

**MINUTES**  
**OF THE**  
**ORDINARY MEETING OF THE COUNCIL**  
**TUESDAY, 15 JUNE 2021**  
**COMMENCING AT 6.30PM**

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

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

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

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

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The Audio Recording will be available within 10 days of the meeting and may be accessed at [www.melvillecity.com.au](http://www.melvillecity.com.au) in accordance with the provisions of the Policy.

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## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:33pm and invited Cr Glynis Barber to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

### **Affirmation of Civic Duty and Responsibility**

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

## 2. PRESENT

Mayor Honourable G Gear

### **COUNCILLORS**

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

### **WARD**

Bicton – Attadale – Alfred Cove (*electronic attendance*)  
Bicton – Attadale – Alfred Cove  
Bateman – Kardinya - Murdoch  
Bull Creek - Leeming  
Applecross – Mount Pleasant  
Central  
Palmyra – Melville – Willagee (*electronic attendance*)  
Palmyra – Melville - Willagee

## 3. IN ATTENDANCE

Mr S Cope  
Mr G Ponton  
Ms C Young  
Mr M McCarthy  
Mr A Ferris  
Mr D McAuliffe (*from 9:04pm*)  
Mr P Prendergast (*until 7:40pm*)  
Mr B Ashwood (*until 7:40pm*)  
Mr L Hitchcock  
Mr B Taylor  
Ms C Newman  
Ms R Davis

A/Chief Executive Officer  
A/Director Urban Planning  
Director Community Development  
Director Technical Services  
Director Corporate Services  
Manager People Services (*electronic attendance*)  
Manager Statutory Planning  
Senior Planning Officer  
Executive Manager Governance and Legal Services  
Manager Governance and Legal Services  
Governance Coordinator  
Governance Officer

At the commencement of the meeting, there were 42 members of the public in the Council Chambers, 9 members of the public and 1 representative from the Press in attendance electronically.

At 6:33pm the Mayor made the following Statement:

*"I wish to make a statement regarding comments which appeared in the local press, which reflected badly on this Council and more widely on the reputation of the City. The first article was entitled "Melville Meeting Descends into Shouting Match", the second was entitled "City Quiet on Tribunal Action" which was proceeded by a headline "Civil War", the third article was entitled "The Key to Good Governance". Each of these articles presented to the public a perception of the conduct of this Council in a negative light, which I am saying is not a true reflection of the good governance that the City has achieved. I think we all understand the background of these articles, because we were there when the alleged events occurred. I want to put this matter behind us and focus on the future. During my time as Mayor I noticed that Councillors and staff have a respect of, and towards each other and as a Council, decisions we have made have been in response to the wishes of our ratepayers. As Elected Members we owe our ratepayers the respect they are due. We do this by working together to meet their needs. So let us continue to work respectfully together to determine the best outcomes for our ratepayers, they deserve nothing less."*

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

##### **4.1 APOLOGIES**

Mr M Tieleman

Chief Executive Officer

##### **4.2 APPROVED LEAVE OF ABSENCE**

Nil.

#### **5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**

##### **5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

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

Nil.

**6. QUESTION TIME****6.1 QUESTIONS WITH NOTICE****6.1.1 Errol Austin, Bicton**Question 1

*What has been the total legal costs for disputed planning decisions incurred by Melville City Council in the past twelve months?*

Response

\$303,550.00.

Question 2

*Some of these disputes have arisen from council not accepting staff recommendations, is this a prudent use of resources and ratepayers money?*

Response

The Mayor responded that it is the responsibility of the Council to make decisions upon consideration of reports to Council and sometimes we won't agree with the officer recommendations and prudence has nothing to do with it.

