

MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
6.30PM TUESDAY, 19 MAY 2020

**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, the public were unable physically attend this meeting. To be considered open to the public, this meeting was publically broadcast to the community and the minutes and the audio recording of the meeting will be available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*

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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. Mr B Taylor, Manager Governance and Property, read aloud the Disclaimer that is on the front page of these Minutes and then Mayor, Honourable George Gear, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

Mayor Honourable George Gear conducted a roll call at the commencement of the meeting and confirmed the following Elected Members were in attendance for the electronic meeting.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr N Pazolli (Deputy Mayor)
Cr S Kepert
Cr D Macphail, Cr N Robins
Cr C Robartson, Cr M Woodall
Cr G Barber, Cr J Barton
Cr K Mair, Cr M Sandford
Cr K Wheatland

WARD

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

3. IN ATTENDANCE

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

Chief Executive Officer
Director Technical Services
Director Corporate Services (*electronic attendance*)
Director Community Development
Director Urban Planning
Executive Manager Governance and Legal Services
Manager Governance and Property
Governance Coordinator
Governance Officer

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

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

Cr T Fitzgerald

Palmyra – Melville - Willagee

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.**

Cr Wheatland advised that due to work commitments, she was unable to attend the Special Elected Member Briefing held today and had not had time to read the amendments circulated via email late today.

Cr Robins advised that she had been unable to reconcile the amendments sent out for item P20/3840 – Review of Local Planning Policy 1.1 Planning Process and Decision Making against the draft Policy due to a variance in the numbering.

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

Nil.

6. QUESTION TIME

Nil.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 21 APRIL 2020**Minutes 21 April 2020**COUNCIL RESOLUTION**

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

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 21 April 2020, be confirmed as a true and accurate record.

At 6:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 MAY 2020Notes 5 May 2020**COUNCIL RESOLUTION**

At 6:38pm Cr Pazolli moved, seconded Cr Barber –

That the Notes of Agenda Briefing Forum held on Tuesday, 5 May 2020, be received.

At 6:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

8.3 SPECIAL MEETING OF THE COUNCIL – 4 MAY 2020Minutes 4 May 2020**COUNCIL RESOLUTION**

At 6:39pm Cr Barton moved, seconded Cr Wheatland –

That the Minutes of the Special Meeting of the Council held on Monday, 4 May 2020, be confirmed as a true and accurate record.

At 6:39pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

8.4 MINUTES OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING – 11 MAY 2020**COUNCIL RESOLUTION**

At 6:39pm Cr Macphail moved, seconded Cr Wheatland –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 11 May 2020, be received.

At 6:39pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

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

- Cr Mair – Item P20/3851 – Petitions Seeking Modification to the South Eastern Boundary of the CBACP. Financial Interest.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. DEPUTATIONS

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6:40pm Cr Barton moved, seconded Cr Wheatland –

That the application for a new leave of absence submitted by Cr Barber on 19 May 2020 be granted.

At 6:40pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. PETITIONS

Nil.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	I may receive shares in companies that own property in the CBACP
Request	Leave
Decision	Leave

At 6:41pm having declared an interest Cr Mair was electronically disconnected from the meeting.

P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)

Ward	: Applecross- Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Response to three petitions seeking boundary change to CBACP
Applicant	: Not Applicable
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Notice of Motion (10 December 2019) – Immediate Commencement of CBACP Full Review
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 checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN
BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC)**
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- Three petitions have been received seeking modification to the south western boundary of the Canning Bridge Activity Centre Plan (CBACP).
- The petitions seek different boundary alignments, but are consistent in seeking a boundary which follows existing roads, generally in the vicinity of Helm Street.
- The petitions note that placement of the boundaries along roads provides an additional buffer between the more intensive development controls applicable within the CBACP and the lower intensity controls outside of the CBACP.
- The boundaries to the CBACP are informed by factors such as walkability from Canning Highway and the Canning Bridge Rail Station and the ability to transition from high intensity land uses to lower intensity land-uses. For much of the precinct, the boundaries are aligned with existing roads providing clear demarcation of the precinct and opportunity for transition between areas of different development potential.
- Portions of the CBACP, such as the south eastern section, have required designation of the precinct boundary mid block, having regard to walkability criteria and the need to step down between different zones. In these examples an existing street has not been available in a suitable location to form the CBACP boundary.
- Modification to the boundaries of the CBACP as requested in the petitions would require consideration of an amendment to the CBACP. A corresponding amendment to Local Planning Scheme 6 (LPS6) would also be required if the CBACP area were to increase or decrease.
- Modification to the existing CBACP boundary to an existing street alignment will impact the development potential of a number of properties. Movement on the boundary will also have implications with respect to the stepping down/transitioning of development potential from the M15 zone towards the centre of the precinct, to low density residential immediately outside the Plan boundary.
- In these circumstances, the boundary change will involve a number of implications and require detailed investigation. These investigations are considered best placed to be undertaken as part of the comprehensive review of the CBACP scheduled to commence in coming months.
- It is therefore recommended that the requests to modify the boundary of the CBACP be noted and that the required investigations to examine opportunities for a boundary change be identified as a priority in the comprehensive review of the CBACP.

BACKGROUND

The CBACP includes a boundary to which the content of the Activity Centre Plan applies. Establishing the boundary to Activity Centres is based on the principle of walkability from a central point or node such as a train station, bus interchange or transit route. In the context of the Canning Bridge Activity Centre Plan the boundary was developed to:

- include land generally in proximity to Canning Highway and the Canning Bridge rail station;
- contain the existing commercial area, with provision for a transition area;
- follow street alignments, where practical; and
- use mid-block boundaries only where the length or shape of the street-block would mean that the boundary would be extended beyond an acceptable distance.

**P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN
BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC)**
(ATTACHMENT)

It is understood much of the current concern regarding mid-block boundaries to the CBACP originated from a proposed development on the boundary of the CBACP at View Road. It is noted that the drafting of the mid block boundary in this location was depicted in the earlier Canning Bridge Precinct Vision document from February 2010 and ultimately incorporated into the Canning Bridge Activity Centre Plan (CBACP). The mid-block boundary was favoured, as the option of extending the Activity Centre to include all of the View Road street-block to Rookwood Street did not present a consistent precinct boundary and was not in keeping with the principles of walkability from the core of the precinct. Similarly, establishing the boundary at Helm Street was not considered to provide sufficient transition or stepping down from the more intensive mixed use areas of the precinct to the north. In considering the mid-block location of the boundary in the preparation of the CBACP, regard was also had to the moderate transition resulting from development potential in the R20 zone (up to three storeys in height) and that of the H4 zone (up to 4 storeys in height). Recent amendment to the H4 zone has also further improved the amenity outcomes associated with transition between sites within the CBACP and those immediately adjoining, through the requirement for third and fourth levels of any H4 development to be setback 8 metres from the boundary with land outside the precinct.

DETAIL

Three separate petitions have been received requesting an amendment to the south western boundary of the CBACP. The petitions seek different boundary alignments, but are consistent in seeking a boundary which follows existing roads, generally in the vicinity of Helm Street. In support of the requested boundary change the petitioners note that placement of the boundaries along roads provides an additional buffer between the more intensive development controls applicable within the CBACP and the lower intensity controls outside of the CBACP. The petitions seek the progression of the boundary changes as an immediate amendment to the CBACP, rather than a matter to be considered in the review of the CBACP.

The first petition containing 52 signatories focuses on the portion of the CBACP boundary in the vicinity of View Road. The petition seeks the area of the CBACP to be reduced through the alignment of the boundary of the CBACP in the vicinity of View Road to be relocated to the alignment of Helm Street.

The second petition contains 191 signatories and seeks a modification of the current boundary of the CBACP to be realigned from The Esplanade, to follow Helm Street, Ogilvie Road, Kavanagh Street, Sleat Road and Wren Street.

The third petition contains 379 signatories and seeks a modification of the current boundary of the CBACP to be realigned from the Esplanade, to follow Helm Street, Sleat Road and Wren Street.

[3851 Petition One](#)

[3851 Petition Two](#)

[3851 Petition Three](#)

**P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN
BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC)
(ATTACHMENT)**

Modification to the boundaries of the CBACP as requested in the petitions would require consideration of an amendment to the CBACP. A corresponding amendment to Local Planning Scheme 6 (LPS6) would also be required if the CBACP area were to increase (additional centre zone or RAC-0 zone required) or decrease (additional Residential R20 zoned land, or similar). There would be opportunity to run the two amendment processes in parallel. The approving authority for an amendment to the CBACP is the Western Australian Planning Commission, while an amendment to LPS6 will involve approval of the Minister for Planning.

