statement "Cr Kepert did not provide a response to this question" when the Council's response "The role of the Mayor is set out in section 2.8 of the Local Government Act 1995" was given by the Council at the 21 September 2021 Ordinary Meeting of Council, was clearly captured on audio recording of that meeting and is even accessible on the City's own website?

Response

This was an administrative oversight and a report to Council to consider amending the minutes has been included as a Late Item on the Agenda of this Ordinary Meeting of Council held on Tuesday 14 December 2021.

Question 8

Regarding public question #11, why did the City's officers insert their own false text which was not the Council's answer to Mr Aubrey's public question, "On what grounds did Mayor George Gear dispense of his obligations as Mayor of the City of Melville in making the statement in the said article 'I'm not even a part of this' particularly given the officers' text has no relevance whatsoever to Mr Aubrey's public question and is fundamentally incorrect?"

6.2.1 Mr S Kepert, Mt Pleasant, continued.**Response**

The Administration response relates to the statutory obligations and responsibilities of the CEO. This statement clarifies that the Mayor does not have a part or obligation in referring any alleged non-compliances of the Standard Panel's Orders to the State Administrative Tribunal (SAT).

Question 9

Why did the officers in their inserted text refer to a "non-compliance with a Standards Panel order" when such an action has never occurred by any Melville Councillor as has been proven and now finally understood by the officers who took legal action against a Councillor?

Response

In accordance with clause 5.118 of the Local Government Act 1995 the CEO, not the Mayor, of the local government is required to refer matters to the State Administrative Tribunal. This response is for the purpose of clarifying that it was the obligation of the CEO to refer the matter, not the Mayor.

Question 10

Has the administration or Council apologised to Melville's ratepayers for repeatedly misinforming the Council and public on the matter and wasting City funds and Council's time on a misguided failed legal action against a Councillor?

Response

Neither the Administration nor the Council has misinformed the public on this matter which was finally concluded when former Cr Kepert undertook the training that was ordered by the Standards Panel and then subsequently the SAT.

6.3 Questions without Notice**6.3.1 Mr S Green, Greater Melville Community Association**

Please submit the following Questions to Mayor Gear.

It is concerning for the community when a single entity is responsible for the selection and funding of 6 of our current 13 elected members. This is particularly true when these councillors are elected on the back of expensive, highly coordinated advertising campaigns.

I would therefore like to ask a few questions about the Swan Foreshore Protection Association.

According to the Australian Charities and Not-for-Profit Charity Register, the charity has achieved tax exempt status and is registered at Cr Clive Ross's home address in Dee Rd Applecross. Last year it registered an income of \$120,000.

6.3.1 Mr S Green, Greater Melville Community Association, continued.

According to the City of Melville Electoral Gift Register, Mayor Gear and five current elected members were all recipients of campaign funding of many thousands of dollars from the SFPA. These included the Mayor who received \$11,452 and Cr Ross who chose to pay himself \$12,200 (sic.) from the tax exempt charity.

Question 11

Do you agree that the governance of the City requires declarations of interest to be made under the Gift Provisions of the Local Government Act based on the benefit provided to any donor of funding to electoral campaigns?

Administration note

The declaration of Electoral Gift made by Swan Foreshore Protection Association Inc. to Cr Ross was for \$6,106, not \$12,200.

Response (as provided by Mayor Gear)

I agree with full disclosure of any gifts be they monetary or in kind so that democracy is given the best chance to work properly. Buying influence is not only immoral it is also criminal. I would have no part in it.

Yes.

Question 12

Do you agree that it is a legal right for the regulatory authorities and the community to know who is providing funding to elected members?

Response (as provided by Mayor Gear)

Yes.

Question 13

Given the SFPA has no other form of income other than personal donations, would you agree that it potentially acts as a filter to allow personal donors to anonymously provide tax free funding for selected election candidates?

Response (as provided by Mayor Gear)

No, as a tax exempt status organisation it has to declare all donations and identify the donors.

6.3.1 *Mr S Green, Greater Melville Community Association, continued.*

Question 14

As a recipient of funding through filter of the SFPA, will you or Cr Ross now inform the regulatory authorities and the community who the persons are that provided the electoral gifts to yourself, Councillors Fitzgerald, Edinger, Barber, Pazolli and Ross? Also, please state what these donors interests are, in the business of the City, so that these conflicted elected members can declare their interest when matters come before the council for decision. For example, do they have interests in the Melville Bowling Club? Or high rise developments in the Canning Bridge Precinct?

Response (as provided by Mayor Gear)

I received no electoral gifts from the SFPA. When I was elected, the SFPA promoted me as their favoured candidate for Mayor. I did not ask them to do this. I did not talk to them about my candidature or give any undertakings to them. As a result of the electoral laws I was required to assess the benefit that the SFPA gave me and declare it. I did this.

Question 15

Did Cr Ross, as an administrator or otherwise for the Swan Foreshore Protection Association and mover of tonight's motion to commercialise and redevelop the Melville Bowling Club, play a part in the selection of candidates to receive large scale funding from the SFPA?

Response (as provided by Mayor Gear)

That is a Question for Cr Ross.

Response (as provided by Cr Ross)

It is incumbent upon SFPA and elected members who may have received support to declare the value of the support. There are no other obligations.

Question 16

Will all 6 elected members, Mayor Gear, Deputy Mayor Fitzgerald and Councillors Edinger, Sandford, Barber, Pazolli that received large scale electoral funding donations from Cr Ross's SFPA be reminded of their statutory obligations and declare their interest to the CEO under the Gift Provisions of the Local Government Act and immediately leave the Chamber when the Melville Bowling Club item is called?

Response (as provided by Mayor Gear)

I can only answer for myself. If I were to vote on the motion involving the Melville Bowling Club I would make a declaration of interest as a social member. I would then assess if this interest would influence my vote before deciding on my participation during the debate. I would then make this decision clear before debate on the motion started.

6.3.2 City of Melville Residents and Ratepayers Association

We refer to the minutes of the 16 November 2021 Council meeting, specifically Council's response to public questions 20-22 on page 11 that states: "The information sought in these questions can be found by viewing the City's Building Order register, which can be found here: [a linked to the City's Building-Orders-Register was provided]. However, the document found at that link was actually the "Proposed Building Order Register", a copy of which is attached.

Question 17

Why didn't the Administration answer the questions asked?

Question 18

Why has the Administration provided the Proposed Building Order Register and not the Building Order Register as well?

Response to 17 and 18

The list of Proposed Building Orders was inadvertently linked to the Building Orders register. The City's website has now been amended to show only Issued Building Orders. There is no requirement under the Building Act 2011 for Proposed Building Orders to be made available to the public

Question 19

Why does Council think the community can determine the answers to their questions from the scant and/or incomplete information on the Administration has provided in the Proposed Building Order Register?

Response

As stated in the response to Question 18 the Proposed Buildings Orders list is an administration document and not for the community to interpret. The Building Order Register is consistent with the Building Act 2011 and advice from the Department of Mines, Industry Regulation and Safety (DMIRS).

Question 20

Under what legislative authorities does Council and/or the Administration have the right to publish the names and addresses of private individuals that have been issued Proposed Building Orders but not issued Building Orders?

Response

See response to Question 17 and 18 above.

6.3.2 City of Melville Residents and Ratepayers Association, continued.

We refer to the City's complaints, compliance and enforcement processes, including OP-039 and complaints received in relation to the City's various statutory compliance and enforcements roles and duties as outlined the Council's delegation manual and local laws (Complaints).

Question 21

In what categories does the City record Complaints received? For example, customer service, Elected Member and City employee conduct, administrative errors (such as rates and overcharging), personal injury, property damage, dogs, cats, building, planning, dust, noise, parking, health, main road, public thoroughfares, bush fires, graffiti and the like.

Response

All complaints are recorded by the City, as specified in the Complaints Handling Policy:

- Complaints about a City of Melville service
- Complaints about a City of Melville staff
- Complaints about an Elected Member
- Complaints about a contractor
- Complaints about a non-City of Melville services.

Website: [Complaints Management Policy](#)

Question 22

In what categories does the City records compliance and enforcement actions initiated (Actions)? For example, initial emails/letters to offenders, second warnings, orders/directions, prosecutions, apologies, refunds, compensation paid and the like.

Response

This question is too broad to provide a specific response. The City applies and administers a broad range of legislation some of which have specific recording and reporting requirements. In general the compliance and enforcement actions (*initial emails/letters to offenders, second warnings, orders/directions, prosecutions, apologies, refunds, compensation paid and the like*) are recorded against the respective customer. Correspondence is then cross referenced to the various Subject Indexes e.g. Asbestos Management, Food Prosecutions etc

6.3.2 City of Melville Residents and Ratepayers Association, continued.

Question 23

Since 1 January 2017 how many Complaints have been received and Actions initiated in each of the respective categories?

Response

The statistics on complaints received through the City's formal online complaints system are reported below.

Complaints by Type	2017	2018	2019	2020	YTD
About a service	131	145	176	127	122
About a staff	20	14	25	25	3
About a contractor	17	17	20	12	24
About and EM	2	5	4	4	0
About Non-City	11	23	9	17	39

How many unique individuals submitted Complaints and how many unique individuals where the subject of any Actions?

Question 25

How many Actions where a result of the City's own instigation vs from Complaints received from the community?

Question 26

How many of the Complainants had Actions initiated against them?

Response to Question 24 - 26

The City does not have this specific information available and is not prepared to commit the resources necessary to undertake the task of compiling this information.

Question 27

Why isn't this sort of Complaints and Actions quantitative performance information included in Council's annual report to the Community given, for example, it directly relates to the Administration's performance of its statutory delegated functions, roles and duties, policies and Council's objectives?

Response

The reporting requirements as to what information is to be provided in the Annual Report are determined by the Local Government Act 1995 and Regulations with which the City is compliant.

6.3.3 Ms A Hall, BatemanQuestion 28

What process of accountability has been followed regarding the request for funds for Melville Bowling Club?

Response

The request for funds has arisen from an Elected Member's motion which was inserted into the open section of the Agenda of the Ordinary Meeting of the Council on Thursday 9 December 2021 following a presentation to the elected members and senior staff at an Elected Member Engagement Meeting on Wednesday 8 December 2021.

The officer's Advice Note and the attachments relating to this motion detail the process and documents that would generally be required to support such a request.

Question 29

Since it involves a huge amount of public funds can a referendum style questionnaire be put to the Melville residents? What monetary capital gain is in this proposal for the residents of Melville?

Response

Melville residents have many avenues that can be used to ask questions of the City and its elected members including question time at Council meetings, Petitions, Annual General Meetings of Electors or Special Meetings called by electors.

In regard to any capital gain to the residents this cannot be determined at this stage as the City does not have a formal proposal or business case to review.

6.3.4 Mr H Timmer, BooragoonQuestion 30

Why does the MBC [Melville Bowling Club] need another 5 million in funds, on top of the 15 million in grants potentially received from federal and state government, to build a café to be sublet and MBC collecting the rent from this? What common facilities are being constructed? MBC pays virtually no lease to the City for its facilities, yet charges everybody for use. It's time that funds collected from the public are used to benefit the public! Take an example from the City of Cockburn where the new City of Cockburn Bowling and Recreation Facility completed in 2018 was \$9.5M and includes many (public) facilities.

Response

At this early stage these questions need to be responded to by the Melville Bowling Club.

A café is not the only component of the proposed redevelopment. An initial Quantity Surveyor Report that has been submitted by the Club, is based on a redeveloped bowling club building, new pavilion and function room, coffee shop, new synthetic covered bowling greens and children's playground estimated the cost of the project, based on the Australian Institute of Quantity Surveyors Construction Cost Index Forecast, to be \$20M.

6.3.5 Ms A Hall, BatemanQuestion 31

1. Has the CoM [City of Melville] already committed grant funds to the MBC [Melville Bowling Club] - gather \$5m already committed? Is the CoM being requested to provide a further \$5m grant for the proposed café to be incorporated into the MBC project?

Response

There is no commitment for grant funding from the City and to date the project has not been provided for in the City's Long Term Financial Plan. The grant request is a component of the total project funding sought and is not the cost of the proposed café.

Question 32

2. Where is the Business Case for the proposed club redevelopment & café/ restaurant + office rental to Bowls WA? Has this been through a public consultation process?

Response

At this stage the City does not have a formal proposal or business case to review. Any funding would generally require a proposal and business case to support the request. This has been communicated to the club. This proposal has not been through a public consultation process.

Question 33

3. Does the MBC lease have sublet constraints?

Response

Yes – the prior written consent of the Lessor is required.

Question 34

4. If the CoM wants an outcome of a café/ restaurant in the locality (is there Master Plan in the public domain?) is there a Business Case that tests the planning/ design/ financial options to approach?

Response

At this stage the City does not have a formal proposal or business case received by the City from the Club to review.

6.3.5 *Ms A Hall, Bateman, continued.*

Question 35

5. As to 'draft building plans'. Is this formal Council approval or officer level feedback? As this is likely a predominantly public funded exercise (if Federal, State & CoM grants realised) has the 'negotiated potential sub leases' mentioned by Cr Ross been

(a) subject of open market testing and

(b) provided to CoM and ratepayers to apply appropriate transparency?

(especially critical given context of purported Inquiries and background static of this project.)

Response

Only concept plans have been prepared by the Club and provided to the City. The Club has advised that it has had discussions with a potential operator of a Café but the City is not aware of any other details of a potential sublease at this point in time.

Question 36

6. The meeting notes (28/4/2021) indicate a Business Case should be provided on the proposed development. Has this been provided to CoM and been through a public consultation process? If not the current further request to consider a \$5m contribution is inappropriate.

Response

At this stage the City does not have a formal proposal or business case to review.

Question 37

7. Point 4 (from meeting notes 28/4/2021) mentions potential incompatibility of commercial of zoning intent (ie. Crown Reserve for Recreation). What's changed for this café element to now be compatible?

Response

The compatibility of any proposed land use will be assessed by the relevant authorities when the Club submits a formal development application.

Question 38

8. Refer to the Letter 28/4/2021 CoM letter reply and 2/6/2021. Approval for

(a) café/ restaurant inclusion in the development and

(b) possible inclusion of office space for Bowls WA (admin base for the State association)- all subject to Business Case finalisation and eventual approvals of several State agencies and the CoM. Has the development morphed from a club level upgrade to three faceted development with two facets being outright commercial? If yes the zoning issue is to the fore and questions arise re grant intent contributions of the three tiers of government. The additional grant request for a café/ restaurant, activity that is not a formal objective of the MBC is arguably some combination of inappropriate, out of sequence in development approval and lacking in transparency detail.

6.3.5 Ms A Hall, Bateman, continued.**Response**

Any proposed uses will be assessed against the Statutory Planning Regulations when the Club lodges its Development Application to the relevant statutory planning authority.

6.3.6 Mr G Wieland, Bicton**Question 39**

Funding Grant for construction of new premises for the Melville Bowling Club: If the MBC is stating they are a financially successful club then why are they asking for a non repayable grant of \$5 million from the CoM ratepayers and not a \$5 million loan from the CoM ratepayers as per other sporting clubs?

If the MBC is successful in obtaining the other \$15 million of taxpayer grants then surely a \$5 million loan from the CoM would be justifiably easy to repay over a 50 year lease arrangement.

Response

At this stage the City does not have a formal proposal or business case to review. The motion requests a grant and not a self-supporting loan.

Question 40

Why is this substantial redevelopment of the MBC and grant request not being put forward for public comment and submissions prior to any Ordinary Meeting of Council?

Response

The request for grant funding has been made through a Motion with Notice to the Council. The process, including consultation and public comment and the documentation required by the City for a grant of this amount has been communicated to the Melville Bowling Club.

6.3.7 Mr R Aubrey, Leeming

It is a concern to me that elected members are apparently not demonstrating any awareness of their obligations under the Gift Provisions of the Local Government Act. The requirements are different from those related to the declaration of financial interest and very different from those imposed on State and Federal politicians.

The Gift Provisions have relevance this evening to the consideration of the Melville Bowling Club redevelopment motion and are particularly relevant for the majority of elected members, 10 of whom have registered electoral gifts from the Swan Foreshore Protection Association and from the Alfred Cove Action Group.

In the interest of the community and also of these conflicted elected members, I ask the following questions:

6.3.7 Mr R Aubrey, Leeming, continued.

Question 41

Will you, Mayor Gear, kindly remind elected members that under the Gift Provisions:

'if there is a matter before council from which the donor of a gift could benefit or suffer detriment (it is not limited to financial interest alone) the council member is not to participate in any part of the meeting dealing with the matter (section 5.67). They must be absent from any deliberations. If the council member has such an interest, in accordance with section 5.65, they must disclose this interest in writing to the CEO before the meeting or immediately before the matter is discussed'.

It does not satisfy the requirements of the Gift Provisions to make a partiality declaration under the Code.

A failure to declare an interest in relation to the Gift Provisions carries a fine of \$10,000 or 2 years imprisonment

Response

The Administration did not have time to circulate these questions to the Mayor and /or Elected Members and receive responses back in time for the meeting. By reading the above question the Elected Members have been made aware of the questioner's comment regarding Gift provisions.

Question 42

Will the Mayor confirm that six current elected members have registered reportable electoral gifts from the Swan River Foreshore Protection Association and seven elected members have registered electoral gifts from the Alfred Cove Action Group?

Response

Electoral gifts and donations are reported in the Register of Electoral Gifts which is publically available on the City Website: <https://www.melvillecity.com.au/our-city/our-council/governance-and-accountability/register-of-electoral-gifts>

Question 43

From your knowledge as a member of the MBC or through your close association with the MBC President, can you please confirm that the MBC made a payment for legal services provided to the Swan Foreshore Protection Association. As such, the SFPA is a funding partner and close associate of the Melville Bowling Club, as defined under the Local Government Act. Under these circumstances all elected members that registered electoral gifts from SFPA should declare their interest under the Gift Provisions of the Act.

6.3.7 Mr R Aubrey, Leeming, continued.

Response (as provided by Administration)

The Administration did not have time to circulate this question to the Mayor and the question will be taken on notice and a response provided in the minutes of this meeting.

Response (as provided by Mayor)

The premise underlying Mr Aubrey's statement is wrong in-law.

Question 44

Can you confirm that Cr Ross, whilst holding a senior position in the Alfred Cove Action Group and the Swan Foreshore Protection Association, was responsible for selecting and granting funding to election candidates to represent the interests of those groups?

Response (as provided by Administration)

The Administration did not have time to circulate this question to the Mayor and /or Cr Ross the question will be taken on notice and a response provided in the minutes of this meeting.

Response (as provided by Cr Ross)

No response was received in time for the publication of the minutes.

Question 45

Has the City sought a legal opinion regarding the interest declarations required by all 9 elected members that have received funding under Cr Ross's direction when a motion is place before Council for consideration by Cr Ross? If not why not?

Response

The City has not sought legal opinion relating to declarations of interest. It is for each Elected Member to make the decision on whether or not they have a declarable interest in any matter before the Council.

Question 46

Are all seven elected members that received funding from ACAG aware that ACAG had a publicly stated objective of maintaining the Melville Bowling Club in its current location?

Response

This can only be answered by each of the seven Elected Members referred to in the question.

6.3.7 Mr R Aubrey, Leeming, continued.

Question 47

As Cr Ross's motion will support this objective of the Alfred Cove Action Group, are all seven elected members aware of their obligation to declare their interest under the Gift Provisions of the Act?

Response

This can only be answered by each of the seven Elected Members referred to in the question and Members are aware of their obligations in relation to reporting interests.

Question 48

Are all elected members aware that the DLGSC has been investigating matters under legislative referral from the CCC in relation to the failure of elected members to declare appropriate interests under the Gift Provisions since 22nd December 2020, following the controversial granting of a 50-year lease to Melville Bowling Club?

Response

This can only be answered by each of the Elected Members referred to in the question and Members are aware of their obligations in relation to reporting interests.

Question 49

Will you, Mayor Gear, and all other recipients of funding from ACAG and SFPA now reflect carefully on your obligations to declare your interest to the CEO and leave the Chamber as required by the laws of the State of Western Australia?

Response

The response to this question will need to be provided by the Mayor and any other Elected Members covered by this question. By reading the above question the Elected Members have been made aware of the questioner's comment and question on declaring interests.

7. AWARDS AND PRESENTATIONS

Nil.

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

At 6:50pm Cr Ross moved, seconded Cr Barber –

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

At 6:51pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 7 DECEMBER 2021
Notes 7 December 2021**COUNCIL RESOLUTION**

At 6:51pm Cr Wheatland moved, seconded Cr Woodall –

That the Notes of Agenda Briefing Forum held on Tuesday, 7 December 2021, be received.

At 6:51pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.3 SPECIAL MEETING OF THE COUNCIL – 27 OCTOBER 2021
Minutes 27 October 2021**COUNCIL RESOLUTION**

At 6:51pm Cr Pazolli moved, seconded Cr Wheatland –

That the Minutes of the Special Meeting of the Council held on Wednesday, 27 October 2021 be confirmed as a true and accurate record.

At 6:51pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**8.4 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE –
15 NOVEMBER 2021****COUNCIL RESOLUTION**

At 6:52pm Cr Pazolli moved, seconded Cr Edinger –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 15 November 2021 be noted.

At 6:52pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

NB: Minutes to be confirmed at next meeting of the Financial Management, Audit, Risk and Compliance Committee.

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

- Cr Edinger – T21/3957 – RFT202115 – Foreshore Revetment Works on Four City of Melville Sites. Financial Interest.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Wheatland – Item T21/3958 - Mount Pleasant Bowling Club/Melville Cares Refurbishment Works. Impartiality Interest.
- Cr Wheatland – Item CD21/8144 - Fenced Dog Play Park - Petition Response. Impartiality Interest.
- Cr Wheatland – Motion with Notice 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. Impartiality Interest.
- Cr Mair – Item T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment Works. Impartiality Interest.
- Cr Mair – Motion with Notice – Item 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. Impartiality Interest.
- Mayor Gear – Motion with Notice – Item 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. Impartiality Interest
- Cr Barber – Motion with Notice – Item 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. Impartiality Interest.
- Cr Barber – T21/3958 Mount Pleasant Bowling Club/Melville Cares Refurbishment Works. Impartiality Interest.
- Cr Sandford – Motion with Notice 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. Impartiality Interest.
- Cr Ross – Motion with Notice 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. – Impartiality Interest. Impartiality Interest
- Cr Ross – Item T21/3958 Mount Pleasant Bowling Club/Melville Cares Refurbishment Works. Impartiality Interest.
- Cr Pazolli – Motion with Notice 16.1 Funding Grant for Construction of New Premises for the Melville Bowling Club. Impartiality Interest.
- Cr Woodall – Item 13.1 Petition – Fence 44 Ardross Street, Applecross. Impartiality Interest.

10. DEPUTATIONS**10.1 Ms M Davison and G Sampson, Melville Cares**

Item T21/395 Mount Pleasant Bowling Club/Melville Cares Refurbishment Works

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

At 7:01pm Cr Pazolli moved, seconded Cr Sandford–

That the new application of leave submitted by Cr Wheatland on 14 December 2021 be granted.

At 7:01pm, 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 with attachments deemed confidential in accordance with Sections 5.23(c) and (e) of the Local Government Act 1995 to be discussed behind closed doors.

- Late Item C21/5888 – Supply of Microsoft Licensing (Confidential Attachment)
- C21/6188 – City of Melville Annual Financial Report For 2020-2021 (Confidential Attachment)
- T21/3957 – RFT202115 – Foreshore Revetment Works on Four City of Melville Sites (Confidential Attachment)

Disclosure of Interest

Member	Cr Woodall
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Petitioner contributed to Liberal Party Bateman campaign
Request	Leave
Decision Leave	Leave

At 7:02pm having declared an interest Cr Woodall left the meeting.

13. PETITIONS**13.1 Petition – Fence 44 Ardross Street, Applecross**

A petition signed by 454 residents the City of Melville and 73 non-residents was received on 10 December 2021 and reads as follows:

“We the undersigned, do respectfully request that the Council:

Action Sought: exercise their discretion to approve the retrospective application by owners of 44 Ardross Street, Applecross for approval of their front and side boundary walls as constructed.

The Reasons Supporting this Action: Removing or lowering the fence would eliminate all the privacy that the owners have from the busy street traffic and from the neighbouring cafes which get extremely busy. As the house is also located on a roundabout, the fence acts as a safety precaution and also stops any bright headlights beaming into the house at night-time. If holes r slits were cut into the wall, it would weaken its structure, which could become a potential safety hazard. There are also numerous homes in the surrounding streets with walls that are higher and less permeable than these walls. The house and fence along with the newly installed artwork provide distinction and character to the street corner and forcing the owners to tear down the wall simply in order to enforce a one size fits all rule destroys individualism and freedom.”

OFFICER RECOMMENDATION

At 7:02pm Cr Pazolli moved, seconded Cr Fitzgerald –

That the petition bearing 454 signatures of residents and 73 signatures of non-residents be acknowledged.