**6.2 QUESTIONS WITHOUT NOTICE****6.2.1 City of Melville Residents & Ratepayers Assoc.(Inc.)**

*Our question "CEO Marten Tieleman committed to publishing his KPIs at the February 2021 AGM of Electors; where can they be found on the City's website and when were they put there?" answered in the 20 April 2021 OMC minutes we refer, and note the CEO's performance indicators and measures were finally uploaded to the City's website circa 8 June 2021.*

Question 1

*Why have only the last 5 out of 10 pages been provided?*

Question 2

*Why hasn't Council included performance indicators to drive the Administration's overheads down in order to reduce rate-rises pressure?*

Question 3

*Why hasn't Council provided detail on the weighting of each of the circa 30 performance measures?*

**6.2.1 City of Melville Residents & Ratepayers Assoc.(Inc.), continued.**

**Question 4**

*Why isn't there definitive quantitative measures for KPI 4.1 and 4.2. From our perspective we have seen no improvements in these areas?*

**Question 5**

*Where in the CEO performance rubric will his performance for the poor handling of such issues as the 'Naked picture probe', as highlighted below, be assessed?*

**Question 6**

*Why doesn't Council provide a register of the progress Council resolutions on the City's website so the public can also monitor performance in line with KPI 3.1 performance measures?*

**Question 7**

*When will the July 2021 onward performance indicators be available?*

**6.2.2 City of Melville Residents & Ratepayers Assoc.(Inc.)**

*'City in naked picture probe', Melville Gazette 13 May 2021 page 10 we refer.*

**Question 8**

*Has Council apologised for the hurt and distress caused to the innocent young woman as a result of the City's administration distributing the intimate-image of her as a teenager to a number of City officers via the City's internal IT systems, if not why not?*

*What is the total gross cost (spent and committed) on this incident, in terms of:*

**Question 9**

*a) cost of the 'independent investigation', and who was that paid for that work?*

**Question 10**

*b) cost of legal representation for the civil action against CEO Tieleman?*

**Question 11**

*c) cost of other associated legal advice, and when was that advice obtained?*

**6.2.2 City of Melville Residents & Ratepayers Assoc.(Inc.), continued.****Question 12**

- d) *cost of other external services used, and who was (sic) engaged and for what reason? and*

**Question 13**

- e) *the indicative total number of hours City officers spent on dealing with this matter?*

**6.2.3 City of Melville Residents & Ratepayers Assoc.(Inc.)**

*We refer 'Park facility serves twin role', Melville Gazette 10 June 2021 page 5 and the City's Todd Cahoon and Mick Doyle's February and March 2017 communication with the Dept. Local Government, Sports and Cultural Industries (DLGSC) in relation to the \$ 40,000 CSRFF grant (for projects under \$200,000) for these Bert Jeffery Park facilities (BJP), specifically Mr Doyle's 31 March 2017 letter to DLGSC with the CSRFF application that costed the amenity building at \$120,000 (ex GST) as reviewed and approved by the City's Executive Management Team at its 27 March 2017 meeting.*

**Question 14**

*When did Council decide the BJP facilities would be the ACC's 'club rooms'?*

**Question 15**

*What was the total gross cost first put to Council for inclusion in the City's capital plan for the BJP work, and when was that cost first reviewed by Council?*

*What is the actual total gross final cost (spent and committed)(TFC) of the at BJP since 2016, including but not limited to:*

**Question 16**

- a) *community consultation (including community meetings)?*

**Question 17**

- b) *reticulation installed?*

**Question 18**

- c) *temporary toilet facilities?*

6.2.2 *City of Melville Residents & Ratepayers Assoc.(Inc.), continued.*

Question 19

d) *initial and detailed design?*

Question 20

e) *fees? and*

Question 21

f) *total final cost of the facility paid?*

Question 22

*What were the reasons there were was a significant change in initial costs and execution schedule put to Council in 2016/2017 and the TFC and the expected delivery date.*

Question 23

*What has and/or will Council change so that a disastrous cost and schedule blow-out does not ever occur in the delivery of such a community development again.*

These 23 questions from the City of Melville Residents and Ratepayers Assoc. (Inc.) were all taken on notice, and responses will be available in the Minutes of the 20 July 2021 Ordinary Meeting of Council.

## **7. AWARDS AND PRESENTATIONS**

Nil.



**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 18 MAY 2021**  
**Minutes 18 May 2021**

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

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 18 May 2021 be confirmed as a true and accurate record.**

At 6:38pm Cr Kepert advised he wished to propose an amendment to the Minutes of the Ordinary Meeting of Council held 18 May 2021, which related to the part of the meeting held behind closed doors. Consideration of this matter was deferred until the end of the meeting. See page 97.