Relocating the south western boundary of the CBACP to generally align with Helm Street will largely resolve many of the concerns identified with the mid-block boundary. The approach however results in a range of wider implications which will need to be taken into account, such as:

- The ability for development to transition down from higher intensity in the core, to lower intensity at the edge of the precinct is reduced. Built form outcomes may see streets with M10 scale development on one side interfacing with low density (potentially R20) on the other side. Should Helm Street become a precinct boundary then changes to other parts of the CBACP may be required to maintain a desired built form.
- The boundary changes would result in a substantial number of properties being removed from the CBACP area with a corresponding loss of development potential. A number of affected land owners may not be supportive of such a change.
- Land no longer within the CBACP as a result of boundary changes will require allocation of zones under LPS6. Investigations may conclude that a continuation of the nearby Residential R20 coding over this land may not be appropriate given its strategic characteristics and zoning history under the CBACP. Accordingly interface issues may in fact not be resolved by a boundary change.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Preliminary engagement with the community would be undertaken to inform the content of any proposed amendments. Should an amendment proposal proceed it would be subject to formal advertising requirements.

II. OTHER AGENCIES / CONSULTANTS

A proposed amendment to the CBACP and LPS6 would require engagement with state government agencies and infrastructure servicing authorities.

P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

State Government Planning Regulations outline the approval process for an amendment to an Activity Centre Plan and a Local Planning Scheme. In summary, each amendment would need to be initiated by Council, advertised for public comment, submissions considered and then a recommendation forwarded to the determining authority (WAPC for CBACP amendment; Minister for Planning for LPS6).

FINANCIAL IMPLICATIONS

Preparation of an amendment to the CBACP and an amendment to LPS6 will involve costs associated with staff resources and possible need to commission external advice. Ordinarily costs associated with a request for an amendment are recovered via an amendment application fee. The alternative approach, consideration of boundary changes as part of the comprehensive review of CBACP is provided for in current and proposed 2020-2021 budgets.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City's strategic goals and responds in particular to Priority 3 of the Corporate Plan:

"Urban development creates changes in amenity (positive and negative) which are not well understood".

Under Priority 3 from the Corporate Business Plan key strategies are:

1. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
2. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Modification to the existing CBACP boundary will remove development potential for a number of properties which will be likely to concern some stakeholders.	Moderate consequences which are likely, resulting in a High level of risk	Examine boundary change options and implications as part of a comprehensive review of the CBACP.

P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)

Not amending mid-block boundaries to the CBACP will result in continued potential impacts on properties just outside the CBACP.	Moderate consequences which are possible, resulting in a Medium level of risk	Recognise the need for investigation of suitability of existing boundaries to the CBACP as part of major review of that document. Note that existing provisions of the CBACP provide measures to reduce impacts on nearby properties
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POLICY IMPLICATIONS

NA

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may elect to commence investigations of the suitability of modification to the boundaries of the CBACP as a separate amendment to the CBACP, rather than include that work as part of the CBACP review. The major disadvantage of this approach is that it may not allow the wider implications of a boundary change to be taken into account in a comprehensive manner. Adjustments to the location of the boundaries in the south east portion of the CBACP will impact on how the built form will suitably transition from the higher intensity areas in the core of the precinct towards the lower intensity development on the edge of the precinct. These implications would need to be looked at holistically. Progression of a boundary adjustment amendment which doesn't suitably respond to potential wider implications may be flagged as an issue by the decision maker. The point would be particularly relevant given that a comprehensive review, which would be able to thoroughly examine the implications of a boundary change, is scheduled. It is noted that a separate investigation of a boundary change would also divert organisational focus and resources from the CBACP review project.

CONCLUSION

A small portion of the boundary of the CBACP is located mid block rather than following street boundaries. These original decisions regarding the boundary were made noting the catchment of the Canning Bridge precinct and having regard to a suitable stepping down of development intensity from the core to the edge of the centre. A mid block boundary was selected in circumstances where there wasn't a suitably located road reserve that met the boundary criteria for the precinct.

It is recognised that there is need to revisit the merit of the existing boundary of the CBACP. Similarly there is opportunity to review the development controls that apply to sites within the CBACP which adjoin land outside the CBACP to ensure adequate protection of residential amenity for areas outside of the precinct. It is recommended that these investigations be undertaken as part of the scheduled comprehensive review of the CBACP. This approach enables the wider implications of any boundary change to be considered and responded to.

P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)

Accordingly it is recommended that the lead petitioners of the three petitions received seeking adjustment of the CBACP boundary be advised that:

- The concerns raised in the petitions regarding mid block boundaries to the CBACP are noted
- Due to potential wider implications of any boundary change, that the opportunity to adjust the boundaries to reflect road alignments, such as those options presented in the petitions, will be investigated as a priority as part of the comprehensive review of the CBACP, scheduled to commence mid 2020.

OFFICER RECOMMENDATION

That the Council:

- 1. Note each of the three petitions received requesting changes to the south western boundary of the Canning Bridge Activity Centre in the vicinity of Helm Street, Mount Pleasant.**
- 2. Advise the lead petitioners that:**
 - a. The concerns raised in the petitions regarding mid block boundaries to the CBACP and the advantages of aligning the precinct boundaries with roads, where possible, are noted**
 - b. Due to potential wider implications of any boundary change, that the opportunity to adjust the boundaries to reflect road alignments, such as those options presented in the petitions, will be investigated as a priority as part of the comprehensive review of the CBACP, scheduled to commence mid 2020.**

Cr Pazolli introduced a Reject and Replace motion and prior to discussion and debate commencing the mover of the motion confirmed his agreement to the inclusions of the following amendments proposed by Cr Sandford in his Reject and Replace motion:

- That point 3c have the following words included at the end “including an investigation into the shortening of advertising periods under the COVID-19 reform legislation to be introduced to Parliament on 20 May 2020”; and
- Insert new point d. be included “Update elected members as to the progress of the CBACP Review on a weekly basis in the Elected Members Bulletin.”
- Existing point d. be renumbered to point e.

During the discussion and debate the mover and the seconder consented to the date in point 3b. being changed from “15 June 2020” to “as soon as possible”.

P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)

Reject and Replace

COUNCIL RESOLUTION

At 6:42pm Cr Pazolli moved, seconded Cr Kepert–

That the Council:

1. Notes the petitioners and the Mt Pleasant Canning Bridge Activity Centre property owners' strong community expression to move the south-eastern boundary of the Canning Bridge Activity Centre Plan.
2. Supports the petitioners' request to move the south-eastern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the road carriageway of Helm Street, Sleat Road and Wren Street to Ullapool Rd.
3. Requests the Chief Executive Officer;
 - a. As a priority, includes the boundary change requested by the petitioners in the comprehensive review of the Canning Bridge Activity Centre Plan requested and passed by Council at its November 19, 2019 Ordinary Meeting of Council.
 - b. Ensures that consultants appointed to undertake the comprehensive review commence work on the review as soon as possible and expedites the completion of the review by June 15, 2021.
 - c. Expedites the preparation of all scheme amendments to Local Planning Scheme 6 and the Canning Bridge Activity Centre Plan to give effect to the implementation of the boundary changes requested as determined by the comprehensive review of the Canning Bridge Activity Centre Plan including an investigation into the shortening of advertising periods under the COVID-19 reform legislation to be introduced to Parliament on 20 May 2020.
 - d. Update elected members as to progress of the CBACP Review on a weekly basis in the Elected Members Bulletin.
 - e. Advise the lead petitioners of this decision of Council.

At 7:24pm the Mayor declared the motion

CARRIED (9/2)

Vote	
Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Macphail	No
Cr Robins	No

**P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN
BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC)
(ATTACHMENT)**

Reasons for the Reject and Replace as provided by Cr Pazolli

1. Council agrees with the petitioners that boundaries should be positioned along roads and not the side fences of residences as a matter of good practice.
2. It is likely that this change will reflect the outcome of the review of the Canning Bridge Activity Centre Plan so this motion is more a matter of timing.
3. Council notes the effect that the petitioners have presented on the wellbeing of the community is supported by this motion.
4. It is imperative that the full review of the Canning Bridge Activity Centre Plan should be progressed immediately.

At 7:25 Cr Wheatland left the meeting and returned at 7:26pm.

At 7:25pm Cr Mair was electronically reconnected to the meeting.

P20/3840 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of Local Planning Policy 1.1 ' Planning Process and Decision Making'
Applicant	:	Not applicable
Owner	:	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 P20/3840 Late Item – Review of Local Planning Policy 1.1 'Planning Process and Decision Making'- 21 April 2020 Ordinary Meeting of Council Item M19/5723 - Summary Of Legal Advice On Withdrawal Of Delegated Authority To Submit Responsible Authority Reports To Joint Development Assessment Panel – 10 December 2019 Ordinary Meeting of Council. Item 16.3 - Motion with Notice Cr Barton – Planning Process and Decision Making Policy LPP 1.1 (Withdrawn) 10 December 2019 Ordinary Meeting of Council Item P17/3747 - Review Of Local Planning Policy LPP 1.1 Planning Process And Decision Making – 21 March 2017 Ordinary Meeting of Council
Responsible Officer	:	Peter Prendergast Manager Statutory 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 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>

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Local Planning Policy 1.1 ‘Planning Process and Decision Making’ was most recently reviewed by Council in 2017.
- At the December 2019 Ordinary Council Meeting, it was resolved to change the process for dealing with development applications which will be determined by the Development Assessment Panel.
- ‘Local Planning Policy 1.1 ‘Planning Process and Decision Making’ is required to be updated to reflect these changes.
- It is also proposed to change ‘Local Planning Policy 1.1 ‘Planning Process and Decision Making’ to ensure that terminology used is consistent with the Planning and Development (Local Planning Schemes) Regulations 2015, to modify the DAU call up procedure and to clarify the advertising requirements for ‘Major Developments’.
- The amendments are considered to be minor in nature and do not require formal consultation under the provisions of the Planning and Development (Local Planning Schemes) Regulations.