At 7:02pm the Mayor advised the Meeting that an Advice Note had been circulated by Officers regarding Cr Mair’s proposed amendment. [Advice Note](#)

Amendment

At 7:03pm Cr Mair moved, seconded Cr Sandford –

That after the word “acknowledged”, the following words be included

“and a report be presented to the Ordinary Meeting of Council in February”.

13.1 Petition – Fence 44 Ardross Street, Applecross, continued

Amendment

COUNCIL RESOLUTION

At 7:03pm Cr Mair moved, seconded Cr Sandford –

That after the word “acknowledged”, the following words be included

“and a report be presented to the Ordinary Meeting of Council in February”.

At 7:18pm, the Mayor declared the motion

CARRIED (7/5)

Yes	7	Cr Ross, Cr Barber, Cr Spanbroek, Cr Mair, Cr Pazolli, Cr Robins, Cr Sandford
No	5	Cr Macphail, Cr Edinger, Cr Wheatland, Cr Fitzgerald, Mayor Gear

At 7:05pm, in introducing her motion, Cr Mair asked that the words “in February” be removed from the Amendment and a full stop be inserted after “Council” to read: “That the petition bearing 454 signatures of residents and 73 signatures of non-residents be acknowledged and a report be presented to the Ordinary Meeting of Council.”

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:02pm Cr Pazolli moved, seconded Cr Fitzgerald –

That the petition bearing 454 signatures of residents and 73 signatures of non-residents be acknowledged and a report be presented to the Ordinary Meeting of Council.

At 7:19pm, the Mayor declared the motion

CARRIED (9/3)

Yes	9	Cr Ross, Cr Macphail, Cr Barber, Cr Spanbroek, Cr Mair, Cr Sandford, Cr Pazolli, Cr Robins, Mayor Gear
No	3	Cr Edinger, Cr Fitzgerald, Cr Wheatland

Reasons as Provided by Cr Mair

1. The Petition is only being acknowledged but no report is going to be prepared for the next Council Meeting.
2. The residents should be offered the same opportunities as the other applicants who have their retrospective approvals put in an Officer's report and presented to Council for debate and decision.
3. This Amendment reflects our usual practice of acknowledging and reporting on petitions that are presented to Council.

At 7:18 pm Cr Woodall returned to the meeting.

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

C21/5880 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2020-2021 (AMREC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: City of Melville Community Annual Report 2020-2021
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	: Item M20/5782 City of Melville Community Annual Report 2019-2020 – Ordinary Meeting of the Council 8-9 December 2020
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officers	: 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 checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C21/5880 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2020-2021 (AMREC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City presents the finalised City of Melville Community Annual Report 2020-2021 for Council's acceptance by absolute majority.
- The text and design component of the Community Annual Report 2020-2021 Part A, excluding the key performance indicators and updates to the enabling legislation and regulatory reporting requirements, was provided to the Council through the Elected Member Bulletin (EMB) in October 2021.
- The Community Annual Report 2020-2021 Part A, together with the Community Annual Report 2020-2021 Part B (Annual Financial Report) includes all the information required by the *Local Government Act 1995* (WA) and other relevant legislation.
- The City of Melville Community Annual Report 2020-2021 was considered by the FMARC Committee at its meeting held 15 November 2021.
- In accordance with the *Local Government Act 1995* (WA) section 5.54, the annual report is to be accepted by absolute majority decision no later than 31 December after the close of the financial year.

BACKGROUND

In accordance with Section 5.53(1) of the *Local Government Act 1995* (the Act), a local government is required to prepare an annual report for each financial year, which is to include an annual financial report.

Section 5.54 of the Act requires that the annual report, inclusive of the annual financial report, be accepted by the local government no later than 31 December after that financial year, and that that decision is to be by absolute majority decision.

Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the annual report for the previous financial year. The annual report is required to be prepared and printed in time for that meeting.

Consistent with previous years, the format of this year's report consists of two parts which together comprise the City's annual report:

- Part A: a full text summary and unaudited financial ratios;
- Part B: the audited annual financial report

DETAIL

The Community Annual Report 2020-2021 has been prepared and meets the requirements of the Act. It is designed to report against the *City of Melville Corporate Business Plan 2020-2024*. It also references and reinforces the importance of the *Strategic Community Plan 2020-2030*, which aligns with the Department of Local Government, Sport and Cultural Industries integrated planning framework.

**C21/5880 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2020-2021 (AMREC)
(ATTACHMENT)**

Section 5.53 of the Act requires the annual report to contain the following:

- a report from the Mayor;
- a report from the CEO;
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993* (WA);
- details of entries made under section 5.121 regarding complaints against Council Members;
 - the number of complaints recorded in the register of complaints; and
 - how the recorded complaints were dealt with; and
 - any other details that the regulations may require.
 - such other information as may be prescribed

The Local Government (Administration) Regulations 1996 (WA) also requires the following information to be included in the Annual Report:

- the number of employees of the local government entitled to an annual salary of \$130,000 or more;
- the number of those employees with an annual salary entitlement that falls within each band of \$10,000 over \$130,000
- any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year
- any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year
- The remuneration paid or provided to the CEO during the financial year
- The number of council and committee meetings attended by each council member during the financial year
- If available, the gender, linguistic background and country of birth of council members
- If available, the number of council members who are aged:
 - between 18 years and 24 years; and
 - between 25 years and 34 years; and
 - between 35 years and 44 years; and
 - between 45 years and 54 years; and
 - between 55 years and 64 years; and
 - over the age of 64 years;
- details of any modification made to the local government's strategic community plan during the financial year
- details of any significant modification made to a local government's corporate business plan during the financial year

**C21/5880 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2020-2021 (AMREC)
(ATTACHMENT)**

The text of the Community Annual Report 2020-2021 Part A was developed from information gathered from all areas of the organisation and various corporate documents. This text was reviewed by the Chief Executive Officer (CEO) and Executive Leadership Team.

The text and design component of the Community Annual Report 2020-2021 Part A, excluding the financial ratios and updates to the enabling legislation and regulatory reporting requirements, was provided to the Council through the Elected Member Bulletin (EMB) in October 2021.

The Community Annual Report 2020-2021 was considered by the FMARC Committee at its meeting on 15 November 2021.

Electors will be made aware that the full version of the annual report consists of two parts and they can access them in the following ways:

- Part A: online on the City's website and limited numbers in hard-copy, available at the AGM and at City of Melville libraries.
- Part B: online on the City's website and available in hard copy on request.

As per last year, Part A and Part B will not be professionally printed for distribution, but will be available on the City's website and Part A in limited numbers in hard copy at City of Melville libraries.

The Council is required by Absolute Majority Decision to accept the complete version of Community Annual Report 2020-2021, inclusive of Parts A and B, by 31 December and prior to the General Meeting of Electors.

STAKEHOLDER ENGAGEMENT

In accordance with section 5.55 of the Act, CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government. The notice will include comment that the full annual financial report is available on request.

I. COMMUNITY

No external public consultation has been carried out as the annual report is a report on the business activities of the City of Melville.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants has been carried out.

C21/5880 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2020-2021 (AMREC)
(ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Section 5.27 of the Act specifies that a General Meeting of the Electors is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Section 5.53 of the Act specifies requirements for information to be included in the annual report as noted within the detail of this report.

Regulations 19B of the *Local Government (Administration) Regulations 1996* require additional information to be included in the annual report.

Section 5.54 of the Act specifies that the annual report for the financial year is to be accepted by the local government no later than 31 December after that financial year.

Section 5.55 of the Act specifies that the Chief Executive Officer is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

FINANCIAL IMPLICATIONS

Funds have been provided in the 2020-2021 budget to enable graphic design, internal printing, promotion and distribution of Part A of the annual report. As per last year, minimal hard copy annual reports will be published and will not be printed professionally. More sustainable methods such as access via the City's website will be used.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Not publishing an annual report in accordance with all relevant legal requirements and accounting standards would result in non-compliance with required legislative and regulatory requirements.	Moderate consequences which are likely, resulting in a High level of risk	Ensure the annual report conforms to all requirements through review of report by Executive Leadership Team, managers and Governance.

POLICY IMPLICATIONS

There are no policy implications for the Council to consider as part of this report.

**C21/5880 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2020-2021 (AMREC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternate options as the production and acceptance of the annual report is a legislative requirement.

CONCLUSION

The text of the Community Annual Report 2020-2021 Part A is a succinct and accurate reflection of the activities undertaken by the City of Melville in the 2020-2021 financial year, and has been prepared in accordance with legislative and regulatory requirements.

The complete Community Annual Report 2020-2021 (inclusive of Parts A and B) is being presented in this report for the Council's acceptance by absolute majority decision.

Following the Council's acceptance, this document will be edited appropriately and made available for all stakeholders on the City's website and Part A in limited numbers in hard copy at City of Melville libraries.

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5880)**ABSOLUTE MAJORITY**

At 7:20pm Cr Pazolli moved, seconded Cr Robins –

That the Council, by Absolute Majority Decision, accepts the City of Melville Community Annual Report 2020-2021, which includes Parts A and B.

At 7:21pm, the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (13/0)

At 7:21pm the Mayor brought forward the following items for the purpose of voting on them En Bloc.

15. EN BLOC ITEMS

COUNCIL RESOLUTION

At 7:21pm Cr Woodall moved, seconded Cr Ross –

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

- C21/6188 City of Melville Annual Financial Report for 2020-2021**
- M21/5866 Proposed Local Government (Meeting Procedures) Local Law 2022 – Approval to Consult**
- M21/5883 Council Meeting Schedule 2022**
- C21/6000 Investment Statements October 2021**
- C21/6001 Schedule of Accounts Paid October 2021**
- C21/6002 Statements of Financial Activity for October 2021**
- C21/5888 Supply of Microsoft Licensing**

At 7:23pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

An Officer Advice note on this matter had been circulated to Elected Members. [Advice Note.](#)

C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Reporting – Annual Financial Reports
Customer Index	:	Deloitte Touche Tohmatsu under the supervision of the Office of the Auditor General (OAG)
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item C20/6187 City of Melville Annual Financial Report for 2019-2020 – 23 November 2020 Ordinary Meeting of Council
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 & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the 2020-2021 Annual Financial Report, the Audit Findings Report and a summary of the variances.
- Section 5.54 requires the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.
- Local Government Financial statement audits are conducted by the Office of the Auditor General (OAG).
- For the City of Melville the OAG appointed Deloitte Touche Tohmatsu (Deloitte) to conduct the audit work with the OAG being responsible for issuing the audit opinion
- The exit interview with the OAG and Deloitte and this report were considered by the FMARC Committee at its meeting held 15 November 2021.
- The FMARC Committee noted the report and recommended that the Council approve it at the next Ordinary meeting of Council.
- The OAG has now provided the Auditor's opinion which recommends an unmodified opinion to the City.
- The overall closing funds/unrestricted cash amount available to be carried forward to 2021-2022 is \$3.06m. The 2021-2022 Annual Budget assumed that no funds would be carried forward.
- In accordance with Council resolution (Special Meeting of Council held 22 June 2021 Item C21/5840– Consideration and Adoption of the 2021-2022 Budget); the surplus funds will be transferred to the Rates Equalisation Reserve account.

BACKGROUND

The *Local Government Act 1995* (the Act) prescribes the following (but not limited to) in relation to the Annual Report:

- Section 5.53(1) requires a local government to prepare an Annual Report for each financial year.
- Section 5.53(2)(f) states that the Annual Report must contain the financial report for the financial year.
- Section 5.54 requires the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.

The City refers to its Annual Report as the Community Annual Report and presents it in two parts:

- Part A – contains the full-text summary and an extract of the Annual Financial Report
- Part B – contains the full Annual Financial Report and a copy of the letter from the Office of the Auditor General.

The Community Annual Report Parts A and B for 2020-2021 requires acceptance by the Council prior to the Annual General Meeting of Electors. The Annual General Meeting of Electors will need to be scheduled. It is required to be held within 56 days of the adoption of the annual report by Council.

This report is the vehicle whereby the Council will adopt the full Annual Financial Report for 2020-2021 after the consideration by the Financial Management, Audit, Risk and Compliance Committee (FMARCC) at its meeting on 15 November 2021. Following that meeting the OAG has now provided an unmodified audit opinion.

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)****DETAIL**

This item presents the City of Melville's Annual Financial Report for 2020-2021 and supporting analysis in the following attachments:

1. Variances Report on Rate Setting Statement [6188A](#)
2. Audited Annual Financial Report (including):
[6188 Annual Financial Report 2020-2021](#)
 - a. Statement by the Chief Executive Officer
 - b. Management Representation Letter
 - c. Statements of Comprehensive Income by Nature or Type
 - d. Statements of Comprehensive Income by Program
 - e. Statement of Financial Position
 - f. Statement of Changes in Equity
 - g. Statement of Cash Flows
 - h. Rate Setting Statement by Program
 - i. Notes to and Forming Part of the Annual Financial Report.

The 2020-2021 Annual Financial Report shows a positive result for the 2020-2021 financial year for the City, with an overall surplus of \$3.06m. In accordance with previous Council resolutions, the surplus is transferred to the Rates Equalisation Reserve to be used to minimise the need to raise rates in future years or to meet any budget shortfalls identified during budget reviews. It is also noted that the City has experienced higher than budgeted costs in a number of capital works projects due in part to the overheated market. The Rates Equalisation Reserve could be used to fund these higher than expected costs.

A brief analysis of the significant variances which contributed to this positive position is included in the Financial Implications section of this report and in the Variance Report on Rate Setting Statement Attachment [6188A](#).

The financial outcomes for the year are specified in the Annual Financial Report and are summarised in the Financial Implications section of this report.

The City will receive an unmodified audit opinion in respect to the 2020-2021 Annual Financial Report. There are two general findings from the financial statement audit and five findings in relation to the ICT audit. The management comments were discussed at the FMARCC meeting and are included in the confidential attachment.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external public consultation has been carried out.

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

The 2020-2021 financial year is the City's third audit under the OAG with Deloitte undertaking the work, on behalf of the OAG.

The OAG and Deloitte were present at the FMARCC meeting on 15 November to discuss the Audit Completion Report including the Audit Findings. The OAG has now issued the final Auditor's opinion on the financial statements for 2020-2021 to the Mayor, the CEO, and the Minister for Local Government.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.53 of the Act headed "Annual reports" specifies that:-

- "(1) The local government is to prepare an annual report for each financial year and that.*
- (2) The annual report is to contain...*
 - (f) the financial report for the financial year; ..."*

Section 5.54 of the Act headed "Acceptance of annual reports" specifies that the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the Annual Report for the previous financial year.

Section 5.94 of the Act provides that *"a person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection — ... (c) any annual report;"*

Section 6.4 of the Act headed "Financial report" specifies that:-

- "(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) The financial report is to —*
 - (a) be prepared and presented in the manner and form prescribed; and*
 - (b) contain the prescribed information.*
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) the annual financial report of the local government for the preceding financial year."*

The Annual Financial Report has been prepared in accordance with all relevant legal requirements and accounting standards.

C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

Operating Surplus from Statement of Comprehensive Income

The net result for the 2020-2021 financial year was a net result of \$6.258 as calculated in the Statement of Comprehensive Income.

The operating surplus is the result of:

- Operating revenue of \$108.6m
- Operating expenditure of \$110.5m
- Non-operating revenue of \$3.87m
- The City's share of the net profit of the joint venture with the Southern Metropolitan Regional Council (SMRC) of \$3.399m profit.
- The City's share of the net profit of Carawatha Redevelopment of \$0.879m
- Loss on asset disposals of \$0.0164m

Surplus from Rate Setting Statement

The surplus for the 2020-2021 financial year was \$3.06m as calculated in the Rate Setting Statement. The surplus is what the City considers to be the funds that are in excess of current need and can be transferred to the rates equalisation account. Funds in the rates equalisation account can be used to meet unexpected costs or shortfall in funding.

This cash surplus is determined by the inclusion of the following items:

- Operating revenue
- Operating expenditure
- Non-operating revenue
- Capital expenditure
- Reserve account transfers
- Reversal of non-cash items (such as asset depreciation)

This surplus was carefully analysed to fully understand the drivers behind this variance. There are a number of variances that are offset by a corresponding value such as income, expenditure or a transfer to or from reserve. In these cases, the variance does not contribute to the overall surplus and therefore these have not been reflected in the summary below. The key areas contributing to the \$3.056m surplus were:

	Variance
General Purpose Funding negative variance	(\$147,374)
Operating Income positive variance	\$3,034,164
Operating Expenditure positive variance	\$4,126,360
Capital Income negative variance	(\$174,680)
Capital Expenditure positive variance	\$248,172
Net Reserve transfers negative variance	(\$4,220,777)
Other positive variances	\$190,370
Total Surplus	\$3,056,235

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
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It was noted that the budget for the year was developed at a time of uncertainty and included a number of assumptions around the impact of COVID 19 on the services provided by the City. This uncertainty was a constant throughout the year as well as the community response to the Federal and State stimulus packages

The operating surplus is a great result in the circumstances and overall reflected conservative revenue estimates and savings across the board.

The Federal and State stimulus packages for the housing sector resulted in additional revenue from planning and building fees and our LeisureFit facilities experienced an increase largely driven by increased activity.

The operating savings were achieved in areas such as travel and training, special projects funding, meeting expenses and salaries and wages.

Additional summary notes on the major reasons for the surplus were provided at the FMARCC meeting and included in the minutes.

Rates Debtor Movement

Rates debtors balance as of 30 Jun 2021 was \$6.5m, compared to \$9.6m in 2019-2020. In the 2020-2021 financial year, the annual rates revenue was \$81.4m compared to \$90.7m in 2019-2020. The reduced revenue was due to COVID -19 concessions.

Rates collection progress for 2020-2021 was 94.4% which is higher than the collection progress of 92.7% in the previous year.

Asset Revaluation

The *Local Government (Financial Management) Regulations 1996* (the Regulations) require plant and equipment assets to be measured under the cost model, rather than at fair value. Other assets such as land, buildings, infrastructure and investment property must be carried at fair value and revalued on a five year cycle (previously than three yearly), unless the fair value is materially different from the carrying amount. This process is considered to be carried out in accordance with regulation 17A of the *Local Government (Financial Management) Regulations* and accounting standards AASB (Australian Accounting Standards Board) 113 and 116.

In the 2020-2021 financial year, the City was required to revalue the asset classes of Building and Investment property including Investment lands. This revaluation for the City Buildings and Investment buildings has been undertaken by qualified valuers using either the cost or the market approach; that reflects the current condition, location, size, year of build and remaining useful life of the assessment inputs. In this financial year, the revaluation adjustment for City buildings was an increase of \$10.113m and is shown in the other comprehensive income as a 'change on revaluation of non-current assets'. Fair value adjustment of \$0.103m for Investment property is shown in the non-operating income as a "Revaluation of Investment properties".

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)**

The City's share of revaluation of assets in South Metropolitan Reginal Council and LG House Unit Trust are shown under Other Comprehensive Income in the relevant financial statements.

Provision for remediation of the John Connell Reserve

The City has a former landfill site, John Connell Reserve, which is classified as a contaminated site requiring remediation. As a result, the City is required to recognise the required remediation as a liability in accordance with Australian Accounting Standards Board (AASB) 137 in the financial statements.

An independent consultant provided indicative costs of the scope of works in October 2020 to satisfy the Department of Water and Environmental Regulation requirements for rehabilitation and remediation costs to the John Connell Reserve Landfill site.

The indicative costs provided of \$4.213m were recognised as a liability in the 2019-2020 financial statements. These remediation costs have been reviewed during the year but no changes in the estimate have been reflected in the present value of the remediation provision in the financial year 2020-2021.

Recognition of joint venture in Carawatha Redevelopment Project

The City recognised the joint venture agreement for the Carawatha redevelopment project 'The Gallery' between Satterley Group and City of Melville and accounted for this using the equity method in the 2019-2020 financial statements. The City's equity share is 50% and the City's interest in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements.

Movements to the shareholding of 50% for Carawatha Redevelopment project during the year 2020-2021 are shown in the reporting period which consists of share in profit of joint arrangement of \$0.879m and redevelopment distribution of \$2.25m.

Trust Funds

Section 154 of the Planning and Development Act 2005 was amended on 20 July 2020, thereby stipulating that payments made by developers in lieu of public open space be held in a separate reserve account established and maintained under the Local Government Act 1995 section 6.11, instead of in a trust fund account.

The City of Melville held \$33,013 in trust funds which represented payments made in lieu of public open space for developments in Applecross and Melville.

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

C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)

Reserves

The City's cash-backed reserves total \$160.03m as at 30 June 2021, which is a decrease of \$8.58m from the previous financial year. The City uses a number of reserves to streamline funding needs and quarantine funds for asset management and other specific purposes.

The decreasing reserve balance is due mainly to the net result of the following:

Reserve	Increase/ (Decrease) \$	Comment
Commercial Refuse Reserve	298k	Transfer <i>to</i> reserve represents the surplus generated from commercial waste operation.
Community Surveillance and Security Reserve	(253k)	Transfer <i>from</i> reserve represents the under recovery of operating expenses related to Property Surveillance and Security Services.
Fleet Services Vehicles, Plant and Equipment Replacement Reserve	263k	\$2m transfer <i>to</i> reserve (as per asset management plan) compared with a transfer <i>from</i> reserve of \$1.74m to fund actual spend on replacement of heavy plant, heavy vehicles and light fleet.
New / Upgrade Works Reserve	(209k)	Transfer <i>to</i> reserve of \$8.92m (consisting of amount required as per asset management plans, a one off transfer from the infrastructure asset management reserve and rates growth) compared with a transfer <i>from</i> reserve of \$9.3m to fund the actual spend on the new and upgrade components of infrastructure assets and buildings.
Information Technology Reserve	431k	Transfer <i>to</i> reserve of \$1.4m (as per asset management plan) compared with a transfer <i>from</i> reserve of \$974k to fund actual spend on capital IT equipment.
Parking Management Reserve - Canning Bridge Activity Centre	359k	Transfer <i>to</i> the reserve represents the annual transfer of a portion of the actual parking revenue generated from the Canning Bridge Activity Centre.
Public Open Space and Urban Forest Reserve	428k	Annual transfer <i>to</i> reserve of 1% of rates compared with transfer <i>from</i> reserve of \$467k to fund projects.
Rates Equalisation Reserve	(4.46m)	Transfer <i>to</i> the reserve represents the adjusted unallocated surplus of \$1.99m from the 2019-2020 annual accounts. Transfers <i>from</i> the reserve of \$6.46m represent costs relating to Western Power Cash Calls for Kardinya South underground power project and the funding for the City of Melville Stimulus Package.
Refuse Bins Reserve	317k	\$380 transfer <i>to</i> reserve (as per budget) compared with a transfer <i>from</i> reserve of \$63k for actual spend on garbage bin purchases.
Refuse Facilities Reserve	1.41m	Transfer <i>to</i> reserve of \$1.72m being the surplus generated from the domestic waste operation compared with a transfer <i>from</i> reserve of \$311k to fund actual spend on John Creaney Reserve.

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Reserve	Increase /(Decrease) \$	Comment
Risk Management and Insurance Equalisation Reserve	(6.16m)	Transfer <i>to</i> reserve of \$154k represents refunds from the Local Government Insurance Scheme compared with funds transferred <i>from</i> the reserve of \$6m to fund the City of Melville Stimulus Package.
Special Projects Reserve	(419k)	Annual funds transfer <i>to</i> the reserve of \$700k (as per budget) compared against transfer <i>from</i> reserve of \$1.12m for strategic urban planning project costs.
Various Reserves	(325k)	
	(\$8.58m)	

Financial Ratios

Financial ratios are designed to provide users of annual financial reports with a clearer interpretation of the performance and financial results of the City.

The City's operating surplus ratio of negative 0.02, '(which has declined from positive 0.06 in 2019-2020) and the current ratio was 1.20 compared to 1.10 in the last financial year

As outlined at the FMARCC meeting the Community Stimulus Package and in particular the rate concessions provided by City did have an impact the City's Financial Ratios for example if you were to add back to the \$10m in rates concessions the City's operating surplus ratio of negative 0.02, would have been 0.10 and the current ratio would have been 1.58 compared to 1.20.

The overall financial performance for the City as reported in the Annual Financial Report and the accompanying notes are positive. While the City has maintained a healthy Financial Health indicator (FHI) since 2014-2015 of 98 or above, the current score dropped to 71 for 2020-2021. Again if you were to add back to the \$10m in rates concessions the City's FHI would have been 95.

The table below outlines the seven financial ratios for 2020-2021, with comparisons to 2019-2020. All of the City's financial ratios, except for the Asset Consumption and Operating Surplus ratios, continue to perform above the recommended benchmarks set by the Department of Local Government and Communities (DLGC).

Ratio (higher the better)		DLGC Target	2020-2021	2019-2020	Comments
Liquidity Ratio					
Current Ratio	Ability to meet short-term financial obligations out of unrestricted current assets	> 1	1.20	1.10	The City is in a solvent position and has the ability to meet its liabilities (obligations) as and when they fall due from unrestricted funds.