**8.2 NOTES OF AGENDA BRIEFING FORUM – 8 JUNE 2021**  
**Notes 8 June 2021****COUNCIL RESOLUTION**

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

**That the Notes of Agenda Briefing Forum held on Tuesday, 8 June 2021, be received.**

At 6:40pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.3 SPECIAL MEETING OF THE COUNCIL – 25 MAY 2021**  
**Minutes 25 May 2021****COUNCIL RESOLUTION**

At 6:40pm Cr Robartson moved, seconded Cr Pazolli –

**That the Minutes of the Special Meeting of the Council held on Tuesday, 25 May 2021 be confirmed as a true and accurate record.**

At 6:40pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## **9. DECLARATIONS OF INTEREST**

### **9.1 FINANCIAL INTERESTS**

Nil.

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

- Cr M Woodall – P21/3931 – Late Item - Proposed Four Storey Apartment Development at No. 25 The Esplanade and No. 20 Helm Street, Mount Pleasant. Interest under the Code of Conduct.
- Cr C Robartson – P21/3920 – Proposed Land Acquisition by Alchera Living at Winnacott Recreation Reserve. Interest under the Code of Conduct.
- Cr N Pazolli – P21/3920 – Proposed Land Acquisition by Alchera Living at Winnacott Recreation Reserve. Interest under the Code of Conduct.
- Cr Kepert – M21/584 – Chief Executive Officer Triennial Review of Risk Management, Internal Control and Legislative Compliance. Interest under the Code of Conduct.
- Cr Kepert – P21/3920 – Proposed – Land Acquisition by Alchera Living at Winnacott Recreation Reserve, Willagee. Interest under the Code of Conduct.
- Cr Kepert – T21/3928 – RFT202123 - Supply and Installation of Point Walter Golf Course Irrigation System. Interest under the Code of Conduct.
- Cr Kepert – T21/3929 – RFT202125 – Minor Refurbishment Works Tompkins Park Stage 2. Interest under the Code of Conduct.
- Cr Kepert – M21/5000 – Common Seal Register. Interest under the Code of Conduct.
- Cr Kepert – M21/5842 – Review of City of Melville Council Delegations 2021. Interest under the Code of Conduct.
- Cr Kepert – C21/6000 – Investment Statements April 2021. Interest under the Code of Conduct.
- Cr Kepert – C21/6001 – Schedule of Accounts Paid April 2021. Interest under the Code of Conduct.
- Cr Kepert – C21/6002– Statements of Financial Activity for April 2021. Interest under the Code of Conduct.
- Cr Kepert – C21/5843 – Late Item – Response to Melville City Climate Action Network Petition – Request For Climate Change. Interest under the Code of Conduct.
- Cr Kepert – P21/3931– Late Item – Proposed Four Storey Apartment Development – No. 25 (Strata Lot 1) The Esplanade and No. 20 (Strata Lot 2) Helm Street, Mount Pleasant. Interest under the Code of Conduct.

## **10. DEPUTATIONS**

### **10.1 Mr T Will and Mr J Colliere (Planning Solutions)**

P21/3931 Late Item – Late Item – Proposed Four Storey Apartment Development – No. 25 (Strata Lot 1) The Esplanade and No. 20 (Strata Lot 2) Helm Street, Mount Pleasant.

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

At 6:43pm Cr Kepert moved, seconded Cr Robartson–

**That the application for a new leaves of absence submitted by Cr Woodall, Cr Barber, Cr Wheatland and Cr Macphail on 15 June 2021 be granted.**

At 6:43pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

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

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

- 17.1 – Amendments to Confirmation of Minutes Ordinary Meeting of the Council – 18 May 2021

**13. PETITIONS****13.1 Review of Compliance and Enforcement Actions – 18A & B Tweeddale Road, Applecross**

A petition signed by 5 residents of the City of Melville was received on 15 June 2021 and reads as follows:

*“We the undersigned, all being electors of the City of Melville respectfully request that the Council conduct an independent review of the lack of adequate compliance and enforcement actions in response to numerous complaints about the 18A & B Tweeddale Road, Applecross unauthorised soil build up, associated unauthorised building work possibly, adversely affecting the adjoining property owners.”*

At 6:45pm, during discussion and debate, Officers agreed to the inclusion of a timeframe in the recommendation being for the Tuesday 17 August 2021 Ordinary Meeting of Council.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6:44pm Cr Wheatland moved, seconded Cr Sandford –

**That the petition bearing 5 signatures of residents be acknowledged and that a report be prepared for the Tuesday 17 August 2021 Ordinary Meeting of Council.**

At 6:47pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## **14.1 REPORTS OF THE CHIEF EXECUTIVE OFFICER**

At 6:47pm the Mayor brought forward Item P21/3931 – Proposed Four Storey Apartment Development – No 25 (Strata Lot 1) The Esplanade and No 20 (Strata Lot 2) Helm Street, Mount Pleasant for the convenience of the public gallery.

### Disclosure of Interest

Member	Cr Woodall
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the JDAP Panel that will consider the item.
Request	Leave
Decision Leave	Leave

Member	Cr Kepert
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Do not possess all of the information that I require to make an informed decision.
Request	Stay and Discuss
Decision Leave	Stay and Discuss

*At 6:47pm having declared an interest in this matter, Cr Woodall left the meeting.*

At 6:48pm Mr T Will and Mr J Colliere representing Planning Solutions entered the Chambers for the purpose of making a deputation, which concluded at 6:48pm. [3931 Planning Solutions Deputation](#). At 7:02pm Mr T Will and Mr J Colliere departed the Chambers.

### **P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25 (STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward	: Applecross – Mount Pleasant Ward
Category	: Operational
Application Number	: DAP-2021-3
Property	: No. 25 (Strata Lot 1) The Esplanade and No. 20 (Strata Lot 2) Helm Street, Mount Pleasant
Proposal	: Proposed Four Storey Apartment Building
Applicant	: Trent Will- Planning Solutions
Owner	: Mahmoud Omran, Mofida Omran & San Brolo Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: N/A
Responsible Officer	: Gavin Ponton A/Director Urban Planning

**P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25 (STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- This RAR is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Sandford.
- Approval is sought for a four storey apartment development at No. 25 (Strata Lot 1) The Esplanade and No. 20 (Strata Lot 2) Helm Street, Mount Pleasant. The cost of the development is \$12 million and therefore the application is required to be determined by the Metro Inner South Joint Development Assessment Panel.
- The apartment development comprises 12 apartments (four of which are considered dual-key apartments) as well as a basement car park and rooftop terrace.
- The subject site is zoned H4 Residential under the Canning Bridge Activity Centre Plan.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), the Canning Bridge Activity Centre Plan, as well as a number of local and state planning policies.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 15 June 2021.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 12 individual written submissions were received – one submission of support and eleven expressing concerns.
- The recommendation of the RAR is that the JDAP approve the proposal for reasons outlined in the attached RAR report to the JDAP.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.



**P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25 (STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**



**Figure 1- Aerial photo of subject lot**

## BACKGROUND

### Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Centre C2 'RAC-0
R-Code	: N/A
Use Type	: Residential
Use Class	: Permitted

### Site Details

Lot Area	: 1287sqm
Street Tree(s)	: No
Street Furniture (drainage pits etc)	: Stormwater Drainage Pit, Footpath and Ramp
Site Details	: Refer to Figure 1 above

## DETAIL

Development approval is sought from the Metro Inner-South JDAP for a four storey apartment development.

Refer to the attached RAR for details of the development proposed by this application.