Addendum update to Key Issues:

- Elected Members will note that consideration of this item was deferred at the April Ordinary Meeting of Council. This deferral related to the need to consider in more detail a number of amendments to the policy that are proposed by Elected Members.
- An advice note was tabled in respect of these amendments at the April OCM from the Director Urban Planning.
- In response to some of the comments made by Elected Members, The Administration has proposed further amendments to the policy. These include a number of minor administrative changes, changes to the numbering sequence of clauses throughout the document, and the introduction of new clauses to require the advertising of all applications for multiple dwelling and mixed use developments.
- A version of the Policy incorporating the various changes to the policy is attached to this report, as is a version of the policy with all changes accepted. The latter is provided for ease of reading, and the former for transparency.

BACKGROUND

In Western Australia the planning framework is set by the state government, via the Planning and Development Act 2005. This sets out the system of land use planning and development in the State. There are several sets of regulation which sit under the Planning and Development Act such as the Planning and Development (Local Planning Schemes) Regulations 2015 and the Planning and Development (Development Assessment Panel) Regulations 2011.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

Planning and Development (Local Planning Schemes) Regulations 2015 are particularly detailed. This document sets out the process for dealing with various planning matters such as including development applications, subdivision and changes to the planning framework. The regulations are very specific, providing significant amounts of details with regard to every process. By consolidating the process into one document the State Government has attempted to ensure there is consistency across local governments. The process for dealing with DAP application is set out in the DAP Regulations, however this is largely the same as for standard DA's,

Subsequent to these regulations there are multiple State Planning Policies, planning bulletins, development control policies and position statements produced by the Department of Planning Lands and Heritage. Finally the Local Planning Scheme and Local Planning Policies need to be taken into consideration.

Local Planning Policy 1.1 ‘Planning Process and Decision Making’ has the following policy objectives:

- To promote a consistent approach by the City in the assessment and public advertising of development applications.
- To facilitate community input into the decision making process.
- To provide information to both applicants and submitters regarding the planning application assessment process.

At the December 2019, Ordinary Council Meeting (OCM), it was resolved that changes would be made to the process for dealing with Development Assessment Panel (DAP) applications. Specifically, this resolution requires that the CEO does not provide the Responsible Authority Report (RAR) to the JDAP where the RAR is the subject of a call up to Council for its information.

At the December 2019 OCM, a Notice of Motion was proposed by Cr Barton which called for all development application to go through the Development Advisory Unit process as described in Local Planning Policy 1.1 ‘Planning Process and Decision Making’ (LPP1.1). A decision on this Notice of Motion was deferred pending discussion at an Elected Members Information Session, to take place ahead of the March 2020 OCM.

After discussions with Officers, Cr Barton withdrew the Notice of Motion on the basis that changes would be proposed to LPP 1.1 to streamline the DAU to Council call up procedure. This change would essentially remove the need for Elected Members to justify any call up request, as is required by the current policy provisions, also removing the need for a meeting to take place with the Director Urban Planning and/or the Manager Statutory Planning to discuss the nature of and associated reasons for the call up request.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**DETAIL**

At the December Ordinary Council Meeting it was resolved to put the following procedures in place in relation to the way the City deals with applications which will be considered by the JDAP:

- 1) The Council must be alerted to each development application to be determined by the JDAP as soon as it is received by the City, by means of circulating the details of the development application to all Elected Members, in order to facilitate the potential call up of the development application.
- 2) Where a development application is called up, the City’s officers are to prepare the RAR in accordance with the statutory framework and submit it to a Special Meeting of Council for comment in sufficient time to meet the requirements of the JDAP statutory time period for the application.
- 3) Where a development application has been called up, the CEO may not submit the RAR to the JDAP until the Council has resolved that it be submitted, with dissenting comments from the Council attached if so resolved.
- 4) If a development application to be determined by the JDAP is not called up, the RAR may be prepared and submitted under delegated authority by the CEO in accordance with DA-020.

In order to formalise these changes, the City is required to update and add various subclauses in section under clause 3.7 ‘Development Assessment Panel’ of LPP1.1. The changes ensure that Elected Members will be alerted to the details of a development application soon after it is lodged with the City via a notice in the EMB, a Major Development Briefing and the Melville Talks page on the website. The changes also confirm that when a RAR is called up to Council for its information, City officers will prepare the RAR and submit it at an appropriate meeting and the report will not be sent without Council endorsement.

It was also resolved to amend the instrument of Delegated Authority DA-20 ‘Planning and Related Matters’ to add the following limitation.

‘Should a development application be called up by Council, the Chief Executive Officer may not make recommendations to the Joint Metro Central Development Assessment Panel without first seeking Council’s comment on the application and the planning officer’s recommendations in the Responsible Authority Report, and attaching to the RAR the Council’s comments as approved by Council.’

This action has now been undertaken.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

The following key changes are also proposed as a part of the current review:

- 1) Modify Clause 3.5.4 ‘Call Up of DAU applications for consideration by Council’ so that Elected Members no longer need to justify in material planning terms why a DAU matter should be called up for the consideration and determination of Council. Rather, a simple request from an Elected Member to have a matter from the DAU called up to Council will suffice.
- 2) Modify Clause 1.7 to confirm Major Developments will be the subject of public consultation and to clarify the methods used to undertake this consultation.
- 3) Delete Clause 1.8 Major Developments as this clause is made redundant by the changes to Clause 1.7.
- 4) A number of grammatical changes to ensure the terminology used in the policy is consistent with the relevant planning framework and to provide greater clarity on the process where required.

A copy of the proposed policy is provided below with tracked changes to clearly demonstrate the modifications.

The proposed changes to LPP 1.1 are considered to be minor in nature and do not require advertising.

ADDENDUM TO REPORT

At the April Ordinary Meeting of Council, consideration of Item P20/3840: Review of Local Planning Policy 1.1 – Planning Process and Decision Making, was deferred to the May 2019 Ordinary Meeting of Council with a Special Elected Member Information Session to be held prior to that meeting.

The key reason for the deferral relates to the proposed changes to the policy suggested by Elected Members. These changes as reflected in the minutes of the April OMC are as follows:

1. *Under Definitions Major Developments, after the words;” not classed as a major development” insert the words; “, unless the amendment increases the number of dwellings or commercial floor space in the planning approval of a development such that the amended development would meet the definition of a major development”.*
2. *At Clause 1.6.2 after the words; “assessment against relevant performance standards” insert the words; “and there has been no request to the CEO by an Elected Member to advertise or call-up the development application,”.*
3. *At the end of Clause 1.7.4(f) insert the words: “or will be required if an Elected Member submits a request to the CEO for it to be advertised”.*
4. *At Clause 1.7.5 after the words; “property owners or occupiers” insert the words; “or at the request to the CEO of an Elected Member”.*
5. *Insert at the end of Clause 1.7.6(c); “or at the request of an Elected Member to the CEO”.*
6. *At Clause 3.5.2(a)(ii) after the words; “in the opinion of the CEO or Director Urban Planning” insert the words; “or at the request to the CEO of an Elected Member”.*
7. *At Clause 3.6.2 after the words; “at the discretion of the CEO” insert the words; “or at the request to the CEO of an Elected Member”.*

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

8. *Insert the following new paragraph at the end of Clause 3.4:*

“The reasons for the refusal of the planning proposal without first being advertised must be notified in writing to the applicant. The applicant must also be notified in writing that, in addition to the right to lodge an application for review to the SAT under Clause 3.8.1 of this policy, the applicant also has a right to request the CEO to call up the refusal decision before Council for review.”

The Advice Note provided to the April OMC by the Director Urban Planning highlighted a concern that a number of the amendments proposed were:

“problematic in the sense that due to the separation of powers and functions between the City administration and the elected Council, it is not practical for an Elected Member to indicate a preference for advertising of a particular development application. Put simply, Elected Members do not undertake the task of assessment of development applications, rather, Elected Members perform a decision making role in circumstances such as when a development application is called up for consideration by Council.

It is important that the Local Planning Policy incorporate criteria which clearly identify the circumstances in which advertising of development applications should occur.”