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(CONFIDENTIAL ATTACHMENT)

Ratio (higher the better)		DLGC Target	2020-2021	2019-2020	Comments
Debt Ratio					
Debt Service Cover Ratio	Ability to produce enough cash to cover debt payments	> 5	40.71	65.61	Indicates a strong ability to produce enough cash to cover its debt payments.
Coverage Ratio					
Own Source Revenue Coverage Ratio	Ability to cover costs through own taxing and revenue	> 0.90	0.94	1.02	The ratio has declined due to the rates raised in 2020-21 being lower due to COVID -19 concessions under the stimulus package and marginal increases in employee related expenditure.
Financial Performance Ratio					
Operating Surplus Ratio	Ability to cover operational costs and have revenues available for capital funding or other purposes	> 0.15	-0.02	0.06	The ratio has declined due to the rates raised in 2020-21 being lower due to COVID -19 concessions under the stimulus package and marginal increases in employee related expenditure.
Asset Ratios					
Asset Sustainability Ratio	The extent to which assets are being replaced as they reach the end of their useful lives	between 0.90 and 1.10	1.48	1.00	The ratio has improved due to new capital projects and renewal of existing assets. The City is investing in assets to the degree that offsets the current consumption of its assets.
Asset Consumption Ratio	The extent to which depreciable assets have been consumed	between 0.60 and 0.75	0.51	0.51	The ratio is slightly below the recommended range due to the "aged" condition of the assets.
Asset Renewal Funding Ratio	Ability to fund projected asset renewals /replacements in the future	between 0.95 and 1.05	1.00	1.00	The ratio has remained the same.

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risks or environmental management implications associated with this report.

AASB 1059 Service Concession Arrangements – Grantor

The Australian Accounting Standards Board issued AASB 1059 Service Concession Arrangements: Grantors, which when effective, is likely to result in more infrastructure projects of public sector entities conducted via public-private partnerships (PPPs) being recognised on balance sheet.

The Standard requires the grantor to recognise a service concession asset constructed, developed or acquired from a third party by the operator, including an upgrade to an existing asset of the grantor, when the grantor controls the asset. The grantor controls the asset if the grantor controls or regulates the services the operator must provide with the asset, to whom it must provide them and at what price, and if the grantor controls any significant residual interest in the asset at the end of the term of the arrangement

The City has assessed its position in line with AASB 1059 for financial year 2020-2021. Based on the observations, we concluded that the City has not entered into any service concession agreements during the financial year 2020 -2021.

Planning and Development Act 2005

Section 154 of the Planning and Development Act 2005 was amended on 20 July 2020, thereby stipulating that payments made by developers in lieu of public open space be held in a separate reserve account established and maintained under the Local Government Act 1995 section 6.11, instead of in a trust fund account.

POLICY IMPLICATIONS

CP - 025 Accounting Policy – defines the policy relating to the preparation of the Annual Financial Report. It should be noted that the Council Policy defines some of the accounting policies that are applied to the preparation of the annual financial report and other requirements are set and described in the Accounting Standards.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Should the Annual Report (which includes the Annual Financial Report) not be adopted by the Council, this would delay the annual general meeting of electors until such time as it is adopted.

**C21/6188 - CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2020-2021 (REC)
(CONFIDENTIAL ATTACHMENT)****CONCLUSION**

The 2020-2021 Annual Financial Report has been completed and an unaudited extract will be included in the Community Annual Report for 2020-2021 (Part A), with the full audited

Annual Financial Report (Part B) available on the City's website, at its five libraries, the Civic Centre and in printed form to individuals upon request.

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (6188)**NOTING****That the Council:**

- 1 notes the Office of the Auditor General's Audit Findings Report (Confidential Attachment) and**
- 2 notes the City of Melville 2020-2021 Annual Financial Report [6188 Annual Financial Report 2020-2021](#)**

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

At 7:23pm the Mayor brought forward Item T21/3957 – RFT202115 – Foreshore Revetment Works on Four City of Melville Sites.

Disclosure of Interest

Member : Cr Edinger
Type of Interest : Financial Interest
Nature of Interest : Within the last 12 months, a respondent has been a client of the company I work for.
Request : Leave
Decision Leave : Leave

At 7:23pm having declared and interest in the matter, Cr Edinger left the meeting.

T21/3957 - RFT202115 – FORESHORE REVETMENT WORKS ON FOUR CITY OF MELVILLE SITES (REC) (CONFIDENTIAL ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

T21/3957 - RFT202115 – FORESHORE REVETMENT WORKS ON FOUR CITY OF MELVILLE SITES (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for Foreshore Revetment Works on four City Of Melville sites.

BACKGROUND

The City of Melville ("City"), is seeking a suitably qualified and experienced Contractor to undertake the construction of Revetment at four (4) City of Melville Sites

Revetment are structures placed along the river bank to stabilize or protect the bank from erosion. Revetments are usually constructed out of stone but other materials have been used with success including concrete-mat, gabions and a host of other materials.

Several sites along the City of Melville foreshore are experiencing coastal erosion, which is placing existing natural and built assets at risk. This coastline is comprised of vegetated areas, sandy beaches and existing hard foreshore treatments and is adjacent to coastal path and/or local roads which are at risk of damage. The areas in the vicinity of the revetment works are currently used for a variety of purposes including:

- Passive and active recreation (picnicking, dog walking, running, cycling etc)
- Boating
- Fishing

The main issues affecting the coastline are erosion of unprotected areas from wave conditions and wind erosion, trampling damage from uncontrolled access and water run off down steep slopes. Works are required to provide a long-term solution to stabilise the project sites and are complemented with revegetation where appropriate.

Detailed Designs have been completed and Department of Biodiversity, Conservation and Attractions (DBCA) approval permit has been secured for the four foreshore sites which include:

- two sites along Blackwall Reach Parade in Bicton (Sites A and B); and
- two sites at Point Heathcote Reserve in Applecross (Site C - Waylen Bay Scout Hall and Site D - Heathcote East).

Section 18 (s18) approval under the WA Aboriginal Heritage Act is still pending but is expected to be issued early in 2022 following successful engagement with Aboriginal elders with connection to the sites. A provisional budget has been set aside for the actions expected to be set out in the s18 approval notice. As part of the DBCA permit, a Construction and Environmental Management Plan (CEMP) will need to be submitted to the DBCA prior to works commencing. This will be undertaken concurrently with seeking s18 approval.

T21/3957 - RFT202115 – FORESHORE REVETMENT WORKS ON FOUR CITY OF MELVILLE SITES (REC) (CONFIDENTIAL ATTACHMENT)**DETAIL**

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually.

The City set three qualitative criteria for this Request, being Demonstrated Experience, Key Personnel and Methodology. The Evaluation Panel reviewed all Respondent offers and prepared an Evaluation Report, identifying recommended Respondents. The recommendation was supported by the Contract and Tender Advisory Unit (CTAU) and is put forward as part of the recommendation to the Council.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The purpose of these works is to protect the foreshore and assets at risk from the impacts of erosion. Through these protection measures, the community will be able to continue to access the river safely and in a less environmentally damaging way. Works have been described as the highest priority in the City's Foreshore Restoration Strategy (2019).

Site C is near the Waylen Bay Sea Scouts Hall, who have been consulted and are aware and supportive of the works planned to take place.

A Section 18 approval under the WA Aboriginal Heritage Act was required for this project. This involved a workshop with Whadjuk Noongar Community Representatives to discuss the scope of the works and the Traditional Owners consent to the works going ahead.

Once tender is officially awarded, a mail out will take place to nearby residents to inform them of the works.

II. OTHER AGENCIES / CONSULTANTS

Engineering, quantity surveying and tender evaluation support services have been provided by M.P Rogers and Associates. DBCA have been involved in the planning for the works and have issued required permits for the works to proceed, subject to the completion of a CEMP.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)

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

T21/3957 - RFT202115 – FORESHORE REVETMENT WORKS ON FOUR CITY OF MELVILLE SITES (REC) (CONFIDENTIAL ATTACHMENT)**FINANCIAL IMPLICATIONS**

Pre-Tender Estimate	\$988,000
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

All identified risks associated with the actual works have been identified and documented in the DBCA permit, including appropriate conditions to managed impacts, with operational risks to be identified and mitigated as part of the CEMP.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The only alternative to approving this tender is to not proceed with the Project. Given the purpose of these works is to remediate ongoing degradation of foreshore assets, cancellation or delay of the project is not in the interest of the community at large and will result in further degradation of the foreshore environment.

T21/3957 - RFT202115 – FORESHORE REVETMENT WORKS ON FOUR CITY OF MELVILLE SITES (REC) (CONFIDENTIAL ATTACHMENT)**CONCLUSION**

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

The recommended Respondent offers the best value to the City of the submissions whilst satisfying the City's qualitative requirements.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 23 November 2021 available on the Elected Members Portal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3957)**APPROVAL**

At 7:24pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment –RFT202115 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**D.B. Cunningham Pty
T/AS Advantesting Civil Engineers
ABN: 45 009 144 414**

At 7:24pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)

At 7:24pm Cr Spanbroek left the meeting.

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:24pm the Mayor brought forward Item T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment Works for the convenience of those giving a deputation.

At 7:24pm Ms Davison and Mr G Sampson entered the Chamber for the purpose of making a deputation which concluded at 7:29pm. At 7:45pm Ms Davison and Mr G Sampson left the Chamber.

At 7:25pm Cr Edinger returned to the meeting.

At 7:26pm Cr Spanbroek returned to the meeting.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

Disclosure of Interest

Member	Cr Wheatland
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Working for Kim Giddens MLA Member for Bateman
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Barber
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	On the Board of Melville Cares as my role of City Councillor
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Mair
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Social member of Mt Pleasant Bowling Club
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Ross
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Prior to election to Council, I participated in meetings between the Mount Pleasant Bowling Club and Tingarra Netball Club with a view to obtaining a renewal of the lease and funding for refurbishment of the MPBC from the City of Melville.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Pazolli
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Electoral Advertising by SFPA and ACAG
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

Ward : Applecross - Mt Pleasant
 Category : Operational
 Subject Index : Mount Pleasant Bowling Club, Melville Cares
 Customer Index : Mount Pleasant Bowling Club, Melville Cares
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : CD20/8140 – Mount Pleasant Bowling Club Review (December 2020)
 T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment (February 2021)
 Works Programme : Funds currently allocated to 2021/2022 Capital Works Programme
 Funding : Currently approved funding totalling \$430,000. \$330,000 City funds, \$100,000 DLGSCI funds (CSRFF funding)
 Responsible Officer : Mick McCarthy
 Director Technical 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"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT**KEY ISSUES / SUMMARY**

- This item follows the previous Council resolutions from December 2020 and February 2021 as outlined below.
- CD20/8140 Mount Pleasant Bowling Club Review (December 2020 OMC):
“Directs the CEO to provide a report to the February 2021 Ordinary Meeting of Council on the arrangements for such works required to be implemented by the City to ensure that the accessibility improvements to the Clubhouse occur, and erect a movable partition in the Clubrooms including the removal of all asbestos as is rendered necessary by such works, to be practically completed by no later than 30 December 2021.”
- T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment (February 2021 OMC):
“That Council approves the proposed improvements and refurbishment of the Mount Pleasant Bowling Club with total funding of \$330,000 to be provided through the DAIP Programme (\$100,000), and Asbestos Removal Programme (\$45,000) from the 2020-2021 budget, and \$185,000 in the 2021-2022 Capital Works Program.”
- Design options prepared by the City to specifically meet the requirements of the Council resolutions and the purpose of the DLGSCI funding were not supported by Mount Pleasant Bowling Club who requested additional facility upgrades.
- Following further engagement with the Club and Melville Cares, the City agreed to prepare design layouts and cost estimates related to the additional requests on the understanding that these were not funded within the City’s scope of work.
- Currently approved funding amounts to a total of \$430,000, which includes \$330,000 budgeted by the City and \$100,000 funded by the State Government for the purpose of multi-generational use improvements to support Melville Cares.
- The scope of work approved by Council based on the \$330,000 budget allocation is estimated to cost \$383,383 which is \$53,383 over budget.
- The additional scope of work requested by the Club has amounted to \$429,617 which is unfunded.
- The estimated total project cost for the refurbishment including the additional scope of work requested by Mount Pleasant Bowling Club and Melville Cares amounts to \$813,000.
- Historically, clubs have been required to provide their own funds for additional refurbishment elements over and above the City’s base provision, with many clubs successfully accessing State and Federal funding for these improvements.
- The City is able to accommodate the additional \$53,383 costs for the approved scope of work through budget adjustments, however officers do not support the request for the City to fund the club’s additional out of scope requests as this exposes the City to future financial liabilities and sets an inequitable precedent which goes against past negotiations and established positions set over many years in consultation with other Associations and Clubs across the City.
- The is for the City to proceed to detailed design and tender for the design and construction of the approved scope of works estimated at \$383,383 and that the Mount Pleasant Bowling Club be advised to use their own funds and seek external funding or grants for the additional out of scope works requested.
- The City will be meeting with the Member for Bateman, Kim Giddens, to discuss additional elements related to Melville Cares that meet the purpose for the \$100,000 funding commitment from the State Government.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT**BACKGROUND**

At the December 2020 Ordinary Meeting of Council it was resolved arising from item CD20/8140 Mount Pleasant Bowling Club Review:

“Directs the CEO to provide a report to the February 2021 Ordinary Meeting of Council on the arrangements for such works required to be implemented by the City to ensure that the accessibility improvements to the Clubhouse occur, and erect a movable partition in the Clubrooms including the removal of all asbestos as is rendered necessary by such works, to be practically completed by no later than 30 December 2021.”

Following this resolution, City Officers engaged with members of the Mount Pleasant Bowling Club to prepare a scope of work and cost estimate. These were presented to Council in February 2021 in item T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment. Council resolved:

“That Council approves the proposed improvements and refurbishment of the Mount Pleasant Bowling Club with total funding of \$330,000 to be provided through the DAIP Programme (\$100,000), and Asbestos Removal Programme (\$45,000) from the 2020-2021 budget, and \$185,000 in the 2021-2022 Capital Works Program.”

In May 2021, Kim Giddens MLA informed the City that as part of the 2021 State Election the State Government had committed \$100,000 for building upgrades at Mount Pleasant Bowling Club related to Melville Cares. It was noted in the correspondence:

“This commitment was for works to accommodate not-for-profit aged care provider Melville Cares, including construction of universally accessible toilets, and support the vision to create a multiuser/multigenerational facility that contributes to the ongoing viability of the club and facility.”

This funding is to be provided through the Department of Local Government Sport and Community Industries (DLGSCI).

Arising from the above, engagement continued with the Mount Pleasant Bowling Club and Melville Cares to refine a scope of work that meets the requirements of the Council resolutions of December 2020 and February 2021, and the funding provided through the DLGSCI. The City has prepared design options that meet the requirements of the Council resolutions and DLGSCI funding. These design options were not supported by Mount Pleasant Bowling Club who requested additional design elements be added to the scope of work.

It was noted through subsequent negotiations with the Club that the costs for these additional works would exceed the available approved funding, however the City agreed to prepare designs and cost estimates to ascertain likely costs using the architect commissioned for the agreed scope of work. This additional design and cost estimate work was undertaken at no cost to the Club as a gesture of goodwill and to assist the Club in determining the quantum of works required for the additional elements.

This item presents the design options and provides recommendation for Council review.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT**DETAIL**

Following the Council's resolution in February 2021, the City appointed an architect, Norda Architects Pty Ltd, to prepare design options that met the requirements of the Council resolutions and the purpose of the DLSCI funding as outlined in the letter from Kim Gibbons MLA. Four design options were prepared that met these requirements and whose cost estimates fell within the approved funding. The final concept designs identified Option 1 and Option 2, with Option 2 considered the preferred option as it provides a better outcome for the universally accessible toilet (UAT). Refer to Appendix 1 [3958 Appendix 1](#).

Mount Pleasant Bowling Club was not happy with the options presented and offered a fifth option. The City informed the club in June that this option could not be supported as the estimated costs were in excess of the available funding. The Club responded in July 2021 again rejecting the options put forward by the City and requesting further engagement to prepare alternative solutions.

Following further engagement with Mount Pleasant Bowling Club and Melville Cares a further alternative option have been prepared incorporating additional requests from the Club and Melville Cares. Refer to Appendix 2 [3958 Appendix 2](#).

The total project cost including the additional elements identified by the club has been estimated at \$813,000 which is in excess of the \$430,000 total funding currently available for the project.

Additional out of scope elements requested by the Club include:

- New entry foyer at new location with extended ramps and steps;
- Extension of facilities in new UAT, i.e. add shower and nappy change table;
- Additional male toilet facilities to the Southern wing as opposed to the City's proposal to convert existing male cubicle into an ambulant;
- Extension of existing Main Office, and addition of another Match Office;
- Convert and extend existing service store room into Kitchen's Dry Store.

Although these improvements would directly benefit the Club, the additional elements related to modifications and additions are outside of the approved scope of work and are types of improvements that Clubs and Associations in the past have funded themselves or through grant funding

City officers do not support the request for the City to fund the club's additional out of scope requests as this exposes the City to future financial liabilities (e.g. requests from other clubs, increased asset management costs etc.) and sets an inequitable precedent which goes against past negotiations and established positions set over many years by the City in consultation with other Associations and Clubs across the City.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

City Officers have engaged with the following during this process:

Mount Pleasant Bowling:

The President and other members of the Club

Melville Cares:

The previous and current CEO.

II. OTHER AGENCIES / CONSULTANTS

Architect	Norda Architects Pty Ltd
Quantity Surveyor	H W and Associates

STATUTORY AND LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

The total project cost for the option including additional out of scope and unfunded elements preferred by the Mount Pleasant Bowling Club and Melville Cares has been estimated at \$813,000. A breakdown of this cost is shown below, detailing the current estimated costs for the original scope items and the estimated costs for the additional scope requests.

ORIGINAL SCOPE		ADDITIONAL SCOPE	
Original Scope of Work	\$195,000	New Entry doors and Stores	\$27,000
Asbestos Removal	\$64,800	Relocate Kitchen Entry and Modify Stor	\$23,000
	<u>\$259,800</u>	New Entry Foyer and Access Ramps	\$158,000
		Additional Club Requests	\$43,000
		Asbestos Removal (additional)	\$43,200
			<u>\$294,200</u>
Design Contingency	\$25,792	Design Contingency	\$29,208
Construction Contingency	\$25,792	Construction Contingency	\$29,208
Authority Costs	\$4,000	Authority Costs	
Professional Fees	\$37,985	Professional Fees	\$43,015
Internal Overheads	\$11,724	Internal Overheads	\$13,276
Escalation To tender	\$18,289	Escalation To tender	\$20,711
Total Original Scope	<u>\$383,383</u>	Total Additional Scope	<u>\$429,617</u>
Total Cost Estimate		\$813,000	

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

The original scope exceeds the Council approved funding of \$330,000 by \$53,383. This is a result of increased costs for asbestos removal over and above those originally envisaged, plus the general increase in costs across the construction industry.

The additional requested scope requested by the Club exceeds the State Government's \$100,000 commitment in funding by \$329,617. The total estimated additional costs over and above currently available funding therefore amounts to \$383,000.

The original scope provides a base standard to what the City would normally provide in order to deliver the intended outcomes from both the Council directive and the available State Government funding commitment. In the case where clubs would like a higher standard of facility refurbishment or other improvements that would not normally be provided by the City, it has been standard practice that the club would need to provide additional funding, either from cash reserves, grant funding or a self-supporting loan through the City.

The City is happy to assist the Club in identifying potential grant funding programs that may be eligible for the additional elements and would consider entering into a self-supporting loan arrangement should this be demonstrated to be financially viable.

Most other associations and clubs across the City and in other local governments understand and accept the established funding arrangements as there would be significant financial and asset management implications for Council to fund club-driven improvements considered outside of standard building refurbishments (e.g. toilets, change rooms, structural defects, accessibility, Building Code requirements).

There are many examples of where the established community facilities funding model is applied, with a number of recent ones being:

Windelya Sports Association refurbishment of change rooms and new club room development at Morris Buzacott.

At the 16th October 2018 Ordinary Meeting of Council, the City of Melville supported a Community Sporting and Recreation Facility Funding (CSRFF) application from the Windelya Sports Association (in conjunction with the Melville City Hockey Club) to replace the aged club building structures and change rooms at the Morris Buzacott Reserve (which was originally included in the 2003 strategic business plan).

The need for new club and change rooms was due to the then facilities being too small, over used, aging and not fit for purpose. \$630,000 from the City of Melville Change room renewal budget was bought forward so that the funding application could be supported. An additional \$300,000 was listed by the City in the 2019-2020 Annual budget. The application for the CSRFF funding was successful with a grant of \$400,000 and the new club and change rooms were constructed as per the breakdown below:

CSRFF Grant Funding:	\$400,000
Club Funding:	\$420,000 (\$380,000 loan and \$40,000 donated material)
City Contribution:	\$930,000 (\$630,000 change room replacement program and \$300,000 contribution towards the new club room).

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

Kardinya Bowling Club building modifications to improved universal access toilet, storage and club facilities (City contributed towards the universal access toilet).

The Kardinya Bowling Club applied for a CSRFF grant as part of the July 2020 small grant funding round for an extension of the existing club building. The extension consisted of upgrading the disabled toilets, a new shower, new locker room, additional storage and upgrading of toilets. The key reasons for the changes were due to the Kardinya Bowling Club hosting disability bowls. The upgrades to the toilets allows more accessibility for disabled players and the additional storage would be used to store equipment used for disability bowls such as wheelchairs, disabled sports equipment and ramps etc.

The total cost of the extensions was \$180,540 broken down as follows.

Grant Funding:	\$60,000
Club Funding:	\$60,540
City Contribution:	\$60,000

Karoonda Sports Association improvements to change rooms and club facilities at Karoonda Reserve.

On the 17th September 2013 the City of Melville supported a CSRFF application from the Brentwood Karoonda Sporting Association for Clubroom/change room renovations, additional field floodlighting on field shelter and an additional practice cricket net. The application was successful and was funded in the following manner:

Grant Funding:	\$171,608
Club Funding:	\$177,000 (\$77,000 club funds and \$100,000 self-supporting loan)
City Contribution:	\$171,608

In all of the examples above, the City worked pro-actively with the clubs to support self-supporting loan requests and grant funding applications with the intent of maximising the improvement of City facilities for community use.

Further Considerations

Compared to what is provided to most other Associations and Clubs, the lease arrangements provided to the Mount Pleasant Bowling Club is an anomaly to what is usually provided to clubs with long term leases.

Normally under a 21 year premises lease all maintenance, replacement and renewal is the responsibility of the lessee. Club's under this arrangement are still able to apply for grant funding from the State through the CSRFF and the City may support a project with up to 1/3 funding contribution depending on the participation outcomes of the project and alignment to the CSRFF funding principles.

It should also be noted that the City has provided additional operational funding to support the Mount Pleasant Bowling Club that it would not normally provide to a club. For example, \$69,000 in operational funding was provided by the City as the club was at risk of trading while insolvent. This funding was only provided to facilitate the agreement to relocate to a shared facility at Tompkins Park, which subsequently did not proceed.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

In addition, the City has forgiven (i.e. written off) a \$198,769 loan as the club was not financially positioned to make payments. To justify loan forgiveness at the time, the City removed around 1/3 of the site from the club's lease area to facilitate the establishment of public open space for a future local park.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risks associated with progressing as recommended with the design option based on the approved scope of work are minimal, however there are risks for the City in funding the additional scope of works requested by the club as outlined below:

Risk Statement & Consequence	Level of Risk	Risk Treatment
Risk of setting an inequitable precedent for future club requests resulting in increasing costs to the City and reduced financial sustainability.	Major consequences which are likely, resulting in a Extreme level of risk	City to only fund fit for purpose and agreed scope of works as approved.

POLICY IMPLICATIONS

None.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The City could consider funding the additional out of scope work at a cost of \$383,000 (subject to full allocation of \$100,000 in State Government funding) requested by the Club, however this would set an undesirable precedent based on facility upgrades, funding support and established positions with other clubs across the City. Given the risks and financial liability that such a precedent would establish, this option it is not recommended.

CONCLUSION

The City has been working in good faith with the Mount Pleasant Bowling Club and Melville Cares in implementing Council's resolution for the refurbishment of the building. The Club was not satisfied with the approved scope of work and requested additional elements outside of the approved scope that would require significant additional funds.

An established funding model and support arrangements provided by the City has been developed over many years and the numerous Clubs and Associations understand the rationale for the City's position and generally work within established parameters.

The City deals with numerous club requests and has to make decisions on what is needed, what is best value for money for community outcomes and aligns with standard base provisions.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

Granting additional funding support to a club in this situation would set an undesirable precedent that would place the City in a position of future risk, financial liabilities and increased asset management costs should this be provided to other Clubs and Associations in the City.