**[3931 DAP 2021 3 RAR](#)**

**P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25 (STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

**STATUTORY AND LEGAL IMPLICATIONS**

The cost of the development requires that it be determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

**FINANCIAL IMPLICATIONS**

None applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

These are outlined in full within the RAR as attached to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Ordinary Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

**P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25 (STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (3931)****APPROVAL**

At 7:03pm Cr Robins moved, Seconded Cr Robartson –

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to APPROVE the application for the proposed four storey apartment development at No. 25 (Strata lot 1) and no. 20 (Helm street), Mount Pleasant.**

**Procedural Motion**

At 7:05pm Cr Sandford moved, seconded Cr Barber –

**That the item be deferred until the Special Meeting of Council Tuesday 22 June 2021 to allow Council to view the Hatch Roberts Day CBACP Report.**

At 7:07pm Mr P Prendergast and Mr B Ashwood entered the chamber for the purpose of answering questions.

At 7:08pm The Executive Manager Governance and Legal Services confirmed with Cr Keper that his Declaration of Interest was in relation to the Code of Conduct and it was his intention not to vote on the Items on the agenda, and provided advice that in accordance with the requirements s.5.21 of the *Local Government Act 1995*, he would be required to vote on matters if he remained in the Chambers as the interest was not a financial interest or proximity interest and that abstaining from the voting process may be considered an offence under the Act.

At 7:17pm during discussion and debate the mover with the consent of the seconder, withdrew the procedural motion to defer the item.

*At 7:19pm Mr Ferris left the meeting and returned at 7:21pm.*

**OFFICER RECOMMENDATION (3931)****APPROVAL**

At 7:03pm Cr Robins moved, Seconded Cr Robartson –

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to APPROVE the application for the proposed four storey apartment development at No. 25 (Strata lot 1) and No. 20 (Strata Lot 2) Helm Street, Mount Pleasant.**



**P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25 (STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

**Procedural Motion**

**COUNCIL RESOLUTION**

At 7:24pm Cr Pazolli, seconded Cr Barber –

**That Cr Sandford be granted a further 5 minutes to speak.**

At 7:24pm, the Mayor declared the motion

**CARRIED (11/0)**

<b>Yes</b>	11	Cr Robartson, Cr Macphail, Cr Wheatland, Cr Robins, Mayor Gear, Cr Fitzgerald, Cr Barton, Cr Barber, Cr Mair, Cr Sandford, Cr Pazolli
<b>No</b>	0	

At 7:24pm Cr Kepert abstained from voting on the matter.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3931)**

**APPROVAL**

At 7:03pm Cr Robins moved, Seconded Cr Robartson –

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to APPROVE the application for the proposed four storey apartment development at No. 25 (Strata lot 1) and No. 20 (Strata Lot 2) Helm Street, Mount Pleasant.**

At 7:38pm, the Mayor declared the motion

**CARRIED (7/4)**

<b>Yes</b>	7	Cr Robartson, Cr Macphail, Cr Wheatland, Cr Robins, Mayor Gear, Cr Fitzgerald, Cr Barton
<b>No</b>	4	Cr Barber, Cr Mair, Cr Sandford, Cr Pazolli

At 7:38pm Cr Kepert abstained from voting on the matter.

*At 7:34pm Ms Davis left the meeting and returned at 7:35pm.*

*At 7:38pm Mr P Prendergast left the Council Chambers.*

*At 7:38pm Mr B Ashwood left the Council Chambers.*

*At 7:38pm Cr Woodall returned to the Meeting.*

At 7:39pm the Mayor brought forward Late Item C21/5843 – Response to Melville City Climate Action Network Petition – Request for Climate Change for the convenience of the public gallery.

At 7:39pm the Director Corporate Services, Mr Ferris, addressed the Council in relation to the Item C21/5843 – Late Item – Response to Melville City Climate Action Network Petition – Request for Climate Change.

Disclosure of Interest

Member	Cr Keper
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Do not possess all of the information that I require to make an informed decision.
Request	Stay and Discuss
Decision Leave	Stay and Discuss

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Environmental Management
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	: 13.1 Petition – Request for Climate Emergency Ordinary Meeting of Council hold 18 May 2021
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 checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- A petition from the Melville Climate Action Network signed by 1,179 residents and 85 non-residents of the City of Melville was received on 27 April 2021 and presented at the Ordinary Meeting of Council held 18 May 2021.
- Council resolved that the petition be acknowledged and that a report be prepared.
- This report provides information on the City's current activities and identified opportunities associated with points raised in the petition and recommends that the Council resolve to develop a Draft Climate Action Plan within two years.