Advice Note April OMC

In addition, Elected Members are advised that the *Local Government Act 1995* clearly defines the roles of the Council and of the Chief Executive Officer as follows:

2.7. Role of council

- (1) The council —
 - (a) governs the local government’s affairs; and
 - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government’s finances and resources; and
 - (b) determine the local government’s policies.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**5.41. Functions of CEO**

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

In addition, the *Local Government (Rules of Conduct) Regulations 2007*, provides for the following:

9. Prohibition against involvement in administration

- (1) A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

The City of Melville CP-041 – Code of Conduct (Elected Members) outlines the relationship between Elected Members and Officers as being:

“An effective Elected Member will work as part of the Council team with the Chief Executive Officer and other senior Officers. That teamwork will only occur if Elected Members and Officers have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Elected Members need to observe their statutory obligations which include, but are not limited to, the following –

- (a) accept that their role is a leadership, not a management or administrative one;
- (b) acknowledge that they have no capacity to individually direct employees to carry out particular functions;
- (c) refrain from publicly criticising employees in a way that casts aspersions on their professional competence or credibility”

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

Given these concerns, and to ensure the clear delineation between the role of Elected Members and the role of the Chief Executive Officer, as being responsible for the Administration, it is recommended that the policy is not amended in the manner proposed in the Elected Member Amendment. The Administration understands that the key concern of the Elected Member relates to openness and transparency, and in this context the City is proposing to include a requirement in the policy that all development applications involving multiple dwellings and /or mixed use developments which include multiple dwellings, are advertised in accordance with the provisions of the Local Planning Policy.

This would mean that irrespective of compliance with the R Codes Volume 2 – Apartments, and any other applicable relevant policy, all developments of this nature would be openly advertised and submissions from neighbours and other interested 3rd parties would be encouraged.

The minor changes proposed by Elected Members have been included in the updated policy attachments. For ease of understanding and in the interests of transparency, the track changed version of the updated policy, provided as an attachment to this report, highlights the amendments that are attributed to Elected Members .

[3840 LPP1.1 Planning Process and Decision Making final](#)

[3840 LPP1.1 Planning Process and Decision Making. Trackchanges](#)

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The Regulations came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. In accordance with Sub-Clause 5(1) the local government should advertise the changes to the Local Planning Policy in the same manner as it would for a new policy, described in Clause 4, unless the modifications are considered minor. In this instance it is considered that the recommended modifications are minor and formal advertising is not required.

II. OTHER AGENCIES / CONSULTANTS

Clause 4(4) of Schedule 2 of the Regulations requires that the Council advises the Western Australian Planning Commission (WAPC) if it is of the opinion that the policy is inconsistent with any State Planning Policy. As there is no such inconsistency in this case, the WAPC need not be informed.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The review of a Local Planning Policy, provided such a review is undertaken in accordance with the provisions of the Regulations, does not in itself have any statutory or legal implications.

The statutory and legal implications of withdrawing delegation to submit an RAR to the JDAP were outlined in detail at the December Ordinary Council meeting (Item **M19/5723**). These implications remain.

If a RAR is not submitted in the required timeframe, the JDAP has the power to request separate technical advice from the City’s planning officers or to determine an application without a RAR.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a part of this review

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The strategic, risk and environmental implications of withdrawing delegation to submit an RAR to the JDAP were outlined in detail at the December Ordinary Council meeting (Item M19/5723). These implications remain.

POLICY IMPLICATIONS

Local Planning Policy LPP 1.1 Planning Process and Decision Making enable a consistent approach by the City in relation to the assessment and public advertising of development applications.

COMMENT

At the December Ordinary Council Meeting it was resolved to put the following procedures in place in relation to the way the City deals with applications which will be considered by the JDAP. The procedures are outlined below along with a brief comment regarding how this has been achieved.

- 1) The Council must be alerted to each development application to be determined by the JDAP as soon as it is received by the City, by means of circulating the details of the development application to all Elected Members, in order to facilitate the potential call up of the development application.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

Clause 3.7.6 has been updated to confirm Elected Members will be made aware of the details of the DAP application via the Elected Members Bulletin, and further detail will be provided at a Major Development Briefing and on Melville Talks once the advertising period begins. Clause 3.7.8 has also been updated to confirm that Elected Members will be provided with a summary of the submissions received at the end of the consultation process. Notification to Elected Members of the receipt of a DAP application, briefings to Elected Members on DAP applications and notification to Elected Members of the outcomes of community consultation is already occurring as a part of the assessment process, it is considered that the changes to the LPP will provide Elected Members with more comprehensive information about DAP applications at an earlier stage.

- 2) Where a development application is called up, the City’s officers are to prepare the RAR in accordance with the statutory framework and submit it to a Special Meeting of Council for comment in sufficient time to meet the requirements of the JDAP statutory time period for the application.

Clause 3.7.9 has been updated to confirm this will occur. The Clause clarifies that the RAR will be presented to either an Ordinary Council Meeting or a Special Council meeting if this is appropriate.

- 3) Where a development application has been called up, the CEO may not submit the RAR to the JDAP until the Council has resolved that it be submitted, with dissenting comments from the Council attached if so resolved.

Clause 3.7.10 has been updated to confirm that if the application has been called up to Council. the RAR must not be submitted without Council endorsement.

- 4) If a development application to be determined by the JDAP is not called up, the RAR may be prepared and submitted under delegated authority by the CEO in accordance with DA-020.

Clause 3.7.12 has been added to LPP 1.1.

In respect of the Call Up procedure outlined in Clause 3.5.4 (a) the need for a call up request to be signed by two Elected Members and for consultation with the Director of Urban Planning or the Manager Statutory Planning has been removed. If an Elected Member wishes to call up a matter it is simply necessary to lodge the request with the CEO using the appropriate form.

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

In respect of Clause 1.7.7 - Extent of Advertising, several clauses were used to describe the consultation methods to be used by the City. These clauses have now been consolidated. Clause 1.7.7 has also been amended to confirm that Major Developments will be the subject of wider consultation. If valid submissions are received during the consultation period the submissions will be dealt with in accordance with Clause 1.9 ‘Submissions and Petitions’. On the basis of this change Clause 1.8 has been deleted.

A number of minor changes have been made to the policy to ensure that it is consistent with the relevant planning framework. These changes include;

- Changes to the policy objectives to better reflect the purpose of the policy;
- The term planning approval updated to development approval throughout the document;
- Clarification on the statutory timeframe for dealing with applications;
- Clarification that a performance assessment is required having regard to the relevant planning framework;
- Update to reflect current clauses of the R-Codes;
- Changes to sentence structure to improve the flow of the document and to remove any areas of uncertainty or un-necessary repetition.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may resolve not to proceed with the changes outlined above or determine that further changes to the policy are required.

CONCLUSION

In conclusion, it is recommended that LPP 1.1, Planning Process and Decision Making, be amended as outlined by this report. As stated previously, it is considered that, if approved by Council, the changes proposed can be implemented without the need for further community consultation.

If Council resolve to endorse the changes, a notice will be published in the local newspaper as required by the Regulations. The City will also provide details of the changes including a copy of this report on its website.

OFFICER RECOMMENDATION (3840)**APPROVAL**

That the Council pursuant to clause 4, schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the changes to Local Planning Policy LPP1.1 Planning Process and Decision Making [3840 LPP1.1 Planning Process and Decision Making final](#)

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)

Officers provided an Officer Amendment on this matter, providing an alternative Officer Recommendation. [3840 Officer Amendment](#)

OFFICER RECOMMENDATION (3840)

At 7:26pm Cr Mair moved, seconded Cr Woodall –

That the Council resolve to adopt the amended Local Planning Policy LPP1.1 Planning Process and Decision Making for advertising in accordance with the provisions of Clause 4, Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

[3840 Final Version of Policy](#)

Cr Pazolli introduced an Amendment and during the discussion and debate the mover and seconder consented to the following changes to the amendment presented:

- Point 1 - Clause 2.2 the following words be deleted “the decision maker may exercise judgement to determine the proposal and ...”
- Point 6 – Clause 17.2 after the words; “made at meetings of Council” insert the words “in accordance with the City of Melville Meeting Procedures Local Law 2017”.
- Point 7 - delete the words “not the Council meeting” and replace with “where the decision is made. Additionally, deputations may be made at the Council meeting as well, when the matter is called up. Note – that the JDAP is the decision maker on DAP development applications and makes the final decision on DAP development applications.”

During discussion and debate, at the request of Elected Members, the Mayor agreed to consider point 5 of the amendment separately.