The City is happy to support the Mount Pleasant Bowling Club and Melville Cares in seeking external funding for the additional scope of work elements and would consider a self-supporting loan application if demonstrated as being financially viable.

The City's approved scope of work and plans presented to the Club achieve the intended outcomes of improved accessibility, installation of a dividing wall and removal of asbestos where needed.

The officer recommendation is to proceed with the detailed design and tender for the approved scope of work based on the \$383,383 cost estimate.

OFFICER RECOMMENDATION (3958)**APPROVAL**

At 7:46pm Cr Pazolli moved, seconded Cr Fitzgerald—

That the Council:

- 1. Directs the Chief Executive Officer to progress the Council approved scope of work for the refurbishment of the Mount Pleasant Bowling Club facility to detailed design and tender for construction based on the cost estimate of \$383,383 for the Option 2 concept design 3958 Appendix 1.**
- 2. Endorse continued officer support to be provided to Mount Pleasant Bowling Club and Melville Cares in seeking external grant funds and other sources of funding for improvements based on the additional scope work for the facility improvements requested.**

At 7:49pm during discussion and debate Cr Pazolli and Cr Fitzgerald withdrew the moving and seconding of the Officer Recommendation to allow Cr Mair to move an Alternative Motion.

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

At 7:47pm when introducing the Amendment, Cr Mair requested that the points be voted on separately.

At 7:49pm the Mayor ruled the amendment as an Alternate Motion.

Alternative Motion

At 7:50pm Cr Mair moved, seconded Cr Sandford –

That the Council directs the Chief Executive Officer:

- 1. to progress the Original Scope of works as varied by the Additional Scope of works for the refurbishment of the Mount Pleasant Bowling Club facility to detailed design and tender for construction based on the cost estimate of \$813,000.**
- 2. to investigate the cost of Asbestos removal from the Mt Pleasant Bowling Club and report back to Council on the matter.**

Amendment

COUNCIL RESOLUTION

At 8:04pm Cr Woodall moved, seconded Cr Fitzgerald –

That in point 1:

- the words “as varied by” be deleted and replaced with “and a request for a new entry foyer and access ramps from”; and**
- the figure “\$813,000” be deleted and replaced with “\$541,383 plus contingencies, fees and overheads”.**

At 8:30pm, the Mayor declared the motion

CARRIED (8/5)

Yes	8	Cr Macphail, Cr Barber, Cr Spanbroek, Cr Wheatland, Cr Woodall, Cr Pazolli, Cr Fitzgerald, Cr Robins
No	5	Cr Ross, Cr Edinger, Cr Mair, Cr Sandford, Mayor Gear

At 8.13pm the moved and seconder consented to a request from Elected Members for part 2 of the Officer Recommendation be included as a new part 3. in the alternative motion as follows:

- “3. Endorse continued officer support to be provided to Mount Pleasant Bowling Club and Melville Cares in seeking external grant funds and other sources of funding for improvements based on the additional scope work for the facility improvements requested.”**

T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT WORKS (REC) ATTACHMENT

At 8:38pm the mover along with the seconder consented to vote on the item in one motion rather than separately.

Alternative Motion as Amended**COUNCIL RESOLUTION**

At 7:50pm Cr Mair moved, seconded Cr Sandford –

That the Council directs the Chief Executive Officer:

- 1. to progress the Original Scope of works and a request for a new entry foyer and access ramps from the Additional Scope of works for the refurbishment of the Mount Pleasant Bowling Club facility to detailed design and tender for construction based on the cost estimate of \$541,383 plus contingencies, fees and overheads.**
- 2. to investigate the cost of Asbestos removal from the Mt Pleasant Bowling Club and report back to Council on the matter.**
- 3. Endorse continued officer support to be provided to Mount Pleasant Bowling Club and Melville Cares in seeking external grant funds and other sources of funding for improvements based on the additional scope work for the facility improvements requested.**

At 8:39pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reasons for the Alternative Motion as provided by Cr Mair

1. For approximately six years, Mt Pleasant Bowling Club was left to deteriorate because of the Council's previous plan to develop the land into housing.
2. Since Melville Cares intends to relocate part of its service to Mt Pleasant Bowling Club, more disability adjustments are required to make it a permanent usable space.
3. A new ramp and entry doors are required at the side of the building since this is the major entry point for Melville Cares clients, not at the rear door as the Officers have indicated.
4. Relocation of the Kitchen entry is for the purposes of providing a modest entry into the ablution area and hygiene reasons.
5. Modification of storage is required to assist various user groups such as the Church, the Orchestra and Melville Cares.
6. Asbestos must be removed from the Mt Pleasant Bowling Club so they can install Solar Panels and carry out plumbing, air conditioning and electrical wiring maintenance.

At 8:15pm Mr Taylor left the meeting and returned at 8:17pm.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

Ward	:	All
Category	:	Strategic
Application Number	:	Not applicable
Property	:	Various
Proposal	:	Commencement of the review of Local Planning Scheme No.6
Applicant	:	Not applicable
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not applicable.
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) require the City to commence a review of Local Planning Scheme No.6 (LPS6) in the 5th year after the scheme has been gazetted.
- Under the Regulations the Council is required to initiate the scheme review through preparing, approving and forwarding a Report of Review (the Report) to the Western Australian Planning Commission (WAPC).
- The Report must cover the matters outlined in Regulation 66(2) and is effectively a 'health check' on the operation of LPS6 and the Local Planning Strategy. The report must make recommendations on whether the Local Planning Strategy, LPS6 and other key planning instruments are satisfactory in their existing form; require amending; or should be repealed and replaced to inform the subsequent phases of the scheme review.
- Council's recommendations and the subsequent WAPC decision on the Report of Review will inform the scope of the future review of LPS6. If it is determined that the Local Planning Strategy and other supporting documents are satisfactory, then Council may move to directly to a review of LPS6. If it is decided these items are not satisfactory then a review of the Local Planning Strategy and supporting documents would be required ahead of a review of LPS6.
- This item provides an overview of the Report of Review. In general, the findings are that LPS6 may benefit from a review to enhance the alignment with the state and local planning framework and to respond to a range of emerging issues. Further the Report of Review concludes that the City may move directly to a review of LPS6 given that the existing Local Planning Strategy is sound and as the supporting planning instruments are satisfactory and/or suitable for review independent of the scheme review process.
- The Report of Review notes a number of items for a review of LPS6 to focus on, however, notes that the full range of issues to be examined will be determined as part of the initial stages of the review itself.
- Next step is for Council's recommendations on the Report of Review to be forwarded to the WAPC. The WAPC decision will then determine the nature of the review of the City's planning framework.

BACKGROUND

Local Planning Scheme No.6 (LPS6) is the primary statutory document that sets out development controls such as the zoning of land, permissible land uses, the scale of development and other important information on how development is intended to occur within the City of Melville.

LPS6 was gazetted on the 27 May 2016 and eight amendments have been gazetted since that time with three amendments currently in various stages of progress.

LPS6 is one of first local planning schemes to have been adopted since the gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) in August 2015. The Regulations provide a model scheme template and model provisions to ensure that local planning schemes are consistent in structure and content and are a major part of the State Government's planning reform agenda.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

Regulation 65(1) of the Regulations requires all local governments to commence a review of their local planning scheme in the 5th year after the scheme has been gazetted to ensure that schemes continue to reflect community needs and address metropolitan planning strategies and policies. LPS6 was adopted in 2016 and therefore it is now due for review.

DETAIL

Regulation 66(2) of the Regulations requires all local government to prepare a 'Report of Review' (the Report) within six months after the requirement to carry out a review arises. The Report is effectively a 'health check' on the operation of LPS6. The Report must be in a manner and form as approved by the Western Australian Planning Commission and must include the following:

- The date on which the Scheme was gazetted;
- The date on which each amendment to the Scheme was gazetted;
- The date on which the Scheme was last consolidated (not applicable in this instance);
- An overview of the subdivision and development activity, lot take-up and population changes since the date of gazettal; and
- An overview of the extent to which the Scheme has been amended to comply with any relevant legislation or State planning policy; and
- Recommendation on how to proceed with the scheme review (whether LPS6 and the Local Planning Strategy are satisfactory in their existing form, should be amended or should be repealed and a new Scheme prepared in its place).
- Approve the report by resolution; and
- Provide the approved report to the Western Australian Planning Commission (WAPC) for their consideration and decision on the recommendations to inform subsequent phases of the review.

The Report must be prepared, approved by Council and provided to the WAPC for their consideration. The Report of Review is provided at Attachment 1.

[3955 Attachment 1 Report of Review](#)**STAKEHOLDER ENGAGEMENT**

Advertising Required: Not applicable
Advertising Undertaken: 14 days

I. COMMUNITY

The Regulations do not require community engagement to be undertaken in the preparation of a Report of Review. It is recognised that comprehensive engagement will form part of the review process itself once initiated.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

A minor community engagement program has been undertaken, from the 26 October to the 9 November 2021, for the purposes of:

- informing the community that the review of LPS6 is commencing and the process involved; and,
- providing a preliminary opportunity for the community to identify key themes and issues that should be investigated in future phases of the scheme review.

32 submissions were received during the advertising period and are summarised within the Report of Review. The feedback received has informed the recommendations of the Report including the scope of matters that require comprehensive investigation in subsequent phases of the review.

The engagement undertaken was largely to inform stakeholders of the commencement of a review program and to provide a preliminary opportunity for the community to identify key opportunities to be covered by the review itself. As noted, the review process itself will feature extensive community engagement.

II. OTHER AGENCIES / CONSULTANTS**Western Australian Planning Commission**

The report at attachment 1 must be forwarded to the WAPC for their consideration. Under Regulation 67(2) upon receipt of the WAPC's decision on the report the City is required to publish the report and notice of the WAPC's decision on the website as well as make the report and notice available for public inspection.

Engagement with State government agencies and infrastructure servicing authorities will occur following initiation of any amendments resulting from the review process.

STATUTORY AND LEGAL IMPLICATIONS

Section 72(1) of the *Planning and Development Act, 2005* provides for a local government to prepare a local planning scheme. Part 6 of the Regulations outlines the process associated with the review of a local planning scheme including Regulation 66 which specifies the requirements for the preparation and approval of a Report of Review.

The recommended decision to amend the Local Planning Scheme also requires a resolution of the Council under Regulation 35 and Section 75 of the *Planning and Development Act, 2005*. It is therefore also recommended that Council resolve pursuant to Regulation 35 and Section 75 of the Act to prepare amendments to LPS6.

FINANCIAL IMPLICATIONS

The review of Local Planning Scheme No.6 has been budgeted for in the 2021/22 budget. Additional funds will be required in future years to initiate and complete the review. Current budget envisages a targeted review of LPS6. A wider review examining the Local Planning Strategy, Activity Centre Plans etc. would require additional funding and resources.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Recommendations following Report of Review identify unnecessarily wide scope for review process, such as recommendation to review Local Planning Strategy, which result in delays to review process and additional cost	Moderate Financial, Environmental and Reputation consequences which are possible resulting in Medium Risk	Report of Review process has examined issues of scope, required resources and associated extent of consistency with Local Planning Strategy and wider planning framework in arriving at recommendations. Scope, resources and timing would be revisited in the event of a different approach being recommended.
Recommendations following Report of Review identify too narrow scope for review process, such as not identifying need to review Local Planning Strategy resulting in need for rework, delay and additional cost.	Moderate Financial, Environmental and Reputation consequences which are possible resulting in Medium Risk	Report of Review process has examined issues of scope, required resources and associated extent of consistency with Local Planning Strategy and wider planning framework in arriving at recommendations. Scope, resources and timing would be revisited in the event of a different approach being recommended.
WAPC does not agree with recommendations of Council regarding Report of Review resulting in need to change scope and work program.	Moderate Financial, Environmental and Reputation consequences which are possible resulting in Medium Risk	Report of Review process has examined issues of scope, required resources and associated extent of consistency with Local Planning Strategy and wider planning framework in arriving at recommendations. Scope, resources and timing would be revisited in the event of a different approach being recommended.

POLICY IMPLICATIONS

Planning Policies related to the Local Planning Scheme No.6 will be the subject of review should this be required to ensure they are relevant to Local Planning Scheme 6 as amended.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Report of Review has provided the analysis necessary to conduct a 'health check' of the performance of the Local Planning Strategy and LPS6. Pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations, 2015*, the Report of Review makes recommendations on whether Local Planning Scheme No.6, Local Planning Strategy and any structure plan or local development plan approved under the scheme:

- (i) *is satisfactory in its existing form; or*
- (ii) *should be amended; or*
- (iii) *should be repealed and a new scheme prepared in its place.*

The Report of Review has recommended a pathway that enables prompt commencement of a review of LPS6. The Report of Review concludes that the recommended review of LPS6 does not trigger the need for a review of Local Planning Strategy and does not require a concurrent review of Structure Plans/Local Development Plans. Council may decide to pass a resolution with alternative recommendations to those of the Report of Review. The range of different alternative approaches that could follow the Report of Review findings is largely dependent on conclusions regarding the serviceability of the Local Planning Strategy, Local Planning Scheme 6 and the existing Structure Plans/Local Development Plans. Key implications for alternative options largely relate to additional time and cost. Alternative options and their implications are summarised below.

Decision on the Suitability of the Local Planning Strategy:

The Local Planning Strategy defines the long term approach to planning across the City. LPS6 and the various structure plans are required to be consistent with the Local Planning Strategy. The decision on the suitability of the Local Planning Strategy will have significant implication on the review process:

Local Planning Strategy [Regulation 66(3)(b)]		
Option	Comment	Implications
Option 1. Strategy satisfactory in its existing form	The Local Planning Strategy approach of focusing development in strategic centres and corridors, whilst allowing suburbs to remain lower density is in keeping with the required State framework.	This Option to conclude that the Local Planning Strategy is satisfactory is recommended. The approach allows the commencement of a review of LPS 6. The review process will enable examination of the content of the scheme such as allocation of R-Codes, land use permissibility, responses to climate etc.

P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)

<p>Option 2. Strategy should be amended</p>	<p>Amendment to the Local Planning Strategy would be required if it were proposed to move away from the intent of the Strategy, such as a different position to that on focusing development in strategic centres and corridors. It is noted that the Local Planning Strategy currently has strong alignment with the requirements of the State Planning framework and has demonstrated compatibility in achieving required dwelling targets.</p>	<p>This Option is not recommended. The approach would require a review of the Local Planning Strategy prior to the commencement of consideration of any changes to LPS6. A review and subsequent amendment to the Local Planning Strategy is estimated to take 2 to 3 years. A review of LPS6 would not commence until the content of the revised Local Planning Strategy is approved. The review of LPS6 itself is likely to take approximately 2 years. As noted the approach of the current Local Planning Strategy is in keeping with contemporary planning principles and legislation, accordingly the merits of a different approach would need to be demonstrated.</p>
<p>Option 3. Strategy should be repealed and replaced with a new Strategy</p>	<p>Dependent upon the desired extent of departure from the current Local Planning Strategy it may be necessary to consider repealing the current Strategy. Given that the current Strategy was adopted as a long term plan in 2016, repealing and replacing the document may be unnecessary.</p>	<p>This Option is not recommended. As above this approach would require the preparation of a new Local Planning Strategy prior to commencement of any enhancements to LPS6. Preparation of a new Local Planning Strategy is estimated to require 3 years.</p>

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

Decision on the Suitability of the Structure Plans, Local Development Plans

The City has a number of Structure Plans and Local Development Plans which together with LPS6 and Local Planning Policies define development controls and outcomes across the City. The Report of Review notes that these plans are satisfactory and are suited to review independent of a scheme review program. Other options for the treatment of Structure Plans will have implications on the review process:

Structure Plans and Local Development Plans approved under the Scheme [Regulation 66(3)(c)]		
Option	Comment	Implications
Option 1. Plans satisfactory in their existing forms	Existing Structure Plans and Local Development Plans are of a form that doesn't warrant review as part of a review of LPS6. Mechanisms are in place for regular review of these documents and the option to review and /or consider amendment to the plans is available at any time.	This Option is recommended. Whilst significant in the local planning framework, the City's Structure Plans are suited to review and enhancement independent of a review of LPS6.
Option 2. Plans should be amended	Structure Plans and Local Development Plans will require review and amendment in accordance with statutory review periods or may be reviewed as required. Determining that these plans require review in the Report of Review process will require the review process to be linked to the a review of LPS6.	Not recommended. Plans are suitable and able to be reviewed and amended independent of a review of LPS6. Linking of the review of Structure Plans and/or Local Development Plans is likely to unnecessarily delay a review of LPS6.
Option 3. Plans should be repealed and replaced with new plans	The City's Structure Plans and Local Development Plans are not considered to require repealing and replacement. Standard review mechanisms will ensure these documents remain suitable.	Not recommended. As above, satisfactory mechanisms are in place to independently review Structure Plans and Local Development Plans. This option would unnecessarily delay a review of LPS6.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)**

Decision on the Suitability of Local Planning Scheme 6

Local Planning Scheme 6 is the primary land use and development control document in the City. The Report of Review process requires a determination on its operational status to guide the scope of the review program.

Local Planning Scheme No.6 [Regulation 66(3)(a)]		
Option	Comments	Recommendation
Option 1. Scheme satisfactory in its existing form.	<p>This approach would respond to the five year trigger for a review of LPS6 with a conclusion that no review is required.</p> <p>The option is not recommended as it:</p> <ul style="list-style-type: none"> Does not address changes required to ensure conformity with the Planning & Development Regulations 2015 (as amended 1 July 2021). Does not address identified items that require further investigation in the review of the scheme. Increases number of future amendments likely to be needed to address Scheme deficiencies 	<p>This Option is not recommended.</p> <p>Some modifications to LPS6 are necessary to maintain a high level of consistency with the overarching State Planning Framework and to address specific community needs.</p>
Option 2. Scheme should be amended.	<p>The Report of Review notes that LPS6 would benefit from modifications to:</p> <ul style="list-style-type: none"> Align with changes to State legislation Respond to changes in demographics and characteristics of the City. Respond to emerging issues relating to matters such as growth, changing expectations, climate change etc. <p>Review and subsequent amendment to the scheme would respond to these and other issues.</p>	<p>This approach is recommended.</p> <p>Amending LPS6 provides the opportunity to enhance the consistency between the Scheme and overarching planning framework as well as implementing modifications targeted at specific community needs.</p>
Option 3. Scheme should be repealed and replaced with a new scheme.	<p>The current scheme is highly consistent in its existing manner and form with the Planning Regulations 2015. The current scheme is also consistent with the City's strategic vision as conveyed in the Local Planning Strategy. Replacing the scheme is not considered necessary. Emerging issues may be suitably responded to through a review and subsequent amendment of LPS6.</p>	<p>Not recommended.</p> <p>LPS6 is a contemporary planning scheme with a high level of consistency with the Regulations, overarching state planning framework and the strategic vision set out in the City's Local Planning Strategy. An approach to repeal and replace the scheme would add unnecessary time and cost to the recommended review program.</p>

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)****CONCLUSION**

The Report of the Review arrives at the following key conclusions:

- Local Planning Scheme 6 would benefit from a formal review process. The review would enable a response to differing circumstances since Gazettal including changes in the state planning framework, changes in the local planning framework and to have regard to changes in needs, priorities and expectations of the community and other stakeholders.
- The high level approach of the Local Planning Strategy, to focus required growth in strategic centres and corridors, remains sound. Accordingly, it is considered that the review of LPS 6 may commence without the need to firstly review the Local Planning Strategy.
- Existing structure plans are operating satisfactorily and include opportunity for review and enhancement as required. In these circumstances, linking of a requirement to review structure plans to the review of LPS6 is not required.

The recommended approach proposed through the Report of Review provides:

- A priority review of LPS6, without having to first review the Local Planning Strategy.
- Ongoing review of Structure Plans as required, independent of the review of LPS6

The Report of Review highlights a preliminary scope of issues to be explored through a review of LPS6:

- Alignment with State Planning framework Changes
- Response to Zero Emissions and Climate Emergency
- Building Design, Height, Bulk, Form
- Review of R-Code allocation
- Opportunities for Tree Retention
- Examination of Land Use Suitability
- Short Stay Accommodation
- Non-conforming uses
- Construction management and compliance
- Parking standards and management

Other issues for investigation and response are likely to emerge through the review process. Extensive community engagement at the beginning of the review process will focus on identifying these items.

It is recommended that the findings of the Report of Review be forwarded to the Western Australian Planning Commission. The format of the recommendation reflects the items requiring a recommendation under the different clauses of the Planning and Development (Local Planning Schemes) Regulations, 2015.

**P21/3955 - REVIEW OF LOCAL PLANNING SCHEME NO.6 – PHASE 1: REPORT OF REVIEW
(REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3955)****APPROVAL**

At 8:39pm Cr Fitzgerald moved, seconded Cr Macphail –

That the Council:

1. Pursuant to Regulation 66 of the Planning and Development (Local Planning Schemes) Regulations, 2015, approve the Report of the Review - City of Melville Local Planning Scheme No. 6 at [3955 Attachment 1 Report of Review](#) and forward the report to the Western Australian Planning Commission for their consideration.
2. Pursuant to Regulation 66(3) (a) of the *Planning and Development (Local Planning Schemes) Regulations, 2015*, recommend to the Western Australian Planning Commission that the City of Melville Local Planning Scheme No. 6 should be amended.
3. Pursuant to Regulation 66(3) (b) of the *Planning and Development (Local Planning Schemes) Regulations, 2015*, recommend to the Western Australian Planning Commission that the City of Melville Local Planning Strategy is satisfactory in its existing form.
4. Pursuant to Regulation 66(3) (c) of the *Planning and Development (Local Planning Schemes) Regulations, 2015*, recommend to the Western Australian Planning Commission that the structure plans and local development plans approved under Local Planning Scheme No.6 are satisfactory in their existing forms.
5. Pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations, 2015* and *Section 75 of the Planning and Development Act 2005*, resolves to prepare amendments to Local Planning Scheme No.6 following the investigation of issues identified in the Report of Review.

At 8:41pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 8:40pm Cr Sandford left the meeting.

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)

Ward : Applecross - Mt Pleasant
 Category : Operational
 Subject Index : Mt Henry Jetty
 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 : N/A
 Works Programme : 2022-2023
 Funding : \$1,460,000
 Responsible Officer : Mario Murphy
 Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

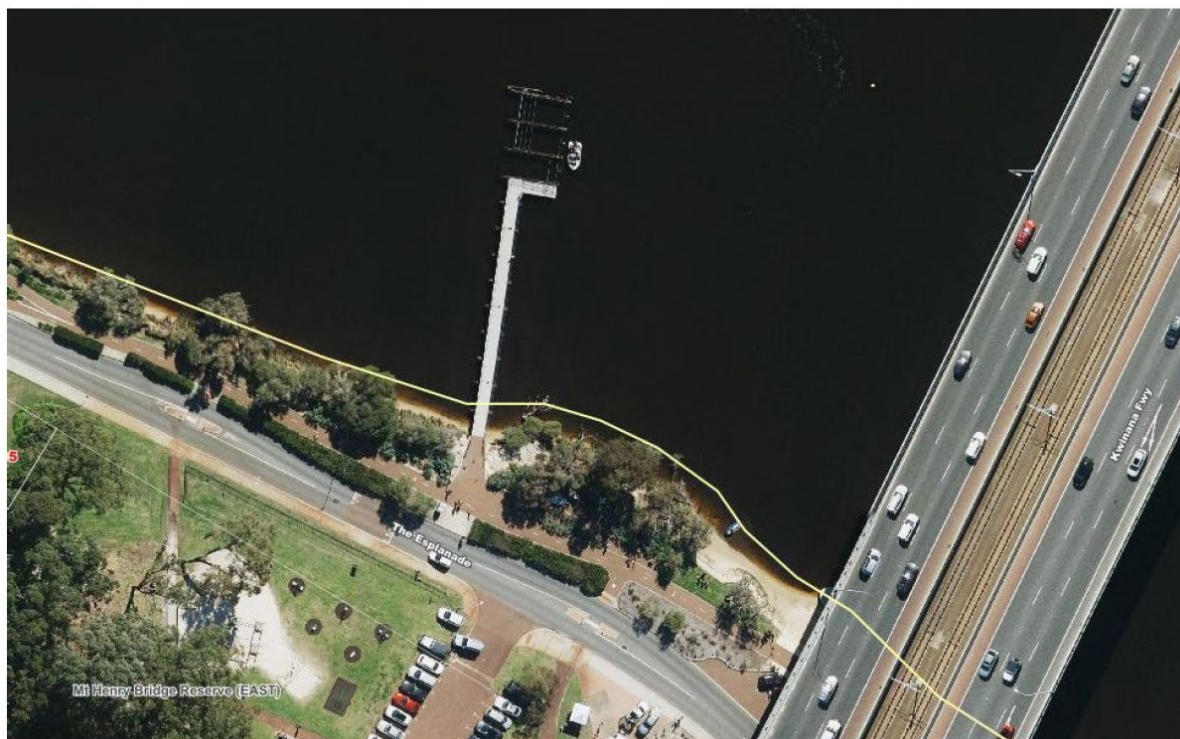
- The Mount Henry Bridge Jetty located in Mount Pleasant was built in the 1970's as part of the infrastructure required to construct the Mount Henry Bridge. Once the bridge was completed, the contractor handed ownership of the jetty over to the City.
- Mount Henry Bridge Jetty has been renewed and maintained since handover, but has now reached the end of life.
- The City undertook a community consultation survey in an effort to determine the needs of the current uses of the jetty and future community needs.
- Three concept designs were investigated and guided by the community consultation.
- A design similar to the existing jetty, but constructed with modern materials, is recommended.