**BACKGROUND**

A petition signed by 1,179 residents and 85 non-residents of the City of Melville was received on 27 April 2021 and presented at the Ordinary Meeting of Council held 18 May 2021, and reads as follows:

*"Given that:*

- *Climate impacts are already causing serious loss of life and destroying vital ecosystems;*
- *Global average temperature, atmospheric greenhouse gases, and ocean acidity are already at dangerous levels; and*
- *In Australia we have already seen catastrophic bushfires and deaths of millions of animals, unprecedented drought and Great Barrier Reef bleaching;*

*We, the undersigned, all being electors and/or ratepayers in the City of Melville, do respectfully request that the Council:*

1. *Declare a climate emergency. This provides a powerful and urgent public signal that influences and engages the entire community to reduce community- wide emissions and joins around 100 Australian local councils including 8 in WA, that have declared a Climate Emergency.*
2. *Undertake ongoing public engagement and education about the climate emergency and the actions required to reduce emissions.*
3. *Include emissions implications for Council's own operations and for community development projects, in all reports to Councillors for their consideration.*
4. *Develop a climate emergency response plan for the community within 12 months, that provides maximum protection for people, property and the natural environment, and setting a target of net-zero emissions by 2030 in line with the Intergovernmental Panel on Climate Change (IPCC) recommendations.*
5. *Advocate for policies consistent with a climate emergency response at state and federal government levels to achieve a nation-wide climate emergency.*
6. *Employ additional expert staff and resources to enable the execution of steps 1 – 5 above."*

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****DETAIL**

The following additional information is provided in response to the requests contained in the petition.

**Current Position:**

The City of Melville recognises the global reach, broad scope, and dramatic impact of climate change and has identified this megatrend as one of significance for the City at a local level.

Climate Action includes:

- Assessing the risks of climate change impacts
- Adaptation to climate change
- Resilience to extreme weather events
- Resilience to the water crisis
- Managing and mitigating emissions
- Energy security and costs

The City's Environmental Policy provides guidance and direction for the organisation to minimise its impact on the environment and include climate change considerations in decision making.

- The City recognises that the global climate is changing due to an increase in greenhouse gas emissions in the atmosphere. Human activity continues to contribute to increased greenhouse gas emissions in addition to other naturally occurring factors.
- The City recognises its role in mitigating greenhouse gas emissions from its operations and assets and leading the community within the City of Melville's geographic boundaries to reduce their own emissions.
- The City recognises that climate change poses particular risks to the community and that managing these risks will require an adaptation response.

To date the City has:

- been actively undertaking activities, exploring opportunities and establishing partnerships to reduce emissions within its operations and has made significant progress towards its goal for a 48% emission reduction from 2005 levels by 2025.
- a dedicated environmental education practice and a demonstration centre for showcasing technologies that help build the organisation's and community's capacity to tackle climate change.
- partnered with "Switch Your Thinking", a local government initiative that inspires sustainable action, focusing on reducing greenhouse gas emissions in the community.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

Both Melville businesses and community members can benefit from getting involved with Switch Your Thinking initiatives, including:

- Rewards for Residents and Rewards for Businesses discounts on sustainability products like solar panels, rainwater tanks, LED lighting, and compost bins
- Access to a range of sustainability news and events promoted through our e-newsletters, Facebook page, and website
- Free sustainability workshops held in Melville
- Opportunities to apply for sustainability awards such as the Switched On Business Award

Within the City as an organisation, the largest sources of carbon emissions (with annual estimates) are:

Category	Emissions (t CO <sub>2</sub> -e)	Percentage (%)
Electricity consumption at City owned and Managed Facilities	6,924	74.0%
Diesel Consumption in the City's Vehicles	1,759	18.7%
Gas Consumption at the City	440	4.6%
Miscellaneous	241	2.6%
<b>Total</b>	<b>9,364</b>	<b>100%</b>

It is to be noted that LeisureFit Booragoon is a single facility within City's portfolio that results in 2,443 tCO<sub>2</sub>-e annually and is our largest energy consumer.