P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**Amendment****COUNCIL RESOLUTION**

At 7:26pm Cr Pazolli moved, seconded Cr Kepert–

That the Officer Recommendation be amended by adding the following to the end of the officer recommendation:

“, including the following amendments to the amended LPP1.1 document:

- 1. At Clause 2.2 removal of the words “the decision maker may exercise judgement to determine the proposal and ...”**
- 2. At Clause 3.4(a) replace the words “Clause 3.8(b)” with the words “Clause 3.6(b)”.**
- 3. At Clause 3.6(b) replace the words “Clause 3.5” with the words “Clause 3.4”.**
- 4. At Clause 3.6(c) replace the words “Clause 3.6” with the words “Clause 3.5”.**
- 6. At Clause 17.2 after the words; “made at meetings of Council” insert the words “in accordance with the City of Melville Meeting Procedures Local Law 2017”.**
- 7. At Clause 18.10 delete the words “not the Council meeting” and replace with “where the decision is made. Additionally, deputations may be made at the Council meeting as well, when the matter is called up. Note – that the JDAP is the decision maker on DAP development applications and makes the final decision on DAP development applications.”**

At 8:25pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Amendment**COUNCIL RESOLUTION**

At 7:26pm Cr Pazolli moved, seconded Cr Kepert–

That the Officer Recommendation be amended by adding the following to the end of the officer recommendation:

- 5. Insert Clause 16.2(a)(iii); “(iii) Where the Mayor requests the CEO to exercise his/her discretion under 16.2(a)(ii) to refer a development application to the DAU for recommendation**

At 8:33pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**Substantive Motion As Amended****COUNCIL RESOLUTION**

At 7:26pm Cr Pazolli moved, seconded Cr Kepert–

That the Council resolve to adopt the amended Local Planning Policy LPP1.1 Planning Process and Decision Making for advertising in accordance with the provisions of Clause 4, Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 3840 Final Version of Policy, including the following amendments to the amended LPP1.1 document:

- 1. At Clause 2.2 removal of the words “the decision maker may exercise judgement to determine the proposal and ...”**
- 2. At Clause 3.4(a) replace the words “Clause 3.8(b)” with the words “Clause 3.6(b)”.**
- 3. At Clause 3.6(b) replace the words “Clause 3.5” with the words “Clause 3.4”.**
- 4. At Clause 3.6(c) replace the words “Clause 3.6” with the words “Clause 3.5”.**
- 5. Insert Clause 16.2(a)(iii); “(iii) Where the Mayor requests the CEO to exercise his/her discretion under 16.2(a)(ii) to refer a development application to the DAU for recommendation**
- 6. At Clause 17.2 after the words; “made at meetings of Council” insert the words “in accordance with the City of Melville Meeting Procedures Local Law 2017”.**
- 7. At Clause 18.10 delete the words “not the Council meeting” and replace with “where the decision is made. Additionally, deputations may be made at the Council meeting as well, when the matter is called up. Note – that the JDAP is the decision maker on DAP development applications and makes the final decision on DAP development applications.”**

At 8:35pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)Reasons for the Amendment as provided by Cr Pazolli

At present some development applications (DA) that are assessed by the planning officers under delegated authority and their discretion / judgement to be compliant to the R Codes, Local Planning Scheme 6 (LPS6) or Structure Plans (including “as of right” as well as performance assessments against Desired Outcomes / elements) cannot be called up to the full Council by a Councillor unless the DA is referred to the DAU at the discretion of the CEO or Planning Officers.

Amendment 5 above provides the mechanism in LPP1.1 where the Mayor, perhaps at the request of a Councillor/s, can request that a development application be referred to the DAU via the CEO’s discretion, that then allows the opportunity for Councillors to call up the DA to the full Council under the provisions of LPP1.1.

Amendment 1 is a simple correction that replaces the word “determine” with the word “assess” as Section 2 of LPP1.1 is dealing with “Assessment” and not “Determination”. Determination is actually dealt with in Section 13 “Determination of All Matters” of LPP1.1.

Amendments 2, 3 & 4 are simple changes to correct incorrect clause references in the draft document.

Amendment 6 ensures that the Mayor, as the Presiding Member at Council Meetings, retains the right to allow public statements, questions and deputations regarding a development application to be made at Council meetings when a request from a member of the public is made during a Council meeting.

Amendment 7 ensures that the applicant and submitters to a development application are advised that they have the opportunity to make a deputation to the full Council as well as the JDAP in regard to their concerns about a called-up DA. Otherwise Councillors would be unable to hear the concerns of their ratepayers regarding a DA.

At 8:06pm Ms Young left the meeting and returned at 8:07pm.

At 8:06pm Mr Taylor left the meeting and returned at 8:10pm.

T20/6182 – REQUEST FOR QUOTATION 192079 PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES (REC) (CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Various operational budgets
 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>

T20/6182 - REQUEST FOR QUOTATION 192079 PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of a quotation submitted for the Provision of Electricity to City of Melville Facilities for a period of two years from 1 July 2020.

BACKGROUND

The City sought proposals from the WALGA Preferred Supplier Panel in the category of Energy Services for the reliable, secure and cost effective supply of grid- electricity to their portfolio of Contestable Sites, expecting that the supply of electricity and the effective on-going management of the electricity supply will be carried out in a trouble free manner with a minimum amount of involvement from the City.

The City sought a “complete offer” encompassing all costs and services applicable to the safe, secure and reliable supply of electricity.

The current supplier is Electricity Generation and Retail Corporation T/AS Synergy and the contract requires renewal at the end of June 2020.

DETAIL

The City procured the services of a technical consultant, Climate Change Response, to support the preparation of the quotation request and assist with the evaluation of the responses received. The responses were evaluated using the following criteria *“The successful contractor will offer the lowest price and will not present any increased risk out of the “Terms and Conditions” and “Methodology” proposed and offer added benefits.”*

Climate Change Response evaluated the qualitative responses against the above criteria. The detailed evaluation report is a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 28 April 2020. This report was reviewed by the evaluation panel who agreed unanimously with the report's recommendations.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No stakeholder engagement has been required or undertaken for this quotation

II. OTHER AGENCIES / CONSULTANTS

Technical consultants, Climate Change Response, were appointed to support the preparation of the quotation request and assist with the evaluation of responses.

T20/6182 - REQUEST FOR QUOTATION 192079 PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES (REC) (CONFIDENTIAL ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (2) (b) "Tenders do not have to publicly invited ... if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program".

Any discussion on the confidential attachment will be closed to the members of the public in accordance with the provisions of Section 5.23(c) of the *Local Government Act 1995* which state as follows:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

Delegated Authority – DA-117 Authority to Sign Documents will be exercised to execute the Contract.

FINANCIAL IMPLICATIONS

Budget	Approximately \$1 million a year from various accounts
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

The City sought proposals for the Provision of Electricity to the City of Melville Facilities through the WALGA Preferred Supplier Program Request for Quotation (RFQ) process (RFQ192079).

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 28 April 2020.

T20/6182 – REQUEST FOR QUOTATION 192079 PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES (REC) (CONFIDENTIAL ATTACHMENT)

The consumption of electricity at City facilities is the City's largest contributor to CO2 emissions. The preferred supplier complies with the City's preferences with regards to supporting the development of new solar PV installations within the contestable energy portfolio. This gives the City the flexibility to increase its energy consumption via self-generated solar power without price penalty. The City did not seek quotations for "green" energy as the cost of doing so is considered to outweigh the benefits of the City using the monies saved to directly invest in energy consumption reduction projects that reduce the City's CO2 emissions. It would also have the effect of increasing the operating costs of the clubs and organisations that use City facilities and pay for their electricity consumption as opposed to the installation of energy saving technologies in those facilities that has the opposite effect of reducing their costs whilst achieving CO2 reduction targets.

POLICY IMPLICATIONS

1. CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No viable alternate options have been identified.

CONCLUSION

The Contracts Tender and Advisory Unit, and the City's external technical consultant engaged to assist in this matter, are satisfied that the successful contractor offers the lowest price and will not present any increased risk out of the "Terms and Conditions" and "Methodology" proposed and will offer added benefits.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 28 April 2020 available on the Elected Members Portal.

**T20/6182 – REQUEST FOR QUOTATION 192079 PROVISION OF ELECTRICITY TO CITY
OF MELVILLE FACILITIES (REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION COUNCIL RESOLUTION (6182)****APPROVAL**

At 8:37pm Cr Kepert moved, seconded Cr Pazolli –

That the Council:

- 1. Approves the Contract and Tender Advisory Unit's recommendation to accept the recommendation, as contained in the Confidential Attachment – RFQ192079 Contract and Tender Advisory Unit Minutes, dated 28 April 2020, and**
- 2. following the above approval, directs that the successful respondents' name be inserted below this point 2.**

**Electricity Generation and Retail Corporation T/AS Synergy
ABN 58 673 830 106**

At 8:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

CD20/8127 - NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)

Ward	: All
Category	: Strategic
Subject Index	: Families and Children
Customer Index	: City of Melville Department of Local Government, Sport and Cultural Industries
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	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Leanne Hartill Manager Neighbourhood Development

AUTHORITY / DISCRETION

DEFINITION

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>

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

This item is for the Council to:

- Note the background information and the Western Australian (WA) Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the City to participate in the National Redress Scheme;
- Formally endorse the City's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the City) will be required to consider leading practice approaches to child safeguarding separately in the future.