BACKGROUND

The Mount Henry Bridge Jetty located in Mount Pleasant was built in the 1970's as part of the logistics infrastructure required to construct the Mount Henry Bridge. Once the bridge was completed, the contractor handed ownership over to the City.

Mount Henry Bridge Jetty – Aerial Photograph (2021)

Mount Henry Bridge Jetty can be accessed from The Esplanade, Mount Pleasant and is adjacent to the Mount Henry Bridge Reserve and the Kwinana Freeway.



After being closed for about two years in 2006-2007 due to safety concerns, the bridge was refurbished in 2008 and opened to the public.

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)

In 2018, the City commissioned M P Rogers and Associates to undertake a visual assessment and audit of all of the City's jetties and boardwalks. The audit identified a range of structural issues at the Mount Henry Bridge Jetty that required significant works by 2020.

Rectification works were commenced in June 2020 by Shorewater Marine Pty Ltd. Following removal of the decking, it was noted that the jetty was in a much poorer condition than first reported. Many of the dilapidated condition factors had been hidden by the decking and would cost significantly more to repair than initially estimated with only a short term benefit.

Consequently the decision was made to halt all repairs and close the worst section of the jetty to the public, whilst further investigation and consultation was undertaken to determine best option for renewal. As the jetty required a full renewal, a community survey was conducted to determine the needs of the current uses of the jetty and future community needs as key inputs into the design options.

DETAIL

Due to the jetty being assessed as having reached the end of its useful life, options for replacement were investigated. In looking at replacement options, the City undertook a community consultation survey in an effort to determine the key activities undertaken by current uses of the jetty and the wider community uses and needs now and into the future.

M P Rogers and Associates were commissioned to investigate a number of options for replacing the jetty with the community survey results as a guiding factor. Three options were presented to the project team and are described below.

T21-3953 Option 1 Full Replacement Jetty

This option essentially replaces like for like based on the current jetty footprint involving an extended jetty with large platform at the end to accommodate multiple user options and experiences.

- Advantages
 - Maintains the visual appearance and functionality of the existing jetty.
 - Provides berthing for vessels up to 7 metres on northern and eastern sides.
 - Provides access to deeper water for recreational fishing.
 - Provides a large area at the end of jetty for river appreciation and recreational fishing.
- Disadvantages
 - Highest capital and maintenance cost

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)**T21-3953 Option 2 New Pedestrian Jetty**

This option involves a shorter pedestrian style jetty with a small T-junction platform.

- Advantages
 - Lowest capital and maintenance costs.
 - Provides access to a lower, but reasonable water depth for recreational fishing.
 - Smallest construction footprint.
- Disadvantages
 - Restricted functionality. Only temporary berthing of boats would be allowed at the head of the jetty.
 - The structure limits the depths for recreational fishing and may impact fishing activities such as crabbing.
 - Significantly reduced space for river appreciation and recreational fishing.

T21-3953 Option 3 New Recreational Jetty

This option involves a full length jetty similar to the existing, with the reduced platform area.

- Advantages
 - Provides access to deeper water depth for river appreciation and recreational fishing.
 - Provides a reasonable area at the end of the jetty for river appreciation and fishing.
- Disadvantages
 - Higher capital and maintenance costs.
 - The modified longer jetty (the recreational) while being the same length as the existing jetty has significantly less area to accommodate a busy fishing uses and other community uses.
 - Restricted functionality. Only temporary berthing of boats would be allowed at the head of the jetty.

Whichever option is chosen, the jetty would be constructed using high quality, weather resistant and low maintenance materials. For example, the piles would be fabricated from steel and wrapped in a material that will largely protect the structures from corrosion. The superstructure will also be steel and coated with a corrosion resistant paint.

The deck and support joists will be Fibre Reinforced Plastic (FRP) and a composite material that will be resistant to the marine environment, will not rot or require any significant ongoing maintenance.

Typically this type of structure has a 50 years life expectancy.

Given the results of the community survey and the advantages and disadvantages of the different designs, a full replacement option (Option 1) seems to offer the best balance between costs and community uses.

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The community was engaged through a survey advertised via Melville Talks and the City's website.

Questions relating to replacement design, usage, age and time they used the jetty were asked:

- How frequently do you use the jetty?
- What do you use the jetty for?
- What time of the day do you use the jetty?
- How would you like to use the Jetty in the future?
- Please share your level of support for the following a) same size, b) smaller.
- We want to create an accessible space for all of our community. Have you experienced any difficulties accessing the existing Mount Henry Bridge Jetty (accessing, movement, entering, exiting, infrastructure etc)? If so, please provide details.
- Please provide any additional comments.

66 respondents were received regarding use of the jetty and future preference for renewal as outlined below:

- | | |
|---|-------|
| • Scenic occasionally | (45%) |
| • Boat pickups weekly | (14%) |
| • Fishing daily | (10%) |
| • Crabbing fortnightly | (7%) |
| • Walking | (5%) |
| • Meditation/Relaxation monthly | (2%) |
| • Supported replacing the jetty with a similar design | (93%) |
| • Did not support replacing with a smaller jetty | (87%) |
| • Listed as local users | (70%) |

II. OTHER AGENCIES / CONSULTANTS

The City has previously discussed future ferry plans with the Department of Transport, however this agency did not indicate any firm plans regarding the future of the jetty.

STATUTORY AND LEGAL IMPLICATIONS

The City is not aware of any statutory or legal implications of the renewal of the jetty. The detailed design process will involve consultation with key stakeholders, including the Department of Biodiversity Conservation and Attractions (DBCA) and the Department of Transport.

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

Option	Cost
Option 1 – Like for Like Jetty	\$1,460,000
Option 2 – Smaller Pedestrian Jetty	\$648,000
Option 3 – Recreational Jetty	\$1,231,900

The cost estimate as tabled above is indicative only of construction costs based on present day. The above costs include:

- Demolition, clearing & earthworks.
- Construction of concrete abutment.
- Steel piling.
- Construction of replacement jetty structure.
- Miscellaneous items such as decking, handrail, lighting, ladders, fenders, seatings and signage.

The costs do not include a construction contingency allowance (10% to 15% under current market conditions) or internal project management costs (5% to 7%), which would be determined following detailed design.

It is also possible that additional costs may be incurred should there be a requirement to obtain Section 18 clearances under the WA Aboriginal Heritage Act.

The detailed design can be funded from the 2021-2022 Capital Works Program under the Jetty/Boat Ramp Renewal Program. As part of the detailed design, a more up to date cost estimate, including construction contingency and internal project management costs, will be prepared for inclusion in the 2022-2023 budget. The current COVID environment has created uncertainty in the current market with regard to the capacity to deliver capital projects, as well as escalating project costs.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The final design would incorporate changes to accommodate the predicted rise in the water level due to climate change and the modern design will include recycled materials and have a lower environmental impact compared to the existing jetty construction materials.

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)

Risk Statement & Consequence	Level of Risk	Risk Treatment
Risk that if we don't replace the jetty we will eventually have to close down entire jetty for public use due to public safety	Moderate consequences which are likely, resulting in a High level of risk	Demolish and replace with a new jetty
Risk that if we replace jetty with a smaller structure we will be diminishing the current uses available to users. Likely to attract unfavourable media coverage and reputational damage	Moderate consequences which are likely, resulting in a High level of risk	Replace jetty with similar to the one being demolished so that current users can continue to enjoy the same level of uses as they do currently.

POLICY IMPLICATIONS

The use of lower carbon materials with lower maintenance costs will assist in reducing the carbon footprint of the structure compared to replacement with existing construction materials.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Three options have been considered:

- a) The City could elect not to replace the current jetty. The implication of that will be that the jetty in its current state, with about a third of it already closed to the public, will deteriorate quickly and will need to be closed permanently to the public or removed. The community's needs could be met with regard to viewing the local scenery from the foreshore and fishing could still occur at the Deep Water Point Jetty, however this location would no longer provide the same level of amenity and enjoyment. This option is unlikely to be supported by the community and is not recommended given the reduced level of service and amenity.
- b) The jetty could be replaced with a smaller Pedestrian Jetty option. This is substantially cheaper and would be similar to the Rookwood Jetty in concept. The main disadvantage is the limited space for fishing and other uses valued by the community (river appreciation, boating, crabbing). This option is unlikely to be supported by the community and is not recommended given the reduced level of service and amenity.
- c) The jetty could be replaced with a Recreational Jetty that is similar to the like for like option but with a smaller platform. As fishing was identified as one of the most common uses of the jetty and there appears to be benefits in other uses being able to be undertaken on the larger platform, this is not recommended given the reduced level of service and amenity.

T21/3953 – RENEWAL OF MOUNT HENRY BRIDGE JETTY (REC) (ATTACHMENT)**CONCLUSION**

The current jetty is partly closed to the public and in all likelihood will become unsafe in its entirety in the not too distant future. This will require a total closure to the community and eventual demolition.

The community consultation conducted by the City clearly indicates that the community want a new jetty that is similar in size and usability as the current jetty. A majority of respondents did not support a smaller jetty.

The three options presented ranged in cost from the small jetty at \$648,000, to the like for like replacement at \$1,460,000. The modified longer jetty (the recreational), while being the same length as the like for like, has significantly less room to accommodate a busy fishing community.

Considering that there is not a significant cost difference between the like for like and the recreational option (about \$230,000), and noting that the smaller jetty would reduce the use and amenity of the jetty, it would appear that the community would derive more satisfaction for the like for like replacement option as opposed to the recreational configuration.

On this basis and taking into account the feedback from the community, it is recommended that Option 1 Full Replacement Jetty be undertaken.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3953)**APPROVAL**

At 8:41pm Cr Edinger moved, seconded Cr Wheatland –

That the Council approves the Option 1 Full Replacement Jetty option for the Mount Henry Bridge Jetty and that sufficient funding is set aside in the 2022-2023 Budget to undertake construction and related costs.

At 8:41pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

**T21/3957 - RFT202115 – FORESHORE REVETMENT WORKS ON FOUR CITY OF MELVILLE
SITES (REC) (CONFIDENTIAL ATTACHMENT)**

Item brought forward
See page 42

**T21/3958 – MOUNT PLEASANT BOWLING CLUB/MELVILLE CARES REFURBISHMENT
WORKS (REC) ATTACHMENT**

Item Brought Forward
See Page 47

Disclosure of Interest

Member : Cr Wheatland
Type of Interest : Impartiality Interest
Nature of Interest : Working for Kim Giddens MLA Member for Bateman
Request : Stay, Discuss, Vote
Decision Leave : Stay, Discuss, Vote

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

Ward : All
Category : Strategic
Subject Index : Not Applicable
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 : Ordinary Meeting of Council 17 July 2018 – Consideration of a Fenced Dog area.
CD/19/8118 Ordinary Meeting of Council 20 August 2019. Ordinary Meeting of Council 8 December 2020.
Works Programme : Not Applicable
Funding : Capital Work Program (approved)
Responsible Officer : Manager Neighbourhood Amenity
Manager Natural Areas and Parks

AUTHORITY / DISCRETION

DEFINITION

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

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council on the 20 August 2019 Council requested broader community consultation to ascertain whether there was in-principle support from the community for this type of facility (Fenced Dog Play Park), including costs estimates, community support for identified locations and to report back to Council.
- Stage 1 of the City's engagement process received 920 submissions with 92% of respondents supporting having one or more Fenced Dog Play Parks within the City of Melville.
- Stage 2 of the City's engagement process heard from 564 community members of whom 73% selected Piney Lakes as their preferred location for a Fenced Dog Play Park and over half of respondents ranked it as one of their top three most preferred locations.
- Officers, in line with community feedback recommended Piney Lakes as the preferred location for a Fenced Dog Play Park.
- At the Ordinary Meeting of Council on 8 December 2020 Council unanimously endorsed;
 1. Piney Lakes as the preferred location for a Fenced Dog Play Park; and
 2. Directed the CEO to proceed to detailed design, obtain detailed cost estimates and include in the 2021-2022 Draft Capital Works Program for further consideration of final funding approval of the Council.
- At the Special Meeting of Council 22 June 2021 the Council approved the 2021–2022 Budget, including the Capital Works Program, which allocated \$150,000 to this project.
- On 10 September 2021 signage was placed on site informing the community of the construction of the Fenced Dog Play Park and asking for feedback on what the community would like to see within the space.
- At the Ordinary Meeting of Council on the 12 October 2021, Council acknowledged a petition and asked that a report be prepared relating to the fenced Off-Lead Dog Park at Piney Lakes.
- The community were then invited to view the concept design and provide comment via Melville Talks, with in person and over the phone communication available upon request. 107 submissions were received with 50.46% supporting the draft concept and 44.85% not supporting the draft concept design, and 4.67% that did not share a level of support
- The City's preferred option is to progress the 5,500m² concept design, in the proposed location, to detailed design stage and then construct in 2022.

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

BACKGROUND

At the Ordinary of Council meeting on the 20 August 2019, the findings from the community engagement regarding the suitability of Attadale Reserve, Burke Drive, Attadale was presented. In line with the community feedback received, the officer's recommendation was to not proceed.

The Council supported this recommendation and requested broader community engagement to ascertain whether there is in-principle support from the community for this type of facility, including cost estimates and community support for identified locations and report back to Council.

As a result investigations and decision of Council, Piney Lakes was selected as the preferred park for the dog play space. The City commenced concept design and as part of this process signs were erected notifying users of the park that the design process was underway. This provided users of the park an opportunity to view the design and provide feedback which could then be taken into consideration by the design team.

Size and location of proposed Fenced Dog Play Park



CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

Currently the total off lead area for dogs at Piney Lakes is approximately 58,960m². The draft concept design is based on a 5,500m² area, equating to approximately 9.5% of the current off lead area being utilised for the fenced dog play space. Signs were installed on 10 September 2021, following which the City received a number of calls and emails from local residents concerned about the project.

A petition was presented at the Tuesday, 12 October 2021 Ordinary Meeting of Council, in relation to the proposed Fenced Dog Play Park at Piney Lakes. In response to Councils' acknowledgment of the petition this report has been prepared.

A copy of the concept design is provided in attachment – [8144 Fenced Dog Play Park Concept Plan September 2021](#)

DETAIL

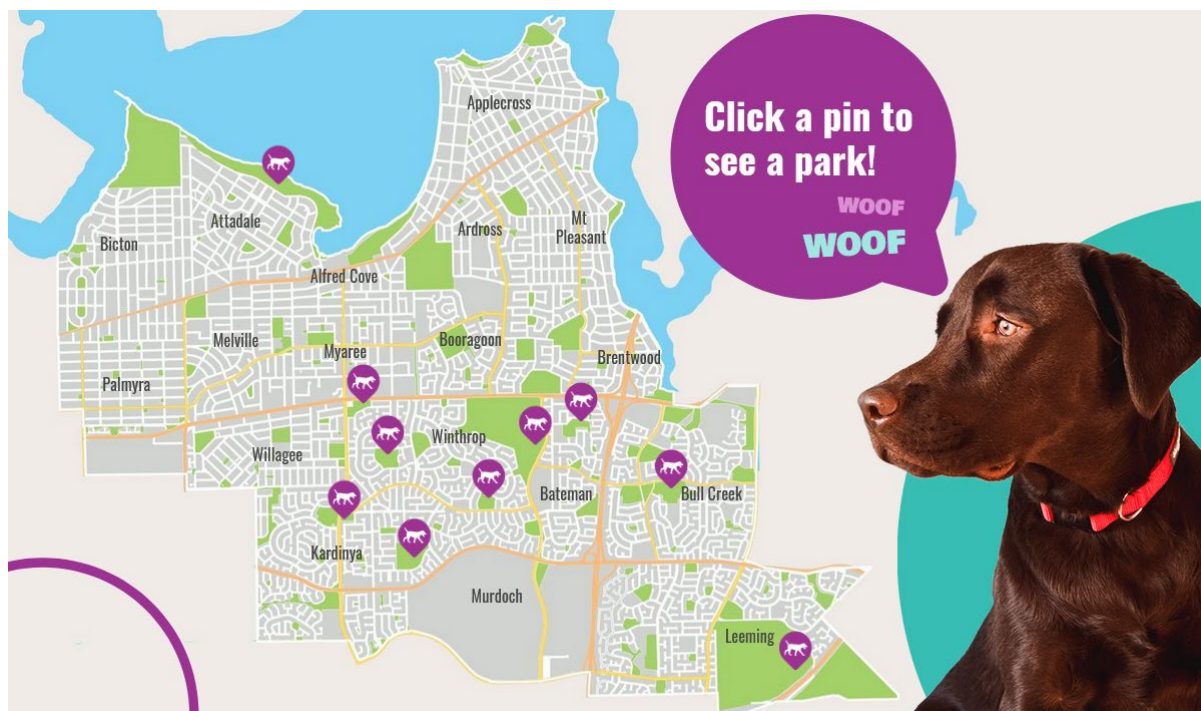
Stage 1 of the City's engagement showed strong (92%) community support for a Fenced Dog Play Park.

The City's engagement process then explored this concept further including determining possible locations and estimated costs. When considering possible locations the City used the criteria below in an attempt to lessen any impacts on residents and current users of the parks/reserves:

- Any activities that may take place within the reserve
- Proximity to schools / residential areas due to the possibility of increased noise
- Parking availability (as people will drive to the facility)
- The classification of the reserve in relation to whether dogs are permitted, restricted or prohibited
- Facilities / Events held at the reserve
- Size of the reserve, ability to accommodate a Fenced Dog Play Park

Stage 2 of the engagement process asked for the community to help to determine the best location from a shortlist of ten suitable options. The community was asked to share their preferred location via an online survey from the locations on the map below.

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

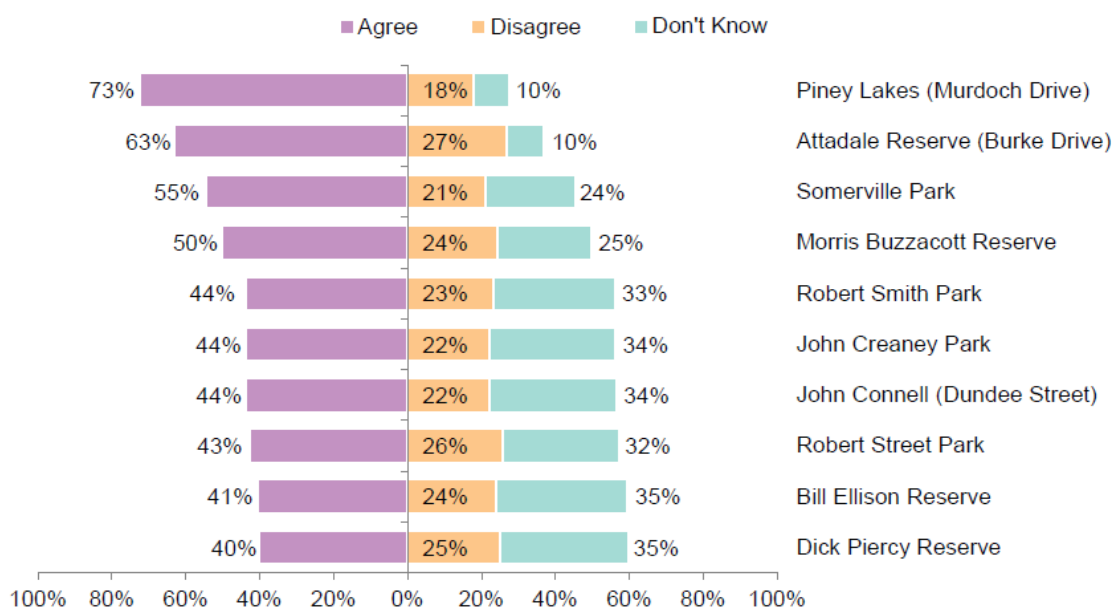


564 community members responded with Piney Lakes (Murdoch Drive) being the most supported location for Fenced Dog Play Park (73%, which was the highest percentage of respondents that agreed and least people disagreed/unsure about this location).

More than half of the respondents ranked Piney Lakes as one of their three most preferred locations for fenced Dog Play Park.

Survey Questions

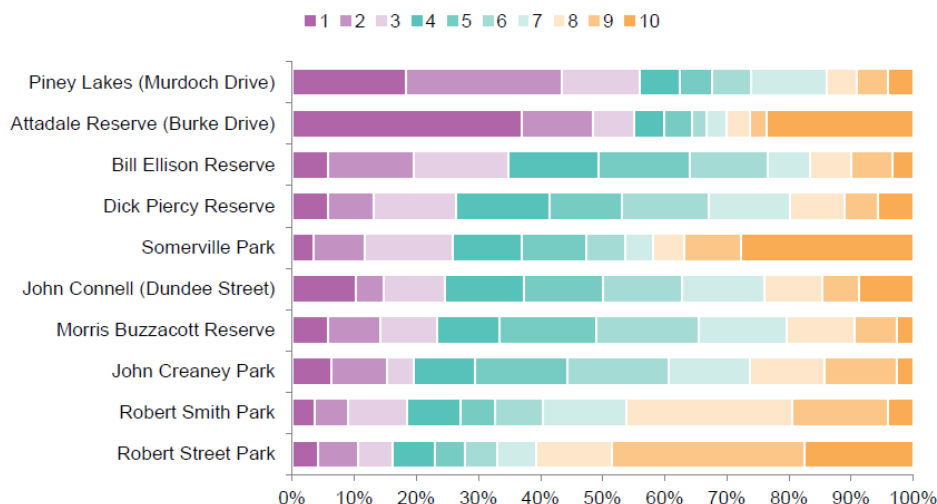
Do you agree or disagree with any of the locations listed a fenced dog play park?



CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

Rank each location in order of preference

The possible locations are ordered according to the percentage of respondents who have given them a ranking of 1 to 3.



As part of the design process, the City reviewed existing dog exercise areas that have been constructed by other Local Governments. The main focus of the review was to gain a better understanding on size requirements and fencing specifications.

City of Cockburn – Briggs Street Enclosed Dog Park (South Lake)

- Small dogs area = 1,600m² (fence height 1200mm)
- All dogs area = 2,000m² (fence height 1600mm)
- Total area = 3,600m²

City of Armadale – John Dunn Memorial Park Off Leash Dog Park

- Total area of 5,100m² divided in 3 areas (small dogs, medium dogs and large dogs) (fence height 1600mm)

City of Mandurah – Dog Park Leslie St Reserve

- Dog Play area (small dog) = 2,100m² (fence height 1800mm)
- Dog Exercise area (All Dog) = 2,500m² (fence height 1800mm)
- Total area = 4,600m²

City of Rockingham – Seahaven Enclosed Off-Leash Dog Exercise Area

- Small dogs area = 2,000m² (fence height 1800mm)
- All dogs area = 3,000m² (fence height 1800mm)
- Total area = 5,000m²

City of Rockingham - Baldivis Enclosed Dog Park

- Total area of 3,000m² divided in 2 areas for all dogs and small dogs (fence height 1800mm)

City of Rockingham - Bayview Dog Park

- Small dogs area = 650m² (fence height 1800mm)
- All dogs area = 1420m² (fence height 1800mm)
- Total area = 2,070m²

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

During the original engagement, as part of the frequently asked questions, the community was informed that a fenced dog play park is an enclosed off leash dog exercise area for recreational purposes which is smaller than a standard soccer field (approximately 65m x 100m in size). The concept design the City has proposed (5,500m²) is larger than the above listed fenced dog areas, however research undertaken by the design team indicated that the larger the park the better it was for dogs as it allowed adequate space to play.

Design investigations also identified the following concerns which have been taken into consideration of part of the concept design;

- Dividing fence material: avoid colorbond fence as it gets damaged by dogs jumping on it
- Differing height of the fences, noting the 1.8m high fence was the most common and was also consistent with specification used by the South Australian government
- If seats are placed close to the 1.8m high fence, dogs may get on the seat and jump over the fence (some parks had a fence extension added where seats are located)
- Puppies and small dogs can dig and escape – fences had extra protection added to the base
- General irrigation issues and difficulties in maintaining grass cover on high traffic/speed areas
- General cleaning issues

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Stage 1 of the Community Engagement occurred from 10 August to 24 August 2020.