In the past few years, the City has been responding with appropriate action towards its most significant source of emissions in electricity and has been focusing on leading-edge interventions in this space.

Within the City's geographic region, Council's total annual community emissions have been calculated as 1,181kt CO<sub>2</sub>-e.

The largest sources of emissions are:

Category	Emissions (t CO <sub>2</sub> -e)	Percentage (%)
Energy (which mainly comprises electricity consumed by buildings, streetlights and facilities)	563,825	48%
Transportation	352,558	30%
Waste	87,656	7%
Wastewater	177,057	15%
<b>Total</b>	<b>1,181,096</b>	<b>100%</b>

The enclosed attachment on City's Current Position on Climate Action provides further details of work that has been undertaken by the City and was presented to Elected Members in an Elected Members Bulletin in April 2021. [5843 Response to Climate Change at the City of Melville](#)

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**Opportunities:

The City notes alignment between the petition and the City's policies and demonstrates community interest towards climate action. Climate change is a global risk, and a collaborative response toward climate action is necessary for the future sustainability of our City and the environment.

The current data demonstrates that most of the emissions within the City and the City's geographic region are result of energy and transportation. This presents an opportunity for the City to improve its energy consumption profiles and transportation modes to low emission options and showcase practical examples to the community for their adoption thereafter.

This opportunity needs to be appropriately analysed to allow the City to take up the best value options so maximum benefit can be realised. Many of these options will be cost-effective improvements in the business and will result in monetary savings. Many others may cost the City to implement and therefore will need to be supported by a program of works based on thorough analysis and the identification of prioritised projects taking into account the cost and effectiveness of emission reduction measures.

A Marginal Cost of Abatement model will be developed as a part of the Climate Action Plan to guide the program of works for emission mitigation.

A Climate Change Adaptation Plan will be developed as a part of the Climate Action Plan to guide the program of works for building resilience to the climate crisis. A precursor to this plan will be the climate change risk assessment for all the assets in the City.

Appropriate planning and the identification of low carbon opportunities, in consultation with stakeholders and State agencies, is critical to achieve the best value outcomes for the City as part of an organisational wide Climate Change Adaption Plan. The City of Melville supports the proposed target for carbon neutrality by 2030, however would propose to retain its current target of 48% reduction until 2025 and use the next 2 years to develop the Climate Action Plan that ensures the organisation's neutrality by 2030.

During the next 2 years, the City will analyse its approach to delivering the petition's expectations and design the team structures and optimal resources required for progressing an ambitious response for addressing climate change and the associated impacts. In the meantime the City will continue to implement modifications across its processes and templates to reflect climate change considerations across all activities in the organisation and develop a system to ensure consistent reporting of these considerations to appropriate levels.

The City will also initiate the associated risk analysis and background research for the Climate Action Plan at the earliest opportunity and believe that may take at least 2 years to complete the plan. The Climate Action Plan will be developed in consultation with the community and through engagement with key stakeholders, drawing on benchmarking its activities against the best cases from Australia.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

The City will partner with the community in progressing toward the achievement of State and Federal targets in reducing the emissions from its geographic regions.

The City would also commit to ensuring that advocacy and education are key activities to engage with decision makers and its stakeholders. The use of innovative approaches supported with appropriate resources are essential in meeting this challenge. These stakeholders will include the local residents, businesses, organisations, and regional local governments. All of these actions would form part of the Climate Action Plan.

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

Significant community engagement will be required to develop a Draft Climate Action Plan.

**II. OTHER AGENCIES / CONSULTANTS**

Consultants may need to be engagement to assist in the preparation of a Draft Climate Action Plan.

**STATUTORY AND LEGAL IMPLICATIONS**

Not applicable

**FINANCIAL IMPLICATIONS**

Costs for the response required to achieve neutrality will be estimated as a part of the Climate Action Plan and considered in the review of the Long Term Financial Plan, which will be finalised later in 2021.