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)**National Redress Scheme**

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

¹ Section 111(1)(b).

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)**DETAIL**

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)

The Western Australian Local Government Authority (WALGA) State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the City's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the City formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The City will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the City to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)

Should the City formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the City include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the City having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City.

Considerations for the City

Detailed below is a list of considerations for the City to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the City will receive a Redress application. A Service Agreement will only be executed if the City receives a Redress application.

The City needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the City will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)**4. Record Keeping**

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The City's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Council should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the City do not have any influence on the decision made and there is no right of appeal.

STAKEHOLDER ENGAGEMENT

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

STATUTORY AND LEGAL IMPLICATIONS

The Council in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person, who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
The City does not participate in the Redress Scheme	Low	<ul style="list-style-type: none"> Formally join the Scheme through Council endorsement, provides State coverage of costs and administrative support, and City is protected from having full responsibility and liability for any potential claim. Protects the City with acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City.

POLICY IMPLICATIONS

There is no Council Policy that relates to this Item

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

N/A

CD20/8127 – NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENT) (REC) (ATTACHMENT)**CONCLUSION**

The National Redress Scheme (the Scheme):

- Acknowledges that many children were sexually abused in Australian institutions;
- Recognises the suffering they endured because of this abuse;
- Holds institutions accountable for this abuse; and
- Helps people who have experienced institutional child sexual abuse gain access to counselling and psychological services, a direct personal response, and a redress-payment.

The Scheme is administered by the Commonwealth Government on behalf of all participating governments, and government and non-government institutions, who contribute on a 'responsible entity pays' basis.

It is not known exactly how many survivors were abused within Western Australian institutions, including within Local Government contexts. Within this context of survivors in the community, who may or may not be known, consideration needs to be given to how all institutions, including local governments, can fulfil the Royal Commission's recommendation in relation to redress.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8127)**APPROVAL**

At 8:38pm Cr Mair moved, seconded Cr Robartson –

That Council:

- 1) **Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2) **Notes that the City will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Council makes a specific and formal decision to be included;**
- 3) **Endorses the participation of the City in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4) **Grants authority to the CEO to execute a service agreement with the State, if a Redress application is received by the City;**
- 5) **Notes that a confidential report will be provided if a Redress application is received by the City.**

At 8:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C20/6181 – POLICY REVIEW - 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	:	C19/6166 Update of Financial Policies – ordinary Meeting of Council – 10 December 2019
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>

C20/6181 - POLICY REVIEW - CP-023 PROCUREMENT POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

Council approval is sought for changes made to CP-023 Procurement Policy.

Changes made were in three areas;

- To bring the procurement policy in line with the recent changes made to the *Local Government (Functions and General) Regulations 1996* specifically Part 4 — Provision of Goods and Services
- To the Panels section, to bring the policy in line with best and common practice within the industry.
- Amended section 4.2 Policy to ensure consistency with DA-027.

BACKGROUND

On 9 April 2020 the state government Gazetted amendments to the *Local Government (Functions and General) Regulations 1996*. The primary purpose of these amendments is to increase the flexibility of the local government sector to contract with local suppliers during, and in the aftermath of, the state of emergency declaration under the *Emergency Management Act 2005*.

DETAIL

The two key changes made by the state government to the Local Government regulations in regards to procurement include;

- Increasing the tender threshold from \$150,000 to \$250,000 (this now aligns with state government procurement)
- Adding an exemption in regulation 11(2)(ja) which gives a local government the discretion to renew or extend a contract that expires when a state of emergency declaration is in force, even though this option is not included in the original contract.

Changes have also been made to [CP-023 Procurement Policy](#) under section 10 Panels of Pre-qualified Suppliers. These changes remove unnecessary restriction in this section in line with best practice and what is common with other local governments.

Section 4.2 of the Policy has also been amended to ensure there is consistency with DA-027 Rejecting And Accepting Tenders, Expressions of Interest and/or Applications for Pre-Qualified Supplier Panels.

STAKEHOLDER ENGAGEMENT

No public consultation or communication is applicable

C20/6181 - POLICY REVIEW - CP-023 PROCUREMENT POLICY (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

This review has particularly included references to legislation to support the policy position. The Policy is consistent with the current *Local Government Act 1995* and relevant Regulations.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no specific strategic, risk or environmental management implications related to this report.

POLICY IMPLICATIONS

As discussed in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could choose not to increase the tender threshold to \$250,000 with the implications being that any time and cost savings achieved as a result not being required to go to tender would not be achieved.

If the other changes are not accepted this would have the implication of retaining current inconsistencies between the Policy and Delegated Authority 027 and retaining the current restrictions regarding panel suppliers and being inconsistent with best practice as contained in other local governments procurement policies.

CONCLUSION

The Procurement Policy has been reviewed by the Director Corporate Services to include recent state government amendments to the *Local Government (Functions and General) Regulations 1996* and to remove some inconsistencies and to make other changes that brings the provisions of the Policy regarding panel suppliers into line with best practice and these changes are therefore recommended for approval.

C20/6181 - POLICY REVIEW - CP-023 PROCUREMENT POLICY (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6181) APPROVAL**

At 8:38pm Cr Mair moved, seconded Cr Barton –

That the Council approves the changes made to CP-023 Procurement Policy as contained in the attachment.

At 8:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C20/6000 - INVESTMENT STATEMENTS FOR MARCH 2020 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<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 (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 March 2020 for the Council's information and noting.

C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (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 March 2020.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 March 2020		
SUMMARY BY FUND		
Municipal		\$7,440,502
Reserve		\$191,482,319
Trust		\$-
Citizen Relief		\$219,651
TOTAL		\$199,142,471
SUMMARY BY INVESTMENT TYPE		
11AM		\$4,146,827
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$170,220,473
Units (Local Govt Hse)		\$175,171
TOTAL		\$199,142,471
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$111,467,300
	A+	\$55,500,000
A Category (A+ to A-)	A	
	A-	\$2,000,000
BBB+ Category	BBB+	\$30,000,000
Units (Local Government House)		\$175,171
TOTAL		\$199,142,471

C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (REC)

Exposure to an individual institution is limited according to Council policy and in March 2020 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	\$ 6,000,000	3.01%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	25.00%	✓
Bankwest	AA-	AA Category	\$ 3,000,000	1.51%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 27,000,000	13.56%	15.00%	✓
ING Bank	A-	A Category	\$ 2,000,000	1.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 3,000,000	1.51%	15.00%	✓
CBA	AA-	AA Category	\$ 6,500,000	3.26%	30.00%	✓
Macquarie	A+	A Category	\$ 12,000,000	6.03%	25.00%	✓
NAB	AA-	AA Category	\$ 39,225,740	19.70%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 42,500,000	21.34%	25.00%	✓
Westpac	AA-	AA Category	\$ 57,741,560	29.00%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.09%	100.00%	✓
TOTAL			\$ 199,142,471	100%		

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

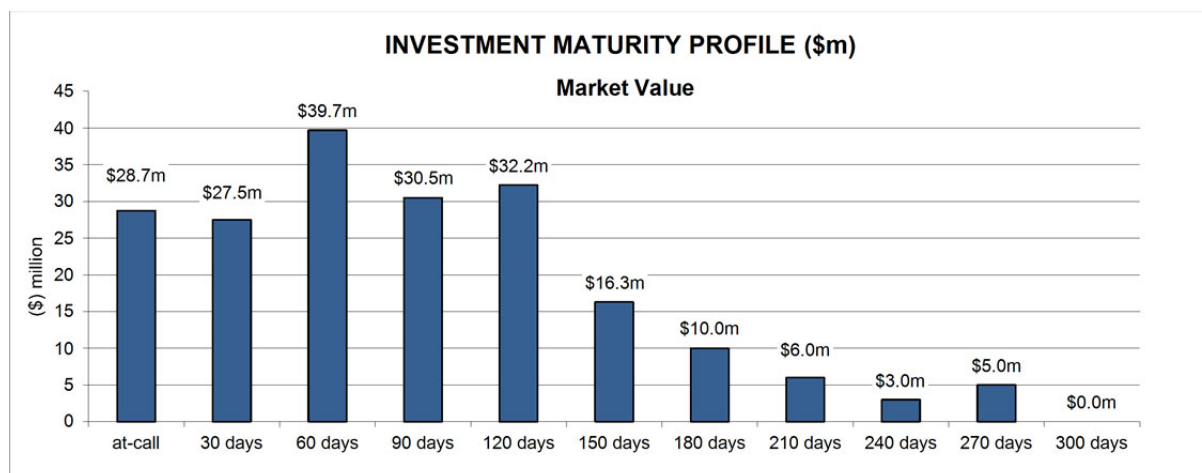
The City's investments were invested within the limits allowed within each category rating for March 2020.