During Stage 1, the engagement process asked for community feedback, via an online survey, to understand if there is community support for one or more fully Fenced Dog Play Parks which include dog agility and/or exercise equipment.

During the engagement period 920 community members responded, with 92% supporting the idea.

Stage 2 of the Community Engagement occurred from 9 October to 26 October 2020.

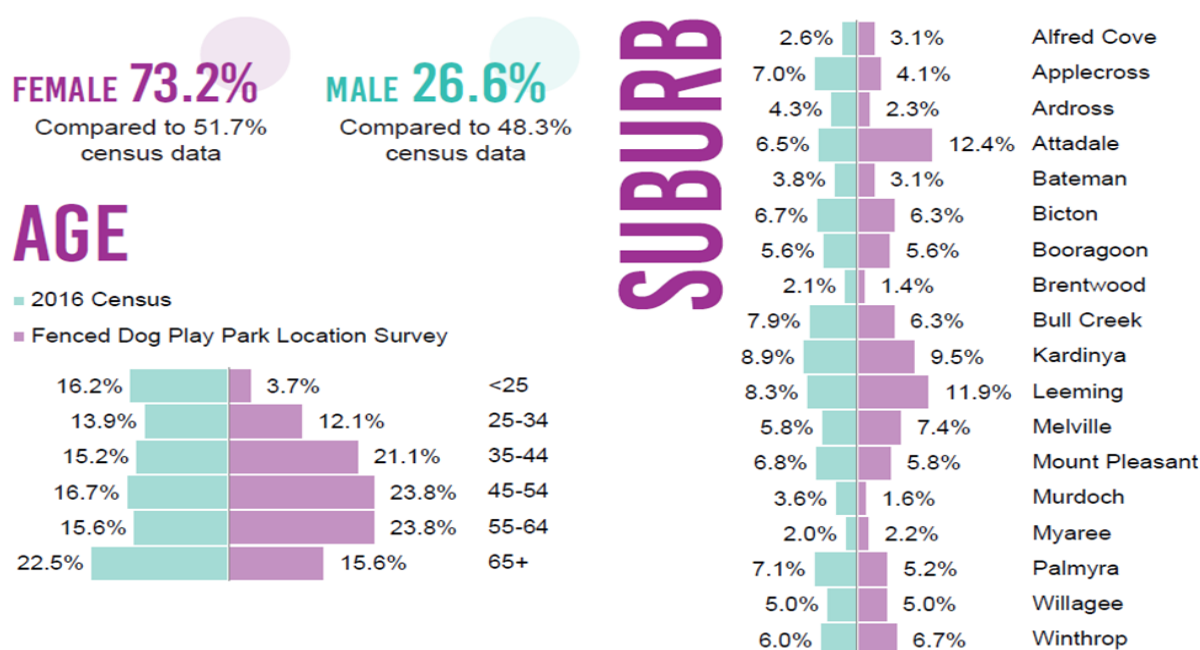
In total, 564 people responded to the survey and the majority of respondents were reached through digital media including over 90% with 31% from direct invitation and 30% from social media.

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)



Survey profile of participants was based on an estimated population of 102, 307 in the City of Melville, the sample size collected has provided a 99% level of statistical validity.

Overall the sample of respondents reached provided a fair representation from each suburb mirroring that of the population with a slightly higher representation from Attadale at 6% higher than the population.



As a result of the petition, a third stage of engagement took place with a public comment period on the concept plan taking place until 29 October 2021. Community were invited to view the concept and provide comment via Melville Talks (in person and over the phone were available upon request). The City received 107 submissions.

- 104 City residents
- 44 of which reside in Winthrop
- Three reside outside of LGA
- 81 informed us they were dog owners
- 18 participated in previous engagement activities
- 50.46% supported the draft concept
- 44.85% did not support the draft
- 4.67% did not share a level of support

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

Community were informed via onsite signage, Melville Talks, eNews distribution, social media, direct email to 1km radius of the location and a project page e-blast to 303 site users.

Please refer to the [8144 Piney Lakes Dog Exercise Area Engagement Snapshot](#) and the [8144 Submission Report](#) attached to this report.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies/consultants has been undertaken.

STATUTORY AND LEGAL IMPLICATIONS

The location within Piney Lakes where the Fenced Dog Play Park would be located in an area designated as a permitted dog exercise area, which is a requirement for these types of facilities.



CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

During engagement, as part of the frequently asked questions, the community was informed that a Fenced Dog Play Park is an enclosed off leash dog exercise area for recreational purposes which is smaller than a standard soccer field (approximately 65m x 100m in size 6,500m²).

At the time, it was estimated that the fenced area of this scale would cost approximately \$158,000 depending on the location and access to existing facilities such as water supply. It was also considered appropriate to provide dog agility or exercise equipment for dogs of all sizes.

Funding was approved by Council in the 2021-2022 capital works budget.

There will be ongoing maintenance costs for a facility of this type.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
If a Fenced Dog Play Park is installed there would be ongoing maintenance costs and repair expenses.	Minor consequences which are almost certain, resulting in a High level of risk	Use of materials and design such that more durable and lower maintenance materials are used. Increase operating budgets to match requirements. Facility will go into the City's asset management plan for renewal.
Community concern if dog play space is constructed at Piney Lakes		December 2020 report, as well as consideration of recent feedback since, indicating overall support for the project.

POLICY IMPLICATIONS

There is no Council Policy that relates to this item.

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Some of the feedback on the draft concept design related to the large size of the fenced area and the height of the fence. A range of alternative options were examined taking into account different sizes of the fenced area and potential locations at Piney Lakes Reserve.

Alternative Option 1: Approximately 4,800m² in area

An alternative option could be to reduce the size of the Fenced Dog Play Park and move it further towards Murdoch Drive. The advantage of this option is it would reduce the area that would be lost that is currently used as an open dog off lead area.

The disadvantages with this proposal is it would result in a reduction in the size of the Fenced Dog Play Park and the City would run the risk of building a facility that was subject to excessive wear and tear and potentially insufficient in size to accommodate dog play activities during busy periods.

Alternative Option 2: Approximately 3,500m² in area

An alternative option could be to further reduce the size of the Fenced Dog Play Park and move it further towards Murdoch Drive. The advantage of this option is it would reduce the area that would be lost that is currently used as a dog off lead area.

A disadvantage with this proposal is it would mean a reduction in the size of the Fenced Dog Play Park with higher levels of wear and tear and insufficient dog play capacity.

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)**Alternative Option 3: Approximately 3,800m² in area**

Another option could be to move the Fenced Dog Play Park to the eastern side of the path. This area is currently a dog on-lead area. To enable this area to be a dog exercise area would require consultation, analysis of feedback and a report to Council. If Council support this location to be an exercise area, then 28 days public notification needs to take place and then a further report to Council with an absolute majority decision to designate this as a dog exercise for only what would be the fenced dog play park.

Dog walkers already have over 800m in length of an dog exercise area and making another part of the reserve a fenced dog play park will somewhat limit the space for other users that are not dog owners. Also there are groups that use this space for recreational activities, which would result in them moving to other parts of the park.

This proposal would also mean a reduction in the size of the Fenced Dog Play Park and the City would run the risk of building a facility that that is insufficient in size with higher levels of wear and tear and insufficient dog play capacity.



CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

The height of the fenced area is proposed to be 1.8m consistent with other fenced dog areas in the region, however consideration could be given to reduced fence heights, such as 1.5m to 1.6m for large dogs and 1.2m to 1.5m for small dogs. Feedback from the local governments listed with fenced dog areas recommended against reducing fence height significantly as this increased the potential for dogs to jump the fence. It is understood that some of dog owners prefer the fenced area to reduce the risk of their dogs running away and not easily retrieved when off leash, which may be compromised with reduced height fencing.

CONCLUSION

The community showed strong support for a Fenced Dog Play Park and Piney Lakes Winthrop was the community's preferred location.

Piney Lakes is central to the City, has good access, and the section of Piney Lakes identified for a Fenced Dog Play Park is currently already well utilised as a dog off lead exercise area.

The design team have spent considerable time conducting research into what the ideal Fenced Dog Play Park should be based on industry benchmarking and feedback received from those who have built such a facility previously.

There have been concerns that have been raised by community members about the loss of amenity if the park is built at the proposed location. Piney Lakes is a large park which allows dogs to be walked on lead and off lead; the proposed location does take up space however there is still considerable open space (over 600m in length) that is still an unfenced dog exercise area within this portion of the park that can be used.

Fence height consideration has been raised however the proposed 1.8m height is the recommended height at "Unleashed – A Guide to Successful Dog Parks"- Guide published by the Dog and Cat Management Board, Government of South Australia. A number of dog parks visited by the design team measured the height of the fence to be at 1.8m in height.

The location also meets a number of key criteria which was identified in the December 2020 report to Council, such as distance from residential properties, parking and classification of the reserve in relation to whether dogs are permitted, restricted or prohibited.

One particular issue that has been raised is the size of the space however the site is actually smaller than what was identified in the original December 2020 report. The design team wanted to ensure the final design is large enough to accommodate all sizes of dogs and provide them plenty of space to play.

From an environmental point of view, it is more beneficial for the larger the space to be provided further away from the bushland area. Reductions in size increase the risk of further concentrating noise and odours from the dogs and may result in sensitive species, such as Quenda, moving further into the bushland areas. Given the limited bushland available at the reserve, this would not be an ideal situation.

CD21/8144 – FENCED DOG PLAY PARK - PETITION RESPONSE (REC) (ATTACHMENT)

Another positive aspect about a larger fenced space is the ongoing maintenance requirements. The larger area is considered easier to maintain as there would be less damage to turf, whereas a smaller space would create wear issues for turf similar to what occurs in a goal square at football grounds. The larger area would also allow for maintenance of an area to take place easier if repairs were required, as the damaged area could be fenced off and repaired therefore not having to close the dog park.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8144)**APPROVAL**

At 8:41pm Cr Robins moved, seconded Cr Mair –

That the Council endorses the concept design [8144 Fenced Dog Play Park Concept Plan September 2021](#) based on a 5,500m² dog fenced play area at Piney Lakes Reserve in the proposed location, progress to detailed design and construction in 2022.

At 8:42pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)

Ward	: All
Category	: Strategic
Subject Index	: 2.01 5A - Acts, Statutes and Local Laws
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M16/5474 – Local Law Review – April 2016 Item M16/5467 – Conclusion of Local Law Review 2016 – August 2016. Item M20/5786 – Report of Review of City of Melville Meeting Procedures Local Law 2017 – November 2020
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Anne Hill Governance Project Officer

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 & 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 (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/Committee to note.</i>

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The *City of Melville Meeting Procedures Local Law 2017* was reviewed in accordance with section 3.16 of the *Local Government Act 1995* (the Act), including a public comment period between 20 August and 5 October 2020.
- Under section 3.16(4) of the Act, Council considered the report of submissions in November 2020 and determined that the local law should be repealed and replaced.
- Elected Member workshops were held on 30 March and 2 June 2021, at which preferred policy positions were identified for inclusion in a new Meeting Procedures Local Law.
- The proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* varies from the existing local law in the following key ways:
 - provisions relating to public question time, notice period for motions, motions without notice, eligibility to make deputations, recording of confidential items in minutes and providing for the broadcast/livestreaming of public meetings;
 - new provisions dealing with alternative motions, amendment of minutes, tabling of documents, agenda briefing forums and public hearings;
 - removal of all offences specified under the local law except for refusal to leave the meeting when directed, for which a modified penalty has been provided;
 - minor changes including updated language and style, updated references to legislation, removal of duplication and clearer structure.
- The proposed *Local Government (Meeting Procedures) Local Law 2022* is submitted for Council's approval to commence the public consultation process required by section 3.12 of the *Local Government Act 1995*.
- Standardised meeting procedures for all local governments have recently been proposed by the State, but no detail of content or timeframe is available.

BACKGROUND

At the Ordinary Meeting of Council held on 16 June 2020, Council resolved that:

"The Council directs the CEO to initiate a review of the *Meeting Procedures Local Law 2017* in compliance with Section 3.12 of the *Local Government Act 1995*. This includes giving local public notice of the City of Melville's intention to amend the local law and to invite suggested amendments from the public, City administrators and elected members".

The reasons for the motion included the following statement:

"Particular sections of the Local Law require amendment for a variety of reasons. These include:

- Providing greater clarity to prevent unintended processes that could inhibit sound meeting procedures;
- The ability for Elected Members to be able to appropriately carry out their roles in compliance with the *Local Government Act 1995*;
- Reducing the amount of time required to raise a notice of motion."

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)**

Local laws dealing with meeting procedures are made under the *Local Government Act 1995* ("Act"), which in these matters is supported by the *Local Government (Administration) Regulations 1996* ("Regulations") and Rules of Conduct set out in the *Local Government (Model Code of Conduct) Regulations 2021* ("Rules of Conduct").

Section 3.16 of the Act deals with the review of local laws, and in accordance with section 3.16(2), local public notice of the review was given on 20 August 2020, with public submissions invited until 5 October 2020. Six submissions were received, which were assessed in the context of the Act, Regulations and guidelines published by the Department of Local Government, Sport and Cultural Industries, and relevant Council Policies.

In addition, the review considered previously proposed amendments raised at the Special Meeting of Electors held on 20 August 2018 and the Ordinary Meeting of Council on 20 November 2018. The review also identified some internal ambiguity, inconsistency and outdated references and style in the existing local law, and other issues identified by officers.

After considering the review report, which included a summary of submissions received, at the Ordinary Meeting of Council on 24 November 2020, Council resolved that it:

- 1) Notes and acknowledges the public submissions received during the review of the *City of Melville Meeting Procedures Local Law*, the analysis of the submissions and the matters raised in the officer's report;
- 2) Agrees in principle to adopt a new Meeting Procedures Local Law based on the Meeting Procedures Local Law template with such changes as Council considers necessary to reflect local circumstances, including matters raised in the public submissions.
- 3) Requests the CEO to convene a Council forum to discuss and agree on matters to be addressed in the proposed new Meeting Procedures Local Law, and to subsequently prepare a draft new Meeting Procedures Local Law for Council to approve for public consultation under section 3.12 of the Act.
- 4) Determines in accordance with section 3.16 (4) of the Local Government Act that the current City of Melville Meeting Procedures Local Law 2017 should be repealed and replaced with a new Meeting Procedures Local Law, subject to the requirements of section 3.12 of the Act.

Independently facilitated workshops were held for Elected Members on 30 March and 2 June 2021, during which Members extensively discussed the key provisions of the current Meeting Procedures Local Law 2017 in comparison with the WALGA template, and in the context of comments made in the public submissions and concerns held by individual Members.

On 10 November 2021, the Minister for Local Government announced a new package of local government reforms which will require major amendments to legislation. Proposals include regulating for standardised meeting procedures for all local governments although little detail has been disclosed. The public consultation period closes on 4 February 2022. The potential impact of the State Government's announced reforms is discussed under "Risk" later in this report.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)****DETAIL**

A new local law dealing with meeting procedures and conduct at meetings, reflecting the outcomes of the public consultation and the Elected Members' workshops, has been prepared for Council consideration. If supported, it will be released for public comment in accordance with section 3.12 of the Act.

The ***purpose*** of the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* is to provide rules for the conduct of meetings of the Council, its committees and electors.

The ***effect*** of the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* is to facilitate:

- (a) effective decision making by the Council and committees;
- (b) the orderly conduct of meetings dealing with the Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) efficient and effective use of time at meetings.

The *City of Melville Meeting Procedures Local Law 2017* ("existing local law"), like the local law template, makes extensive use of references to the Act and Regulations, and the proposed [City of Melville Local Government \(Meeting Procedures\) Local Law 2022](#). ("proposed local law") continues this approach as it minimises the risk that the local law will inadvertently be, or become, inconsistent with the Act and Regulations.

The attached annotated consultation version of the proposed local law includes the specific legislative provisions cited in the local law. This has been done in order to assist readers in interpreting the proposed local law. These notations do not form part of the proposed local law, and will not be included in the version of the local law made and published in the *Government Gazette*.

The proposed local law has been drafted to:

- incorporate the policy positions and other proposed changes agreed by Elected Members at their workshops;
- recognise, and where appropriate incorporate, proposals raised in public submissions and consultation with officers, subject to consistency with the purpose and effect of the local law and with State legislation;
- correct inconsistencies, duplications, outdated references and ambiguity in the existing local law, and
- align with the current Act, Regulations, Code of Conduct (including the Rules of Conduct), and the operational guidelines published by the Department of Local Government, Sport and Cultural Industries, and be consistent with current drafting practice.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)**

The key variations from the existing local law relate to:

1. Committee meetings (clauses 2.5, 2.6, 2.7)

- (a) Clarify that all Members may attend committee meetings even if they are not members of that committee.
- (b) Require all Members present at committee meetings to disclose relevant interests.
- (c) Clarify that non-members of a committee may ask a question at a committee meeting with the permission of the Presiding Member.

2. Agenda briefing forums (clause 3.7)

Specific reference is included to agenda briefing forums and applicable procedures.

3. Participation of Presiding Member in debate (clause 4.6)

Clarifies the circumstances in which the Presiding Member may participate in debate and when they must cease to preside.

4. Public question time (clauses 6.3 – 6.10)

- (a) Align public question time procedures with the Act and Regulations which provide for members of the public to ask questions in person at Council (and some committee) meetings.
- (b) Remove the requirement for questions to be submitted by members of the public to the CEO in writing prior to the meeting while providing for questioners to do so for questions requiring research to prepare a response.
- (c) Allow questions to be asked on behalf of others with the written consent of the person on whose behalf the question is to be asked.
- (d) Provide for fair opportunities for people wishing to ask questions by:
 - (i) Allowing registration of intent to ask a question prior to the meeting;
 - (ii) Limiting questioners to one question before the next person is invited to ask their question;
 - (iii) Providing for a questioner, with the permission of the Presiding Member, to ask a supplementary question if they need clarification of the answer to their question;
 - (iv) Limiting questioners to 2 minutes to ask their question(s);
 - (v) Allowing the Presiding Member to invite questioners to ask additional questions, in turn, after everyone wishing to ask a question has asked their first question;
 - (vi) Providing for the management of written questions where the questioner does not attend the meeting to ask their question.
- (e) Clarifying the circumstances under which a question from a member of the public may not be answered.

5. Petitions (clause 6.11)

- (a) Require a minimum of 6 electors' signatures (provision has now been made in clause 6.13 for written submissions not in the form of petitions).
- (b) Require the name and suburb of the lead petitioner to be included in the minutes.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)****6. Deputations (clause 6.12)**

- (a) Remove the requirement for a person seeking a deputation to demonstrate a direct interest in the matter.
- (b) Provide for the CEO to either approve a request to make a deputation submitted before a meeting or refer it to the Presiding Member (but not to reject it).
- (c) Provide for the Presiding Member to approve or reject a referred request to make a deputation, or to refer it to Council for a decision.
- (d) Limit deputations to 10 minutes with provision for a single extension of 5 minutes if approved by the Council.
- (e) Make provision for deputations seeking to make electronic presentations or distribute documents to Members.
- (f) Provide for the Presiding Member to deal with inappropriate behaviour by a person making a deputation.

7. Written submissions (clause 6.13)

Provide for the lodgement of written submissions by members of the public or community groups as an alternative to making a deputation at a meeting or submitting a petition.

8. Public hearings (clause 6.14)

- (a) Provide for meetings to be held as public hearings as appropriate to allow an opportunity for multiple members of the public to be heard on a matter of significant public interest.
- (b) Set out the procedure for the holding of public hearings.

9. Motions with notice (clause 7.3)

- (a) Reduce the deadline for notice of motions from 5 working days before the meeting to 4 working days (in practice, this would be 8am on the Wednesday before the Ordinary Meeting of Council).
- (b) Remove the requirement for motions to relate to the good governance of the district.
- (c) Remove the subclause relating to advice to Council from the CEO (this CEO function is dealt with in the Act and reference made in clause 9.1).
- (d) Amend the process relating to the receipt of notice of a motion that is likely to breach a written law. This now includes a step where the CEO will advise the Elected Member of the suspected breach, which unless addressed will result in the motion being excluded from the agenda with the concurrence of the Mayor.

10. Motions without notice (clause 7.5)

Provide for the Council to agree, by absolute majority decision, to consider a motion without notice that does not deal with a matter of extreme urgency or other special circumstance (these are dealt with under clause 7.4).

11. Disclosure of interests (clause 8.3, 8.4)

- (a) Requires that disclosure statements not be used to pre-empt debate on the matter in which the interest is being declared.
- (b) Clarifies different management of financial/proximity and impartiality interests under the law.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)****12. Motions may be ruled out of order (clauses 11.2, 21.6)**

- (a) Provides for the Presiding Member to rule that a motion is out of order if it is objectionable (offensive or derogatory), or if it would, if carried, breach a written law or be incapable of being implemented by the local government.

13. Alternative motions (clauses 11.5, 11.6)

Provide a process of raising and dealing with alternative motions, these being substantive motions that seek to negate the terms and intent of:

- (i) a recommendation in a report prepared by an employee or submitted by a committee, or
- (ii) a substantive motion before the Council or committee.

14. Amendments (clause 11.11)

Clarifies management of amendment motions.

15. Limitation on speaking (clause 12.11)

- (a) Clarifies that the mover of an amendment does not have the right of reply.
- (b) Provides for a maximum speaking time on a matter for each Member of 10 minutes (5 minutes with 1 extension of 5 minutes with the agreement of the meeting).

16. Revoking or changing decisions (Part 15)

Aligns procedures for revoking or changing decisions with the Regulations and defines the actions classified as implementing a decision.

17. Recording and broadcasting (Part 17)

- (a) Clarifies procedures related to audio and audio-visual recording of meetings.
- (b) Specifically provides for broadcasting of meetings, independent of the powers granted under the emergency declaration provisions of the Act and Regulations.
- (c) Provides for editing of audio records prior to publication in recognition of recent legal rulings concerning publisher liability for defamatory material placed on a public record by third parties.

18. Minutes (clauses 18.2, 18.3, 18.6)

- (a) Prohibits revealing information prescribed as being confidential in any record of decisions made at a meeting or part of a meeting closed to the public.
- (b) Clarifies when specified words may be recorded in the minutes *verbatim*.
- (c) Makes specific provision for amendment of confirmed minutes and procedures to be followed.

19. Conduct of members (Part 19)

- (a) Provisions related to required and unacceptable meeting behaviour have been aligned with the language used in the *Local Government (Model Code of Conduct) Regulations 2021* and the *City of Melville Code of Conduct for Elected Members* adopted by Council.
- (b) Removes references to “crossing the floor” and to “adverse reflection”.

20. Prevention of disturbance (clause 20.8)

Clarifies the powers of the Presiding Member to maintain order and provides for the specific offence of failing to comply with a direction to leave the meeting.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)****21. Tabling of documents (clause 22.1)**

Provides a procedure for the tabling of documents at Council or committee meetings.

22. Enforcement (Part 23)

- (a) Specifies forms of contravention of the local law where they relate to matters dealt with under the Act or Regulations.
- (b) Removes duplication with State legislation and potential double penalties for Members by removing all reference to offences under the local law except for refusal (by any person) to comply with a direction by the Presiding Member to leave the meeting.
- (c) Provides for the imposition of a modified penalty (by infringement notice) for the offence of refusing to comply with a direction by the Presiding Member to leave the meeting.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Local public notice, as defined under section 1.7 of the Act, was given of the review of the existing local law in accordance with section 3.16 of the Act.

The record of submissions with the officer's analysis was provided to Council for consideration on 24 November 2020.

This report seeks approval to commence community consultation on the proposed local law as required under section 3.12(3) of the Act.

II. ELECTED MEMBERS

The Elected Member Bulletins of 14 August and 18 September 2020 invited elected members to submit their views during the review phase.

Informal workshops independently facilitated by Mr David Price were held for Elected Members on 30 March and 2 June 2021. These productive sessions provided opportunities for Elected Members to engage in extended debate of relevant policy issues and the workshop outcomes have significantly guided the drafting of the proposed local law.

III. OTHER AGENCIES / CONSULTANTS

Operational guidelines published by the Department of Local Government, Sport and Cultural Industries were consulted to assist in the interpretation of provisions of the Act and Regulations that are broad or relatively undefined in the written law.

Informal advice was sought at officer level from the Department of Local Government, Sport and Cultural Industries and from WALGA. Internal discussions were undertaken with staff members who provide support to Council and committee meetings.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)****IV INTERNAL STAKEHOLDERS**

Internal discussions were undertaken with executives and staff members who provide support to Council and committee meetings, and comments were received on the draft local law.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.5 of the Act gives local governments the power to make local laws “prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.”

A local law may not be inconsistent with (i.e. may not contradict, limit, hinder or qualify) the Act or any other written law, and is inoperative to the extent that it may do so (section 3.7 of the Act and section 43 of the *Interpretation Act 1984*).