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-)	\$ 111,467,300	56%	80%	✓
A Category (A+ to A-)	\$ 57,500,000	29%	50%	✓
BBB+ Category	\$ 30,000,000	15%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
TOTAL	\$ 199,142,471	100%		

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

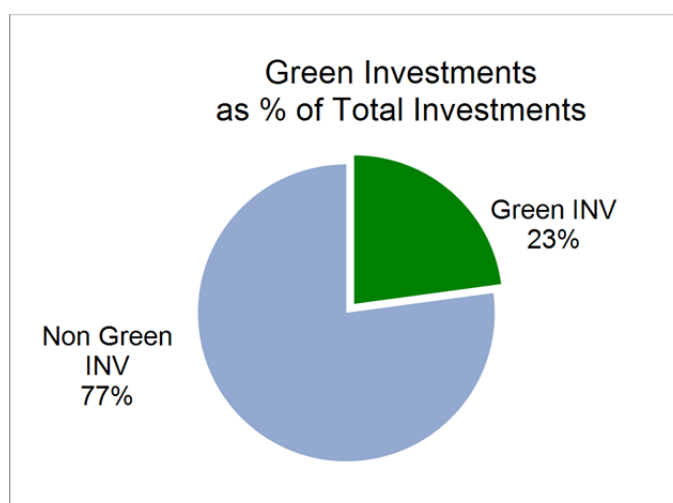
C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 31 March 2020. 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 March 2020 was \$45,500,000 or 23% of total investment holdings being in non-fossil fuels institutions, compared to \$44,500,000 (22%) in February 2020. The total investments holding for March and February were \$199,142,471 and \$199,641,317 respectively.



C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (REC)**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.

C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (REC)

FINANCIAL IMPLICATIONS

For the period ending 31 March 2020:

- Investment earnings on Municipal and Trust Funds were \$229,347 against a year to date budget of \$218,333 representing a positive variance of \$11,014.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 March 2020 was 1.56% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.53%.

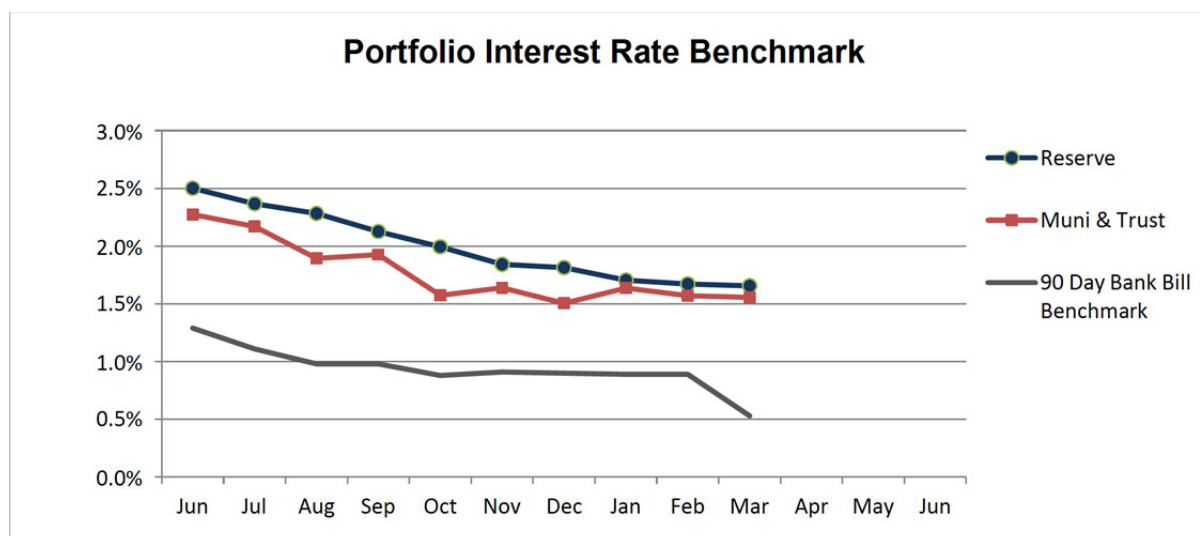
During the mid-year budget review, investment earnings on Municipal and Trust Fund investments have decreased from \$725,000 to \$235,000 to reflect the impact of lower interest rates.

- Investment earnings on Reserve accounts were \$2,749,141 against a year to date budget of \$2,749,141 representing a nil variance.

The weighted average interest rate for Reserve account investments as at 31 March 2020 was 1.66% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.53%.

During the mid-year budget review, investments earnings on Reserve have increased from \$3,100,000 to \$4,037,000 as a result of planned Capital Projects being deferred.

The Reserve Bank's decision to reduce the cash rate twice in March 2020, to 0.25 % and loss of cash flow as a result of COVID 19 will have negative consequences for the City's interest income on investments in next three months.



C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (REC)**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 2016-2020.

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.

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 1.56% to 1.66% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.53%.

23% 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 22% in February 2020.

C20/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2020 (REC)

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**

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

That the Council notes the Investment Report for the period ending 31 March 2020.

At 8:39pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2020 (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 March 2020 and recommends that the Schedule of Accounts Paid be noted.

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2020 (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 March including Payment Register numbers, Cheques: 746-748, Electronic Funds Transfers batches: 93 and 631-635, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 May 2020.

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

SCHEDULE OF PAYMENTS MADE		
MARCH 2020		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 746 to 748	\$46,448.87
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Cheques	(\$42.50)
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 632,633 and 635	\$5,708,961.53
	EFT Payment on Restricted Funds Register No.93, 631 and 634	\$109,800.00
	Less Cancelled EFTs	(\$3,583.00)
		\$5,861,584.90
<i>Direct Debits</i>	Bank Fees	\$23,117.18
	Caltex Fuel	\$75,452.93
<i>Direct Payments</i>		\$511.59
	Total Direct Creditor Payments	\$5,960,666.60
<i>Payroll</i>	Total Pay 18 and 19	\$3,551,132.47
	Total Payroll	\$3,551,132.47
<i>Cards</i>	Corporate Cards	\$8,830.48
	Purchase Cards	\$41,275.55
	American Express	\$19,723.53
	Total Card Payments	\$69,829.56
Total Direct Creditor Payments from Municipal Account		\$9,581,628.63

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2020 (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			(\$12,498,846.16)
Reserve			\$12,498,846.16
Trust			\$0.00
Total Interfund Transfers			\$0.00
New Municipal Investments			
Macquarie Bank	3/03/2020		\$1,000,000.00
Macquarie Bank	3/03/2020		\$2,000,000.00
Westpac Bank	6/03/2020		\$1,000,000.00
Macquarie Bank	10/03/2020		\$1,000,000.00
Macquarie Bank	10/03/2020		\$1,000,000.00
Suncorp Bank	13/03/2020		\$2,000,000.00
Westpac Bank	23/03/2020		\$2,000,000.00
Suncorp Bank	23/03/2020		\$1,000,000.00
Macquarie Bank	24/03/2020		\$1,000,000.00
Macquarie Bank	24/03/2020		\$1,000,000.00
Macquarie Bank	24/03/2020		\$2,000,000.00
Total New Investments			\$15,000,000.00
Grand Total			\$24,581,628.63

Details of the payments are shown in attachment [6001 March 2020](#).

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2020 (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

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

POLICY IMPLICATIONS

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 \$24,581,628.63.

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

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

At 8:39pm Cr Wheatland moved, seconded Cr Barber –

That the Council notes the Schedule of Accounts paid for the period March 2020 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 March 2020](#).

At 8:39pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2020 (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>
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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/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 March 2020 and recommends that they be noted by the Council.
- The variances for the month of 31 March 2020 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 31 March 2020 and recommends that they be adopted by Absolute Majority decision of the Council.

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2020 (AMREC)
(ATTACHMENTS)

BACKGROUND

The Statements of Financial Activity for the period ending 31 March 2020 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

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

Variances

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

[6002C Sub Program March 2020](#): Rate Setting Statement by Sub-Program.

[6002H March 2020](#): Statement of Variances in Excess of \$50,000.

Revenue

Rates raised as at March were \$89,776,421, compared to a year to date budget of \$89,539,563 with a positive variance of \$236,858 is due to additional interim rates income generated subsequent to the Mid Year Budget review from various properties including the Woolworths property at 39 Reynolds Road, Mount Pleasant.

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	6,607,681	6,607,681	0%	4,712,838	40%
Debtors Raised	116,112,246	115,949,030	0%	113,271,496	3%
Payments Received	(110,836,360)	(102,802,795)	8%	(108,499,599)	2%
Closing Balance	11,883,568	19,753,917	-40%	9,484,735	25%

Total rate debtor collections for the month equalled \$8,033,565.