Section 3.12 of the Act sets out the procedure for making a new local law. This includes:

- giving notice of the purpose and effect of the local law in the agenda and minutes of a Council meeting, achieved through this report;
- giving local public notice and inviting public submissions on the proposed local law for a minimum period of 6 weeks;
- giving a copy of the local law and public notice to the Minister for Local Government and where applicable the Minister administering the Act under which the local law is made;
- considering the public submissions and making the local law, by absolute majority decision, as proposed or in a form not significantly different;
- publishing the local law in the *Government Gazette* and giving a copy to the relevant Minister(s);
- giving local public notice of the publication of the local law, its purpose, effect and date of commencement, and advice of how it may be obtained or inspected.

If, after considering the submissions, Council decides to make significant changes to the proposed local law, the public consultation process must recommence (s.3.13 of the Act).

After publication a local law must be lodged with the Joint Standing Committee on Delegated Legislation. The Committee may allow the local law to remain as published, or require an undertaking from the local government to rectify matters of concern within a certain time period, or recommend to Parliament that it be disallowed.

FINANCIAL IMPLICATIONS

There are no significant financial implications arising from the recommendations of this report. Minor costs will be incurred in advertising the public notice and in publishing the local law in the *Government Gazette*, and will be met under the existing budget.

M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Proposed Risk Treatment
The local law does not meet the needs of the City or facilitate more efficient and effective Council and committee meetings.	Minor consequences which are unlikely, resulting in a medium level of risk.	Review local laws regularly and amend as necessary to ensure they continue to be relevant and effective.
Council members do not comply with the local law and it is not enforced, leading to less effective meetings and loss of public confidence.	Minor consequences which are possible, resulting in a medium level of risk.	Elected Member training, in-meeting advice to Presiding Members, Local Government Act provisions, CP-114: Compliance and Enforcement Policy (for offences only).
The State Government introduces regulations standardising meeting procedures and standing orders for all WA local governments, requiring repeal of or significant amendment to the local law (see detail below).	Minor consequences which are likely, resulting in a medium level of risk.	Monitor the State's progress in implementing this proposal, reacting as appropriate to minimise cost and disruption.

State Government Intentions

On 10 November 2021, the Minister for Local Government announced a package of local government reforms, which includes the following proposal:

- *To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State.*
- *Regulations would introduce standard requirements for public question time, and the procedures for meetings generally.*

Insufficient detail has been released to assess to what extent the proposed regulations will cover all the matters currently included in the proposed [Local Government \(Meeting Procedures\) Local Law 2022](#). The timeframe of this reform is also unclear, but informal advice from Departmental officers is that it “will take considerable time”. The reform package will require significant changes to both the Act and the Regulations.

If the City proceeds with the proposed local law, it is likely that it will need to be amended when the standardised model is introduced. It is expected that in this circumstance, the local law-making process in section 3.12 of the Act is likely to be streamlined or parts of it waived to accommodate the State-wide changes.

The existing local law remains functional if the Council chooses to defer consideration of the proposed local law until there is greater certainty about the State's intentions. However, the concerns raised by Elected Members and other stakeholders will not be addressed.

**M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW
2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)**

Council may wish to restrict the changes to amendment of specific clauses, although an amendment local law will be subject to the same processes and timeframes as the replacement local law.

POLICY IMPLICATIONS

If Council makes the proposed local law after considering the public submissions, the following Council Policies will need to be amended to reflect the new policy positions incorporated in the local law:

CP-014 Public Question Time at Council or Committee Meetings

Significant policy amendments will be needed to reflect the change of emphasis in the proposed local law from mandating that all questions must be submitted in writing to the CEO before the meeting to providing for questions to be asked by members of the public in person at meetings (which aligns more closely with the letter and intent of State legislation).

CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of Council

Policy amendments will need to reflect:

- the inclusion of audio-visual recordings of meetings held electronically through live-streaming;
- clarification of access to recordings made while a meeting was closed to members of the public (reference to s.5.95(6) of the Act and r.29A of the Regulations); and
- guidelines for removing offensive, defamatory or irrelevant material from recordings prior to publication.

This matter is also one of the subjects of the State's recently released local government reform package, but little detail is yet available.

CP-108 Deputations to the Council Policy

Policy amendments will need to reflect:

- the removal of the "direct interest" eligibility requirement;
- the role of the Mayor in approving, rejecting or referring deputation requests referred by the CEO; and
- the requirement to provide any digital files (such as slideshow presentations) in advance to manage the City's cyber-security risk from third party files; and
- the practice of livestreaming proceedings, including deputations.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

- (1) Council could choose to keep the existing local law, which has guided the management of Council and Committee meetings since 2017, at least until the State implements its proposal to make regulations to standardise local government meeting procedures. The State has not indicated a timeframe for this reform.

M21/5866 – PROPOSED LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – APPROVAL TO CONSULT (REC) (ATTACHMENT)

The existing local law contains internal duplication, ambiguity, outdated references and inconsistencies, and contains provisions that may be interpreted as inconsistent with the Act and Regulations. However, Elected Members are generally familiar with its provisions, although dissatisfaction has been expressed with the lack of guidance and effectiveness in some matters.

- (2) Council may prefer to limit the changes to the existing local law to specific high-priority matters which could be addressed by an amendment local law. This would minimise the changes to the existing local law. However, the process and timeframe would be the same as would apply to the proposed local law.
- (3) Council may request particular amendments to the proposed local law before approving its release as a consultation draft, subject to any such amendments being consistent with State legislation. This would require Council to agree on the specific amendments and so would delay the commencement of consultation until late February 2022.

CONCLUSION

The proposed [Local Government \(Meeting Procedures\) Local Law 2022](#) seeks to implement the policy positions supported by Elected Members through Elected Member workshops held in March and June 2021, as well as address issues raised by public submissions to the review and City employees, align with amendments to State legislation and rectify specific flaws in the existing local law.

Should Council agree to commence consultation as set out in section 3.12 of the Act, the following requirements must be met by the local government:

- give local public notice and invite public submissions on the proposed *Local Government (Meeting Procedures) Local Law 2022* for a minimum period of 6 weeks,
- provide a copy of the proposed local law to the Minister for Local Government, and
- following the public comment period, provide a report to Council on the submissions received to inform Council's decision on whether to make the proposed local law.

Given the time of year, it is proposed to extend the public comment period beyond the legislated 6 week period until the end of February 2022.

It is likely that the State Government will, in the next 1-2 years, standardise meeting procedures for local government through regulations, which may make some or all of the *Local Government (Meeting Procedures) Local Law 2022* redundant.

Despite this uncertainty, it is considered that there are significant short-medium term potential benefits in proceeding with the proposed local law to address identified concerns.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5866)**APPROVAL**

That the Council authorises the CEO to implement the procedure set out in section 3.12(3) of the *Local Government Act 1995* with respect to the proposed [City of Melville Local Government \(Meeting Procedures\) Local Law 2022](#).

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

M21/5883 - COUNCIL MEETING SCHEDULE 2022 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Schedule of Meetings
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	:	M18/5656 Council Meeting Schedule 2019 – December 2018 Ordinary Meeting of Council M19/5710 – Council Meeting Schedule 2020 – November 2019 Ordinary Meeting of Council M20/5794 – Council Meeting Schedule 2021 December 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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews 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>

M21/5883 - COUNCIL MEETING SCHEDULE 2022 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Council is required to determine the meeting dates for Ordinary Meetings of Council each year.
- This report considers changes to the Council Meeting cycle to provide better clarity to Elected Members in their decision making pathway.
- This report summarises the monthly Ordinary Meetings of Council cycle to commence in February 2022.
- The report recommends adoption of the proposed meeting schedule for 2022. The adopted meeting details are to be published on the City's website.

BACKGROUND

The Council Meeting Cycle was reviewed in May 2017 where it was resolved to continue a monthly meeting cycle consisting of:

- First Tuesday – Agenda Briefing Forum
- Second Tuesday – Elected Member Information Session
- Third Tuesday – Ordinary Council Meeting
- Fourth Tuesday – Elected Member Information Session

The Council resolved to continue with this meeting cycle through 2018, 2019 and 2020.

Discussions with Elected Members as part of the Organisational Cultural Workshops in 2020 highlighted a desire for different forms of collaboration between the Elected Member Group and the Administration and consideration being given to amending the meeting structure to allow more time between the Agenda for Council meetings being released and the Agenda Briefing Forums.

More recent discussions during 2021 have highlighted the importance of Elected Members meeting to gather information on topical issues and to have informal discussions around strategic direction, major projects and organisational priorities. This has resulted in the amalgamation of Elected Member Information Sessions, Informal Meeting of Elected Members and Elected Member Workshops into a singular format being Elected Member Engagement Sessions.

DETAIL

Following is a proposed monthly meeting cycle for 2022 which incorporates the Agenda Briefing Forum being held on the second Tuesday of the month and the implementation of Elected Member Engagement Sessions:

- First Tuesday – Elected Member Engagement Session
- Second Tuesday – Agenda Briefing Forum
- Third Tuesday – Ordinary Council Meeting
- Fourth Tuesday – Elected Member Engagement Session
- Fifth Tuesday (where applicable) – Elected Member Engagement Session

M21/5883 - COUNCIL MEETING SCHEDULE 2022 (REC) (ATTACHMENT)

The shift of the Agenda Briefing Session to the second Tuesday of each month provides Elected Members and the Community with more time to review the matters contained on the Council Meeting Agenda for that month.

It is proposed for this meeting schedule to apply each month, with the exception of:

- January 2022 when the Council is in recess;
- December 2022 when meetings are brought forward to allow for the Council resolutions to be actioned in time to accommodate the festive period.

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public, held in the Council Chambers and broadcast live to the community. Formal decision making by the Council only takes place at the Ordinary Meeting of Council.

A copy of the proposed 2022 proposed meeting cycle calendar, based on discussions with Elected Members is attached [5883 Council Meeting Schedule 2022](#)

The proposed meeting cycle calendar for 2022 provides for a January Recess and does not schedule formal meetings during this time however it should be noted that a Special Meeting of the Council may be called in January 2022 if there are any matters requiring a timely decision of the Council.

The meeting dates for December 2022 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as has been the practice in recent years.

Special Meetings of Council may be called through 2022 on an as needs basis in accordance with s5.4 and s5.4 of the *Local Government Act 1995*.

The City has the necessary hardware, software and processes in place to deal with impacts of the COVID-19 Pandemic on Council Meetings and this meeting cycle would be able to continue in the event of a lock-down or other scenario that may preclude in-person attendance at meetings.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The City informs the public of the dates that Council meetings will be held through the media, press releases and notices at the Civic Centre, Libraries and website. When adopted, the meeting schedule for the 2022 year will be advertised in a local newspaper.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M21/5883 - COUNCIL MEETING SCHEDULE 2022 (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995, Section 5.3 - Ordinary and Special Council Meetings provides that:-

- (1) *A Council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than three months apart.*

The Council is to formally resolve its meeting schedule for the next 12 months and advertise the meeting details, including date, time and place. Should the Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the *Local Government Act 1995* requires that the City give public notice of the date and agenda for the Council meeting.

Regulation 12(2) of the *Local Government (Administration) Regulations 1996* requires that the City, at the beginning of the year, publish on its official website the details of Ordinary Meetings of the Council and any changes to the adopted meeting details.

The community will be informed of any Special Meetings of the Council in accordance with the requirements of Regulation 12(4) of the *Local Government (Administration) Regulations 1996*.

FINANCIAL IMPLICATIONS

A provision for the cost of conducting Meetings of the Council within the proposed schedule is included in the 2021-2022 adopted budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Matters will be brought to the Council for decision on 11 pre-determined dates and where required, Special Meetings of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda.

There is no risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The current model provides for 11 scheduled meetings per annum with a provision to call Special Meetings of Council where a matter requires urgent attention.

There is an option to revert to a different model for meeting frequency, which may provide a more or less frequent cycle of Ordinary Meetings of Council, increasing or decreasing the amount of decision making opportunities for the Council. Changes to the meeting cycle would have an impact on the resource allocations for this purpose.

M21/5883 - COUNCIL MEETING SCHEDULE 2022 (REC) (ATTACHMENT)**CONCLUSION**

The monthly Council meeting cycle is proposed to be adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Council Agenda Briefing Forums.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5883)**APPROVAL****That the Council:**

- 1. Approves the Ordinary Meetings of Council to be held on the third Tuesday of each month, commencing in February 2022, with the exception of December 2022, where the meeting will be held on the second Tuesday of that month.**
- 2. Approves the Agenda Briefing Forums to be held on the second Tuesday of each month, commencing in February 2022 with the exception December 2022 where the meeting will be held on the first Tuesday of that month, and be chaired by the Mayor or his delegate.**
- 3. Directs that it will go into recess during January 2022 and that neither the Ordinary Meeting of Council nor a Council Agenda Briefing Forum will be scheduled during the month of January 2022.**
- 4. Endorses that Elected Member Engagement Sessions occur, as required, on any Tuesday evening that is not required for Ordinary Meetings of Council, Agenda Briefing Forums.**
- 5. Directs the Chief Executive Officer to publish the Schedule of Council Meetings on the City of Melville Website in order to inform the community of the Council Meeting dates for 2022.**

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C21/5887 – REVIEW OF COUNCIL POLICY - CP-023 PROCUREMENT POLICY (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 : Item C20/6181 – Policy Review CP-023 Procurement Policy – Ordinary Meeting of Council 19 May 2020
 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 checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

C21/5887 – REVIEW OF COUNCIL POLICY - CP-023 PROCUREMENT POLICY (REC)
(ATTACHMENT)

KEY ISSUES / SUMMARY

- This policy was last reviewed in May 2020 to reflect changes to the *Local Government Act 1995*.
- The procurement team have reviewed the policy in line with practices adopted by other benchmark local governments and have recommended minor changes to the procurement financial thresholds and stronger consideration of carbon neutral target, local suppliers, disability support enterprises and aboriginal business.
- The policy has been endorsed by the Management and Executive Leadership teams and it is recommended that Council approve the changes to this policy.

BACKGROUND

The City is committed to delivering best practice in the procurement of goods, services and works that align with the principles of transparency, probity and good governance and complies with relevant legislation.

The City's Procurement Policy prescribes how procurement activities are to be undertaken by the City. The policy was last reviewed in May 2020.

DETAIL

This review has taken into consideration practices adopted by other benchmark local governments with regard to corporate social responsibility and industry benchmarking. The City's key internal stakeholders were consulted to ensure changes are practical in day to day operations.

The key amendments include:

- Changes to purchase value thresholds of the lower categories.
- Changes to the respective requirements to strengthen the Sustainable Procurement considerations given to local suppliers, disability support enterprises and aboriginal business.
- Incorporation of carbon neutral considerations aimed at reducing the City's carbon footprint and preferring low carbon alternatives where practicable and financially feasible

These amendments ensure the City's procurement practices remain practical and represent better practice whilst still ensuring value for money is achieved.

Current Thresholds	Current Requirements
Up to \$5,000	At least 1 verbal or written quote
Over \$5,000 to \$50,000	At least 3 written quotes
Over \$50,000 to \$250,000	At least 3 written quotes by formal request for quote
New Thresholds	New Requirements
Up to \$10,000	At least 1 verbal or written quote Provided value for money is demonstrated through past knowledge or market research
Over \$10,000 to \$50,000	At least 3 written quotes With at least one quote obtained from a local, disability support enterprise or aboriginal business (unless exemption provided by Procurement team)

C21/5887 – REVIEW OF COUNCIL POLICY - CP-023 PROCUREMENT POLICY (REC)
(ATTACHMENT)

New Thresholds	New Requirements
Over \$50,000 to \$250,000	At least 3 written quotes by formal request for quote With at least one quote obtained from a local, disability support enterprise or aboriginal business (unless exemption provided by Procurement team)

STAKEHOLDER ENGAGEMENT

The City's key internal stakeholders were consulted to ensure changes are practical in day to day operations. The policy has been reviewed and endorsed by the Management Leadership team and the Executive Leadership team.

The City's Procurement Policy was benchmarked against twelve other Local Governments, including ten metropolitan from the Western Australian metropolitan area and two Councils from other states.

- Seven out of the twelve had a one quote threshold of \$10,000.
- One other local government had a requirement to demonstrate value for money on the lowest threshold.
- Almost all had strong Local Supplier clauses, with four requiring quotes from a local supplier.
- No other local government had a requirement to source a quote from an aboriginal business or disability support enterprise.

STATUTORY AND LEGAL IMPLICATIONS

This policy is consistent with the current *Local Government Act 1995* and relevant Regulations.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The changes are in line with the objectives of Council's Disability Access and Inclusion Policy CP-084, Carbon Neutral by 2030 target and the City of Melville Stretch Reconciliation Action Plan.

**C21/5887 – REVIEW OF COUNCIL POLICY - CP-023 PROCUREMENT POLICY (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could not approve all or any of the changes to the current policy. This would have the effect of leaving the current quotation thresholds in place and not providing improved opportunities for local suppliers, disability support enterprises and aboriginal business.

CONCLUSION

The changes to the Procurement Policy has been reviewed and endorsed by the City's leadership team and the changes are considered consistent with common practice across the sector. The stronger consideration of local suppliers, disability support enterprises and aboriginal business provides greater opportunities for these businesses to work with the City and is considered better practice in line with the City's Policies and Stretch Reconciliation Plan.

OFFICER RECOMMENDATION (5887)**APPROVAL**

At 8:42pm Cr Fitzgerald moved, seconded Cr Macphail –

That the Council approves the changes made to [CP-023 Procurement Policy](#) as contained in the attachment.

At 8:42pm Cr Wheatland left the meeting.

At 8:42pm Cr Sandford returned to the meeting.

Amendment**COUNCIL RESOLUTION**

At 8:42pm Cr Edinger moved, seconded Cr Barber –

That 4.5 Procurement Thresholds for Procurement Requirement for the Purchase Value Threshold up to \$10,000 (exclusive of GST) be amended to read:

“... or obtain at least one (1) verbal quote followed up with written confirmation or written quotation from ...”

At 8:43pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

**C21/5887 – REVIEW OF COUNCIL POLICY - CP-023 PROCUREMENT POLICY (REC)
(ATTACHMENT)****Substantive Motion as Amended****COUNCIL RESOLUTION**

At 8:42pm Cr Fitzgerald moved, seconded Cr Macphail –

That the Council approves the changes made to CP-023 Procurement Policy as contained in the attachment, subject to the following amendment:

- **That 4.5 Procurement Thresholds for Procurement Requirement for the Purchase Value Threshold up to \$10,000 (exclusive of GST) be amended to read:**

“... or obtain at least one (1) verbal quote followed up with written confirmation or written quotation from ...”

At 8:45pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C21/6000 - INVESTMENT STATEMENTS FOR OCTOBER 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 type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 October 2021 for the Council's information and noting.

C21/6000 - INVESTMENT STATEMENTS FOR 31 OCTOBER 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 31 October 2021.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 OCTOBER 2021		
SUMMARY BY FUND		
Municipal		\$52,501,327
Reserve		\$160,953,065
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$213,678,449
SUMMARY BY INVESTMENT TYPE		
11AM		\$11,055,926
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$178,022,523
TOTAL		\$213,678,449
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$143,177,734
A Category (A+ to A-)	A+	\$11,500,716
	A	
	A-	
BBB+ Category	BBB+	\$59,000,000
TOTAL		\$213,678,449

C21/6000 - INVESTMENT STATEMENTS FOR 31 OCTOBER 2021 (REC)

Exposure to an individual institution is limited according to Council policy and in October 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	\$ 7,000,000	3.28%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 32,000,000	14.98%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 27,000,000	12.64%	15.00%	✓
CBA	AA-	AA Category	\$ 51,500,000	24.10%	30.00%	✓
Macquarie	A+	A Category	\$ 7,000,716	3.28%	25.00%	✓
NAB	AA-	AA Category	\$ 50,036,174	23.42%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 4,500,000	2.11%	25.00%	✓
Westpac	AA-	AA Category	\$ 34,641,560	16.21%	30.00%	✓
TOTAL			\$ 213,678,449	100%		

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

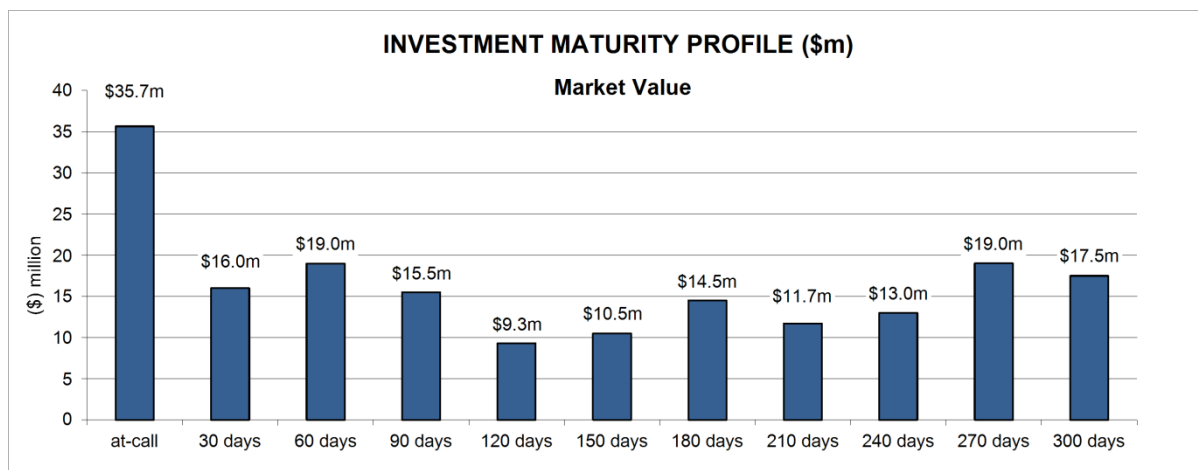
The City's investments were invested within the limits allowed in each category rating for October 2021 except BBB+ rating which exceeded the policy limit by 3%. The City has invested \$59M under BBB+ category of which \$32M is Green investment with Bendigo & Adelaide. This is a result of the timing of investment maturities and will be adjusted to be within policy in December 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-)	\$ 143,177,734	67%	80%	✓
A Category (A+ to A-)	\$ 11,500,716	5%	50%	✓
BBB+ Category	\$ 59,000,000	28%	25%	✗
TOTAL	\$ 213,678,449	100%		

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

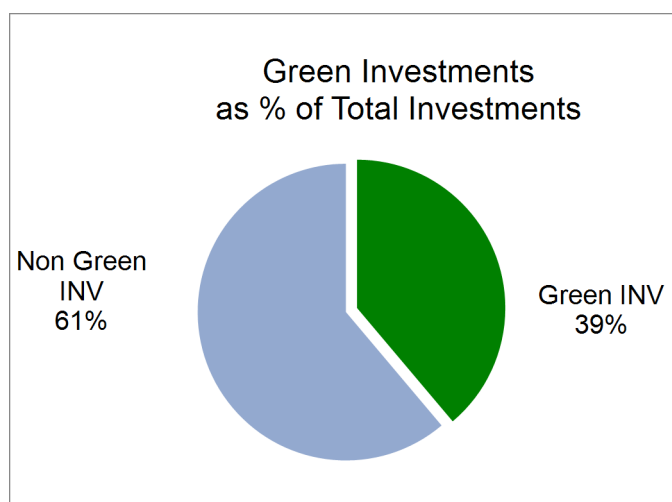
C21/6000 - INVESTMENT STATEMENTS FOR 31 OCTOBER 2021 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 31 October 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 above 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 31 October 2021 was \$83,000,000 or 39% of total investment holdings being in non-fossil fuels institutions, compared to \$88,500,000 (41%) in September 2021. The total investments holding for October and September were \$213,678,449 and \$215,978,449 respectively.



C21/6000 - INVESTMENT STATEMENTS FOR 31 OCTOBER 2021 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 27,000,000
CBA	AA-	AA Category	\$ 51,500,000
Suncorp	A+	A Category	\$ 4,500,000
TOTAL			\$ 83,000,000

Green investments are invested in three banks listed above, in accordance with 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 31 OCTOBER 2021 (REC)

FINANCIAL IMPLICATIONS

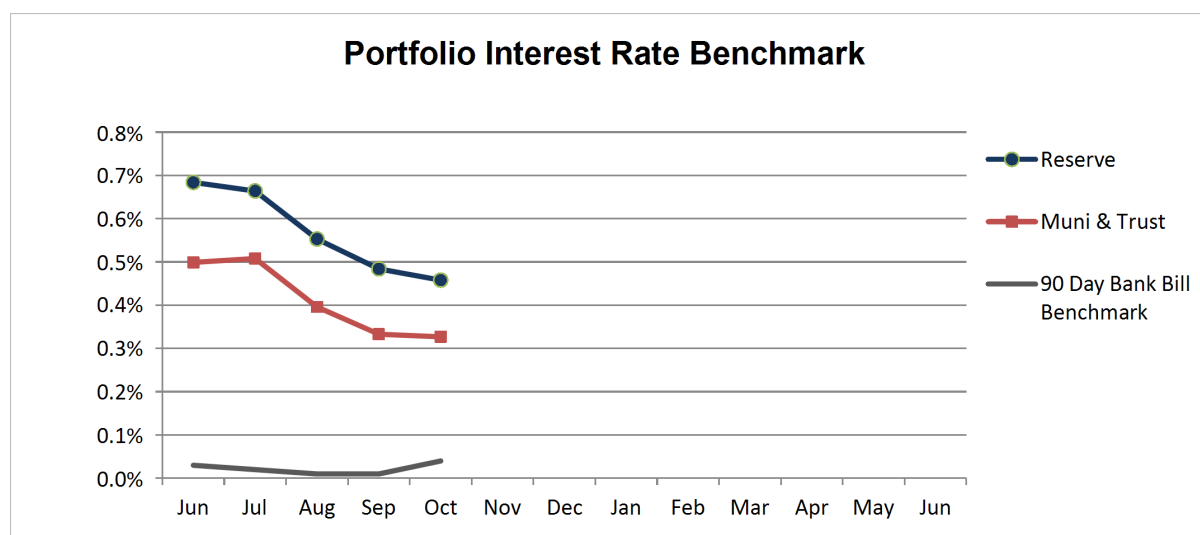
For the period ending 31 October 2021:

- Investment earnings on Municipal and Trust Funds were \$41,067 against a year to date budget of \$83,333 representing a negative variance of \$42,266.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 October 2021 was 0.33% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

- Investment earnings on Reserve accounts were \$293,137 against a year to date budget of \$400,000 representing a negative variance of \$106,863.

The weighted average interest rate for Reserve account investments as at 31 October 2021 was 0.46% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 OCTOBER 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 0.33% to 0.46% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

39% 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 41% in September 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 31 October 2021.

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 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 & 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	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

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

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 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 October including Payment Register numbers, Cheques: 804-806, Electronic Funds Transfers batches: 731-735, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 26 November 2021.

A total of \$8,958,977 direct creditor payments were paid during the month, of which, 15% of payments (excluding \$1.29m of ESL payment to DFES) were paid to suppliers located within the City of Melville and 27% to suppliers within the South West Group, compared to 29% and 35% of total of \$15,093,398 direct creditor payments made over September 2021 respectively. The biggest payment of \$1.29m made during the month was the ESL payment to the Department of Fire and Emergency Services (DFES). Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

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

SCHEDULE OF PAYMENTS MADE OCTOBER 2021		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 804,805 and 806	\$1,078.42
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	(\$3,160.78)
Electronic Funds Transfers	EFT Payment Register No. 732,733 and 735	\$8,567,176.57
	EFT Payment on Restricted Funds Register No. 111, 731 and 734	\$264,828.20
	Less Cancelled EFTs	\$8,829,922.41
Direct Debits	Bank Fees	\$26,156.62
	Ampol Fuel	\$99,940.47
Direct Payments		\$2,957.11
	Total Direct Creditor Payments	\$8,958,976.61
Payroll	Total Pay 8 and 9	\$3,881,556.59
	Total Payroll	\$3,881,556.59
Cards	Westpac Corporate Cards	\$12,524.49
	Westpac Purchase Cards	\$58,091.13
	American Express	\$14,660.02
	Total Card Payments	\$85,275.64
Total Direct Creditor Payments from Municipal Account		\$12,925,808.84

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

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
Interfund Transfers			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$7,936,884.12)
Reserve			\$7,936,884.12
Trust			\$0.00
Total Interfund Transfers			\$0.00
New Municipal Investments			
Westpac Bank	4/10/2021		\$3,000,000.00
Westpac Bank	8/10/2021		\$1,600,000.00
Westpac Bank	20/10/2021		\$2,000,000.00
Westpac Bank	22/10/2021		\$500,000.00
Suncorp Bank	28/10/2021		\$1,500,000.00
Total New Investments			\$8,600,000.00
Grand Total			\$21,525,808.84

Details of the payments are shown in attachment [6001 Payment Details October 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

Not applicable.

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.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2021 (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

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

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 \$21,525,808.84.

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 October 2021 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details October 2021](#).

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2021 (AMREC)
(ATTACHMENTS)****KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 October 2021 and recommends that they be noted by the Council.
- The variances for the month of 31 October 2021 and recommends that they be noted by the Council.
- Year-end processes have been finalised and the exit interview with the OAG held at the FMARCC meeting on 15 November 2021. The final figures are not expected to change from what is presented in this report.
- The Budget amendments required for the month of 31 October 2021 and recommends that they be adopted by Absolute Majority decision of the Council.
- Amendments to the Fees and Charges schedule and recommends that they be adopted by Absolute Majority decision of the Council.

BACKGROUND

The Statements of Financial Activity for the period ending 31 October 2021 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- Year-end processes have been finalised and the exit interview with the OAG held at the FMARCC meeting on 15 November 2021. The final figures are not expected to change from what is presented in this report.
- The Municipal cash balance at the end of the month is \$52.5m. This reflects that the City has a positive financial position to meet its obligations.
- An investment holding in reserve accounts for October is \$161m, which is unchanged from September 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 31 October 2021 was \$83m or 39% of total investment holdings, compared to \$88.5m (41%) in September 2021.
- Rates raised as at October were \$91,983.943 with a positive variance of \$341,919 compared to the approved budget of \$91,642,024. This increase is mainly due to the impact of interim rate adjustments processed on various residential improved properties following the preparation of the 2021-2022 annual budget. These adjustments are subsequently reflected in the value of the rates raised in 2021-2022.
- Total debtor collections for October equalled \$10,031,127 as a result of the 2nd rates instalment due 30 October. The Rates collection target is 69.6% and the actual collection is tracking slightly lower at 67.7%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$41,968,224.

C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2021 (AMREC)
(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 Nature or Type
Provides details on the Nature or Type classifications.

Variances

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

[6002B Statement Nature Type October 2021](#): Rate Setting Statement by Nature or Type
[6002H Statement of Variances October 2021](#): Statement of Variances in Excess of \$100,000

Revenue

Rates raised as at October were \$91,983,943, compared to a year to date budget of \$91,642,024. The positive variance of \$341,919 is due to the impact of interim rate adjustments processed on various residential improved properties.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	117,992,994	117,626,054	0%	100,975,521	17%
Payments Received	(83,106,430)	(73,883,527)	12%	(64,024,133)	30%
Closing Balance	41,378,427	50,234,390	-18%	46,093,875	-10%

Total rate debtor collections for the month equalled \$9,222,902.

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

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	2,406,439	1,711,840	41%	2,043,315	18%
Receipts	(2,703,656)	(1,895,432)	43%	(1,574,451)	72%
Prepayments	4,863	5,184	-6%	24,522	-80%
Closing Balance	589,797	703,742	-16%	1,732,251	-66%

Sundry debtor balances decreased by \$113,945 over the course of October from \$703,742 to \$589,797 of which total 90 day sundry debtors over \$1,000 for the month is \$145,234, representing 25% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

A small fire in the Civic Centre on 9th August 2021 resulted in emergency and unbudgeted expenditure. Urgent expenditure was required to make the building fit for re-occupation by the staff, Elected Members and members of the public as soon as possible. As per Section 6.8 of the *Local Government Act 1995*, this was authorised in advance by the Mayor but is also required to be reported to the next Ordinary Meeting of Council.

The total spend to October was \$199,655, with the total cost of repair estimated to be \$237,000. The City has lodged an insurance claim with Local Government Insurance Services (LGIS) for expenditure in excess of \$50,000 which is the City's insurance excess on property claims.

Budget Amendments

Details of budget amendments requested for the month of October 2021 that reflect effective changes to budgets are shown in attachment [6002J October 2021](#). Budget Amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

The effective budget adjustments for October mainly relate to depreciation adjustments and the creation of budgets related to grant funding.

Effective budget amendments greater than \$100,000 processed in October 2021 are highlighted in the attachment.

Amendments to Fees and Charges Schedule 2021-2022

The below changes in relation to the parking fees for the Parking Station at Deep Water Point, Mount Pleasant, and paid parking along a section of The Esplanade, Mount Pleasant, are proposed in line with the Deep Water Point Parking Management Plan.

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

- Extension of the free parking duration from one hour to two hours for the entire carpark at Deep Water Point Parking Station – the hourly fee thereafter and all day maximum to remain at \$2.30 and \$12.00 respectively.
- Introduction of the new fee for on street embayed parking bays on The Esplanade, Mount Pleasant between Hawkins Street and Queens Road with the first two hours free and an hourly fee of \$2.30 to apply thereafter.

These changes are aimed particularly to ensure parking is shared fairly across all the diverse users and encourage regular turnover allowing more people to access parking throughout the day.

The changes will be accompanied with paid parking machines and signage on-site informing the users of the change, followed by two weeks of only issuing written cautions rather than infringements during this transition phase.

The proposed changes, if approved will be advertised by way of public notice in prior to the effective date of 1st of February 2022.

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.

There were no write offs for the month of October.

Approval to write off Sundry Debt over \$10,000

On January 31 2019 GWY & KY NG Pty Ltd, trading as 'Yummie BBQ', were fined \$22,000 and ordered to pay costs of \$3,500. The company paid a total of \$8,500 in four instalments. The last payment was received 4 June 2019. The outstanding amount of \$17,000 was registered with Fines Enforcement Registry on July 2020. No further monies have been recovered. It is recommended that the outstanding amount be written off.

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

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	<u>6002A Statement Nature Type October 2021</u>
Rate Setting Statement by Program	<u>6002B Rate Setting Program October 2021</u>
Rate Setting Statement by Nature or Type	<u>6002B Rate Setting Nature Type October 2021</u>
Representation of Net Working Capital	<u>6002E Net Working Capital October 2021</u>
Reconciliation of Net Working Capital	<u>6002F Reconciliation Net Working Capital October 2021</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<u>6002H Notes Rate Setting Statement October 2021</u>
Details of Budget Amendments requested	<u>6002J Budget Amendments October 2021</u>
Summary of Rates Debtors	<u>6002L Summary Rate Debtors October 2021</u>
Graph Showing Rates Collections	<u>6002M Rates Collections Graph October 2021</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002N General Debtors Aged 90days October 2021</u>
The proposed changes to fees and charges	<u>6002O 2021-2022 Fees and Charges Amendments October 2021</u>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2021 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) such other supporting information as is considered relevant by the local government.*

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or*
- (b) by program; or*
- (c) by business unit.*

(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

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

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

Imposition of Fees and Charges

Local Government Act 1995 Part 6 Financial Management Division 5 Financing Local Government Activities

6.16 Imposition of fees and charges

(3) Fees and charges are to be imposed when adopting the annual budget but may be –

- (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year.*

**Absolute majority required.*

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2021 (AMREC)
(ATTACHMENTS)***6.19 Local Government to give notice of fees and charges*

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of–

- (a) its intention to do so ; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment

[6002H Notes Rate Setting Statement October 2021](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

Amendments to Fees and Charges Schedule 2021-2022

The proposed changes to fees and charges will not have a material impact on the 2021-2022 budget position.

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 remains a significant strategic risk. The City has well developed business continuity plans in place and has enacted the Incident Response Team (IRT) to coordinate and plan the City's response to the Covid-19 crisis.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 October 2021.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)
NOTING and ABSOLUTE MAJORITY**

That the Council:

- Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 October 2021 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	6002A Statement Nature Type October 2021
Rate Setting Statement by Program	6002B Rate Setting Program October 2021
Rate Setting Statement by Nature or Type	6002B Rate Setting Nature Type October 2021
Representation of Net Working Capital	6002E Net Working Capital October 2021
Reconciliation of Net Working Capital	6002F Reconciliation Net Working Capital October 2021
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	6002H Notes Rate Setting Statement October 2021
Details of Budget Amendments requested	6002J Budget Amendments October 2021
Summary of Rates Debtors	6002L Summary Rate Debtors October 2021
Graph Showing Rates Collections	6002M Rates Collections Graph October 2021
Summary of General Debtors aged 90 Days Old or Greater	6002N General Debtors Aged 90days October 2021
The proposed changes to fees and charges	6002O 2021-2022 Fees and Charges Amendments October 2021

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for October 2021
[6002J Budget Amendments October 2021](#)**
- By Absolute Majority Decision write off the debt owed by Yummie BBQ for the amount of \$17,000.**
- By Absolute Majority Decision adopts the Fees and Charges amendments detailed in attachment [6002O 2021-2022 Fees and Charges Amendments October 2021](#) to be applicable from 1 February 2022 following a public notice to be published prior to the effective date.**

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C21/5888 – LATE ITEM – SUPPLY OF MICROSOFT LICENSING (REC) (CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Tenders
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : IT budgets
 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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

C21/5888 – LATE ITEM – SUPPLY OF MICROSOFT LICENSING (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for Microsoft Licensing.

BACKGROUND

The City engages with a Microsoft certified partner for the supply of all relevant product licenses. This is typically for a three year period. This relationship is important for the City to achieve best value for money outcomes as modern Microsoft licensing is extremely complex with specialists employed for the sole purpose of advising how organisations can meet Microsoft licensing requirements without incurring unnecessary or excessive expenditure.

Since the last agreement was put in place, three significant aspects have changed within the general marketplace and the City's requirements:

- Open license arrangements (capital based) are no longer available from Microsoft. This was how the City purchased and delivered the current version of "Office" (Word, Excel etc.);
- The availability of additional products as part of the relevant upgrades such as "Teams";
- The implementation of our Digital Strategy which should when completed provide improved customer outcomes.

The quote and responses can be split into two components:

- Core Products – often referred as M365. This is made up of Windows licensing, Office products plus newer products such as "Teams" and basic security integration to the Microsoft Data Centres;
- Future Products – Primarily Dynamics customer management products plus improved dashboard reporting tools.

The request arrangement was designed to be adaptive as the City's needs changed over time including focusing on the core products initially and only adding the cost of future products when appropriate.

DETAIL

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

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

C21/5888 – LATE ITEM – SUPPLY OF MICROSOFT LICENSING (REC) (CONFIDENTIAL ATTACHMENT)

The cost of licensing all Microsoft products has increased due to the broad industry change from perpetual licensing to subscription models. This is affecting the City across multiple products.

The change to subscription pricing for the core products had already been considered and planned within existing budgets.

The increase in costs associated with digitally enabling all staff across the City had also been planned in the long term financial model and plan.

The potential significant cost increases in Year Two and Three specifically relate to the implementation of Dynamics365 to improve customer outcomes. The specific licensing requirements are still being assessed as part of a major project so the costs estimated are a worst case scenario.

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

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)

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

FINANCIAL IMPLICATIONS

Pre-Tender Estimate	\$3,545,000 (over 3 years)
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Within budget for year 1 and the additional amounts are subject to future long-term financial plan and budget approval for year 2 and 3.

C21/5888 – LATE ITEM – SUPPLY OF MICROSOFT LICENSING (REC) (CONFIDENTIAL ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

There are no residual risk implications following the invitation and evaluation process conducted for this item.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The CTAU is satisfied that the recommended suppliers have demonstrated that they have the appropriate key personnel to deliver the services, follows a methodology in line with the City's expectations, and offer suitable products.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes dated Thursday, 2 December 2021 available on the Elected Members Portal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5888)**APPROVAL**

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

**Data#3 Limited
ABN: 31 010 545 267**

At 7:23pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

M21/5889 – LATE ITEM – AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 21 SEPTEMBER 2021 (REC)

Ward	: All
Category	: Operational
Subject Index	: Meetings 21 September 2021
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	: 6. Question Time – Ordinary Meeting of Council held 21 September 2021.e
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

M21/5889 – LATE ITEM – AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 21 SEPTEMBER 2021 (REC)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held 21 September 2021, a series of questions were submitted to Question Time by Mr R Aubrey of Leeming.
- Responses were provided to the questions, in writing immediately prior to the meeting, by former Councillor Steve Kepert.
- The minutes of the 21 September 2021, omit the response to Question 11 as provided by former Councillor Kepert.
- The minutes of the 21 September 2021 Ordinary Meeting of Council were confirmed at the Ordinary Meeting of Council held 12 October 2021.
- This report seeks the Council's approval to amend the minutes of the Ordinary Meeting of Council held 21 September 2021 to include the response provided in writing by former Councillor Kepert to Question 11 on page 10.

BACKGROUND

At the Ordinary Meeting of Council was held 21 September 2021, Mr R Aubrey of Leeming submitted a series of 11 questions to public question time. During the meeting, former Councillor Steve Kepert advised that he had responses to the questions and with the permission of the Presiding Member, verbally responded to the questions at the meeting. Former Councillor Kepert also provided a copy of the responses, via email to the administration just prior to the meeting. The responses received in writing were included in the minutes of the meeting, which were published on the City's website on Friday 24 September 2021.

The minutes of the meeting omit the written response provided by former Councillor Kepert to Question 11 on page 10.

The minutes of the Ordinary Meeting of Council held 21 September 2021, were confirmed as a true and accurate record at the Ordinary Meeting of Council held 12 October 2021 and can only be amended by resolution of the Council.

DETAIL

It has come to the attention of the administration that respect to Question 11 submitted by Mr Aubrey, former Councillor Kepert provided the following written response:

“The role of the Mayor is set out in section 2.8 of the *Local Government Act 1995*.”

This response was omitted from the minutes published on 24 September 2021 and subsequently confirmed as a true and accurate record at the next Ordinary Meeting of Council held 12 October 2021.

M21/5889 – LATE ITEM – AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 21 SEPTEMBER 2021 (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Former Councillor Keperth has brought this matter to the attention of the administration.

II. OTHER AGENCIES / CONSULTANTS

No comment from external agencies or consultants has been sought in relation to this matter.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.22 of the *Local Government Act 1995* requires that the person presiding at a Council Meeting ensures minutes of that meeting are kept and are submitted to the next ordinary meeting of the council for confirmation.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Inconsistency in information provision may lead to a perception that a declaration of interest was not made	Moderate consequences which are likely, resulting in a Moderate level of risk	Amendment to the minutes will ensure consistency in information provision.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to include the requested amendment, which would mean that the Minutes of the Ordinary Meeting of Council held 21 September 2021, would not accurately reflect the responses provided during Question Time.

CONCLUSION

The inclusion of the proposed amendment in the minutes of the 21 September 2021 Ordinary Meeting of Council will ensure the minutes are an accurate record of the meeting proceedings and the responses provided as part of Question Time.

M21/5889 – LATE ITEM – AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 21 SEPTEMBER 2021 (REC)

At 8:45pm Cr Wheatland returned to the meeting.

At 8:45pm Cr Mair left the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5889)**APPROVAL**

At 8:45pm Cr Fitzgerald moved, seconded Cr Robins –

That the Council approve the amending the response of Question 11 on page 10 of the minutes of the Ordinary Meeting of Council held 21 September 2021, by deleting the words “Cr Kepert did not provide a response to this question” and replacing them with

“Response as provided by Cr Kepert:

The role of the Mayor is set out in section 2.8 of the *Local Government Act 1995*.”

At 8:47pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 8:47pm Cr Mair returned to the meeting.

15. EN BLOC ITEMS**Item Brought Forward.**

See page 29.

At 8:48pm the Mayor adjourned the meeting.

At 8:55pm the Mayor resumed the meeting.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Cr Ross - Funding Grant for construction of new premises for the Melville Bowling Club

Disclosure of Interest

Member	Cr Wheatland
Type of Interest	Impartiality Interest
Nature of Interest	Working for Kim Giddens MLA Member for Bateman and; Election Gift – Newspaper Ad under \$200 in the Preferred Candidates of 2017 Election Joint Ad
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Barber
Type of Interest	Impartiality Interest
Nature of Interest	Husband is a social Member of Melville Bowling Club and new pennant player
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Sandford
Type of Interest	Impartiality Interest
Nature of Interest	My husband is a social Member of MBC. In 2018 my employer held MBC funds in its solicitors trust account solely to pay for Counsel fees for a barrister engaged in person by MBC, from which neither I nor my employer received any financial or other benefit, nor have any legal fees for legal work ever been charged to MBC.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Mayor George Gear
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Social Member – Melville Bowling Club
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Mair
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	Social Member – Melville Bowling Club
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Ross
Type of Interest	Impartiality Interest
Nature of Interest	I am a social member of the Melville Bowling Club (MBC). Prior to election to Council, I participated in meetings between MBC and City of Melville in relation to the proposal for redevelopment of the MBC. The discussions did not include any request for funding from the City. Prior to election to Council, I participated in 2 meetings each between the Federal Member for Tangney and the MBC and between the MBC and State member for Bateman where the potential for Federal and State funding were discussed.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

16.1 Cr Ross - Funding Grant for construction of new premises for the Melville Bowling Club

At 8:54pm the Mayor advised the meeting that an officer advice note had been circulated for reading. [Advice Note](#)

Motion

1. That the Council in the event that the Melville Bowling Club is successful in obtaining funding grants from the Federal Government of \$5 million and from the State Government of \$10 million, the City of Melville will make a funding grant of an additional \$5 million for the Melville Bowling Club's development project.
2. The funding grant to be subject to terms and conditions that provide that all funds from the abovementioned grants are applied for the development project and grant funds are paid in instalments on completion of agreed stages of the development works.

Procedural Motion

COUNCIL RESOLUTION

At 8:55pm Cr Barber moved, seconded Cr Fitzgerald –

That the matter of considering a Funding Grant for the construction of new premises for the Melville Bowling Club, be deferred to the March 2022 Ordinary Meeting of Council.

At 9:03pm, the Mayor declared the motion

CARRIED (7/6)

Yes	7	Cr Barber, Cr Spanbroek, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear
No	6	Cr Ross, Cr Macphail, Cr Edinger, Cr Wheatland, Cr Mair, Cr Sandford

Reasons for the deferral as provided by Cr Barber

2. Governance concerns regarding the current motion there is a requirement for thorough investigations to occur before funding is granted.
3. More time should be given to a major development of \$20 million and the Council should have the ability to consider business plan, building plans, lease and sub-lease arrangements, and so that Councillors can liaise with Administration in a clear and transparent manner.
4. Due process must be followed including awaiting the finalisation of the Alfred Cove-Attadale Foreshore Masterplan, just as many other community groups are waiting.
5. Letter of Endorsement for State and Federal funding in good faith support of the refurbishment of the club would seem more appropriate at this point.
6. Ensuring prudence and correct process to substantiate granting of funds to community groups and that the funding process will pass the pub test.

16.2 Cr Robins - George Welby Park

At 9:03pm the Mayor advised that an Officers Advice Note had been circulated to Elected Members for reading. [Advice Note](#).

Motion**COUNCIL RESOLUTION**

At 9:04pm Cr Robins moved, seconded Cr Macphail –

That the Council directs the CEO to prepare a report, to be presented to the March 2022 Ordinary Meeting of Council, on the improvement actions requested at George Welby Park, Bateman, as outlined in a multi signature letter signed by 50 residents that was received on 15 November 2021.

At 9:08pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reasons for the Motion as provided by Cr Robins

Residents collected 50 signatures for what they intended to be a petition to be considered by the Council, but unfortunately, it wasn't completed on the correct form, so was treated as multi-signature letter. The letter asked for upgrades to George Welby Park, including but not limited to, shade sails, a gazebo, barbecues, toilets and a noise wall on the eastern side of the park. In moving this motion, I am essentially asking that the multi-signature letter is treated as a petition, and a report be prepared.

16.3 Cr Robins - Annual Volunteer Function

Motion

COUNCIL RESOLUTION

At 9:09pm Cr Robins moved, seconded Cr Wheatland –

That the Council confirms its in-principle support for reinstating the City's annual volunteer recognition function and directs the CEO to prepare a report on how this can be done in a way that ensures volunteers from across the City of Melville are acknowledged in a way that is fair and cost-effective. In preparing the report, consideration should be given to issues such as ensuring different volunteers are recognised each year, ensuring volunteers from a range of organisations across the City are invited and how the nomination process can be best managed. The Council requests that funding is allocated in the 2022/2023 budget and the event is reinstated in the 2022/2023 financial year.

At 9:19pm, the Mayor declared the motion

CARRIED (11/2)

Yes	11	Cr Macphail, Cr Barber, Cr Edinger, Cr Spanbroek, Cr Wheatland, Cr Mair, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear
No	2	Cr Ross, Cr Sandford

Reasons for the Motion as provided by Cr Robins

- The Objective and Benefit is to ensure volunteers across the City are acknowledged and appreciated, and the community is aware that the City and Council value people who volunteer in our district.
- Potential Risks, which are similar to the reasons for the event being discontinued, are that invitations to the event are not extended in a way that is fair, it is not possible to recognise all volunteers and that costs may become significant. This is why the preparation of a report is being requested, so that Council can consider these risks.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

At 9:20pm the Mayor delivered his Christmas message to the Elected Members, staff and Community of the City of Melville.

At 9:21pm the Deputy Mayor extended on behalf of Elected Members and Staff thanks to Mayor Gear and the compliments of the season.

There being no further business, the Mayor closed the meeting at 9:22pm.