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2020 (AMREC)
(ATTACHMENTS)

Sundry Debtors 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	432,873	432,873	0%	488,748	-11%
Invoices Raised	6,325,079	5,891,476	7%	6,410,936	-1%
Receipts	(5,742,545)	(5,464,133)	5%	(5,862,624)	-2%
Prepayments	29,283	39,076	-25%	28,767	2%
Closing Balance	1,044,690	899,291	16%	1,065,827	-2%

Sundry debtor balances increased by \$145,399 during March from \$899,291 to \$1,044,690.

Total 90 day sundry debtors over \$1,000 represent 14% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for March 2020.

Budget Amendments

Details of Budget Amendments requested for the month of March 2020 are shown in attachment [6002J March 2020](#). Variances greater than \$50,000 processed in March 2020 are highlighted in the attachment.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of March 2020.

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2020 (AMREC)
(ATTACHMENTS)

The following attachments form part of the Attachments to the Agenda for the month of March 2020.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	6002A Nature Type March 2020
Rate Setting Statement by Program	6002B Program March 2020
Rate Setting Statement by Sub-Program	6002C Sub Program March 2020
Representation of Net Working Capital	6002E March 2020
Reconciliation of Net Working Capital	6002F March 2020
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	6002H March 2020
Details of Budget Amendments requested	6002J March 2020
Summary of Rates Debtors	6002L March 2020
Graph Showing Rates Collections	6002M March 2020
Summary of General Debtors aged 90 Days Old or Greater	6002N March 2020

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- (b) budget estimates to the end of the month to which the statement relates;*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2020 (AMREC)
(ATTACHMENTS)**

- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in 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 \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment [6002H March 2020](#) : Notes on Statement of Variances in excess of \$50,000 by Sub-Program.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2020 (AMREC)
(ATTACHMENTS)

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 March 2020.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)
NOTING and ABSOLUTE MAJORITY

At 8:40pm Cr Wheatland moved, seconded Cr Barber–

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 March 2020 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	<u>6002A Nature Type March 2020</u>
Rate Setting Statement by Program	<u>6002B Program March 2020</u>
Rate Setting Statement by Sub-Program	<u>6002C Sub Program March 2020</u>
Representation of Net Working Capital	<u>6002E March 2020</u>
Reconciliation of Net Working Capital	<u>6002F March 2020</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	<u>6002H March 2020</u>
Details of Budget Amendments requested	<u>6002J March 2020</u>
Summary of Rates Debtors	<u>6002L March 2020</u>
Graph Showing Rates Collections	<u>6002M March 2020</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002N March 2020</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for March 2020 [6002J March 2020](#).**

At 8:40pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/0)

LATE ITEM T20/6183 - RFT192022 SUPPLY AND DELIVERY OF COMPOSTABLE BIN LINERS (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Various operational budgets
 Responsible Officer : Paul Molony – Manager Resource Recovery and Waste

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 (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>

LATE ITEM T20/6183 - RFT192022 SUPPLY AND DELIVERY OF COMPOSTABLE BIN LINERS (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Supply and Delivery of Compostable Bin Liners for a term of one year with three twelve month's option periods.

BACKGROUND

The City of Melville ("City"), is seeking a suitably qualified and experienced supplier to supply and deliver to the City compostable kitchen caddy liners to support the Food Organics, Garden Organics (FOGO) waste stream.

Council resolved in March 2016 to adopt a Southern Metropolitan Regional Council (SMRC) Strategic Waste Management Plan which detailed a range of recommendations including the implementation of a three bin FOGO collection system for its member Councils. A FOGO trial commenced in October 2017 involving 6,718 households located in the City of Melville with successful results.

The key success factors from the trial included:

- Less than 3% contamination in the FOGO bin;
- Compost quality achieved Australian Standard (AS4454); and
- Prediction of meeting the States landfill diversion rate of 65% with potential for >70% by 2030.

Part of the success of the system and the low contamination rates achieved was due to the supply of 150 compostable kitchen caddy liners per year per household for the convenience and use of the residents.

The Council resolved in October 2018 to implement the full roll out of the FOGO system to the remaining 32,745 dwellings across the City. The rollout concluded at the end of September 2019 and a yearly supply of liners is now required for the 2020-2021 financial year onwards.

Unlike the trial, where a liner was being changed by residents on average three times per week, the use increased to four liners per week from as early as January 2020. This increasing trend in liner use continued to the point where the City's supplies of liners for the 2019-2020 period was at risk of running out and therefore rationing provisions were put in place. Knowledge of this rationing arrangement led to a "run" on liner demands similar to that experienced with other consumables (e.g. toilet paper, sanitiser etc.) at the start of the COVID-19 pandemic. The City has only provided a limited number of liners to vulnerable residents following the closure of City facilities to public access due to COVID-19 restrictions and is investigating ways to enable the distribution of liners once restrictions are lifted.

In order to manage the distribution of liners in a sustainable and cost effective manner, a token system will be implemented from July 2020 to reduce liner usage and enable trending data to be collated for future liner procurement. Placing a limitation on the number of liners provided by the City to residents will reduce demand by raising awareness and educating residents on responsible liner usage. The allocated yearly supply will be increased to 225 liners per household, which is higher than the 150 liners per year allowed for in the 2019-2020 supply arrangement.

LATE ITEM T20/6183 - RFT192022 SUPPLY AND DELIVERY OF COMPOSTABLE BIN LINERS (REC) (CONFIDENTIAL ATTACHMENT)

This will be supplemented with the option for residents to purchase additional supplies from the City on a cost recovery basis. This system is considered more equitable and enables additional liners over and above what is considered necessary to dispose of the FOGO material generated in the kitchen (225 per annum), to be provided on a user pays system.

A communication and engagement campaign highlighting the ideal liner usage per week and suitable alternative options to liners will accompany the implementation of a FOGO bin liner token system.

The tender stated that the City does not guarantee the quantity that will be required to the supplier but estimated that approximately 145,000 packs of 8 litre liners with 75 liners per pack and approximately 2,000 packs of 35 litre liners with 20 liners per pack, will be required for the 2020-2021 financial year.

It is predicted the amount of liners required for the 2021-2022 financial year and beyond will reduce as the State Government released funding for the next Better Bins Program from 5 May 2020. This will enable more Local Governments to rollout a three bin FOGO system and in turn, this is predicted to increase and offer more diverse market opportunities for the supply of compostable liners and user pays options.

This bin liner supply Contract will be for a one year term, with three 12 month option periods to extend the Contract at the sole discretion of the City. The City will appoint one Contractor for the provision of the Services under the Contract.

DETAIL

The request for tender for the supply of bin liners was advertised on 26 March 2020 and the City received six compliant tenders which were assessed by an Evaluation Panel of City officers. Qualitative scores were achieved by joint agreement of the Evaluation Panel members at the evaluation meeting after each panel member had scored the submission individually. The City set four qualitative criteria for this Request, being Demonstrated Experience, Key Personnel, Methodology and Suitability of Proposed Product.

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

The Evaluation Panels recommendation was supported by the Contract and Tender Advisory Unit (CTAU) at its meeting on 5 May 2020 and is now submitted as a 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.

LATE ITEM T20/6183 - RFT192022 SUPPLY AND DELIVERY OF COMPOSTABLE BIN LINERS (REC) (CONFIDENTIAL ATTACHMENT)**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".

Delegated Authority – DA-117 Authority to Sign Documents will be exercised by the CEO to execute the Contract.

FINANCIAL IMPLICATIONS

Pre-Tender Estimate	\$675,000.00
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic Implications of these works relate only to the consequences of not procuring the Services through a tender or the WALGA Preferred Supplier Program, 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 5 May 2020.

The provision of these goods will have positive environmental implications since it supports good waste practices from the residents that results in greater resource recovery and less waste going to landfill.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

LATE ITEM T20/6183 - RFT192022 SUPPLY AND DELIVERY OF COMPOSTABLE BIN LINERS (REC) (CONFIDENTIAL ATTACHMENT)**CONCLUSION**

The CTAU was satisfied that the recommended supplier has demonstrated that they have the necessary demonstrated experience, have experienced key personnel, follow a methodology in line with the City's expectations and offer a suitable product.

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

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 5 May 2020 available on the Elected Members Portal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6183) APPROVAL

At 8:40pm Cr Wheatland moved, seconded Cr Kepert–

That the Council approves the Contract and Tender Advisory Unit's recommendation To:

- 1. Accept the recommendation as contained in the Confidential Attachment – RFT192022 Contract and Tender Advisory Unit Minutes; and**
- 2. following the above approval, directs that the successful respondents' name be inserted below this point 2.**

**Cardia Bioplastics (Australia) Pty Ltd T/AS
ABN 102 302 134**

At 8:40pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

15. EN BLOC ITEMS

Nil.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 8:41pm and conducted a roll call confirming the following Elected Members were still in attendance:

Mayor Honourable G Gear, Cr N Pazolli (Deputy Mayor), Cr S Kepert, Cr D Macphail, Cr N Robins, Cr C Robartson, Cr M Woodall, Cr J Barton, Cr G Barber, Cr K Mair Cr M Sandford, Cr K Wheatland.