The 2021/2022 Draft Budget does not include resources to support the development of a Draft Climate Action Plan within 12 months.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The following risks will need to be appropriately managed to proceed with the proposals from the petition:

1. **Reputational Risk:** The City may commit to carbon neutrality as an organisation, but cannot deliver outcomes at the business or community level. It is, therefore, necessary to have a thorough understanding of aspects and impacts to continually support any commitment that the organisation makes in this regard.



**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
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2. **Greenwashing Performance:** Inadequate performance is a common risk where ambiguous statements replace mechanistic and quantitative measures. An appropriate mitigation measure for this risk is a robust internal monitoring reporting and verification system that ensures that any claim or measure proposed is thoroughly verified before being communicated. Development and strengthening of these systems and processes can be initiated immediately by the City organisation.
3. **Capacity and Resources:** The proposed expectations would need a significant change in performance monitoring, reporting, and planning needs, focusing on emissions reduction from every activity across the organisation. This change would require a participative approach, openness to change, and a robust system to support the organisation.
4. **Inappropriate Planning:** Program of works and interventions being proposed or planned for emission reductions as a rationale should be appropriately prioritised based on the marginal cost of the abatement model. This will ensure the best value source of emission reductions to be prioritised. The model will be developed with thorough research and by highly experienced professionals accessible by the City.
5. **Greenwashing Projects:** The City stands at the risk to classify many projects having potential emission reduction benefits, even though they might not be as beneficial. This means that any project claiming emission reductions as a potential benefit should also be beneficial against the community or business needs. The emission reduction benefit associated with projects may be prioritised according to the marginal cost of the abatement model.
6. **Additional Resources for projects to ensure Lower Emission options:** For some projects, additional resources may be required to provide lower emission options, and designs are chosen and may need additional funding or resources. A thorough assessment during business case development and decision-making will help in the robustness required to ensure additional resource requests to be justified and valid.
7. **Inadequate Risk assessment for Climate Change Adaptation:** Appropriate research and well-experienced resources to be deployed to undertake climate change risk assessment for the City to help mitigate this risk.
8. **Community Pushback:** There may be pushback from climate change deniers in the community. This makes it very important to raise community awareness and strengthen the community education program in order to actively engage them in the design and delivery of the Climate Action. To strengthen partnerships with local champions, community representatives, and organisations on climate change are necessary and the City will work with these stakeholders to engage the community through events and forums as required.

**POLICY IMPLICATIONS**

There are no policy implications or proposed changes required to City's current Environmental Policy at this point in time or as required by the report.



**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City could attempt to produce a Draft Climate Action Plan within twelve months as requested by the petition; however this position is not supported by officers as funding has not been identified and suitable project planning has not been undertaken.

**CONCLUSION**

1. The City acknowledges the petition and generally supports the proposed direction.
2. The City will continue to implement modifications across its processes and templates to reflect climate change considerations across all activities in the organisation and develop a system to ensure consistent reporting of these considerations to appropriate levels.
3. The City acknowledges the need to develop a robust Draft Climate Action Plan which it will progressively develop over the next two years. An appropriate resource restructure, background research and thorough analysis will be undertaken in the development of the Plan.
4. The City will also evaluate opportunities and risks in detail as part of the process of developing the plan, whilst ensuring the robustness of decision making in progressing towards carbon neutrality and ensure compliance with the State and Federal objectives on climate change.
5. The City will further strengthen its approach to community engagement, education and partnerships on climate change issues and promote the showcasing of leading edge examples for the community to learn and adapt toward a low carbon future.
6. The City will also strengthen its approach towards supporting community in responding to climate change impacts, mitigation and adaptation as required.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (5843)****APPROVAL**

At 7:40pm Cr Wheatland Moved, Seconded Cr Barton –

**That the Council:**

1. Notes the actions taken to date and that the City will commence preparation of a Draft Climate Action Plan that will address the points raised in the Melville City Climate Action Network (MCCAN) Petition including:
  - The Council's position on the declaration of a climate emergency.
  - The development of a public engagement and education program.
  - Set achievable targets for the reduction of, and integrate reporting on, the emissions associate with the City's operations.
  - Opportunities to advocate for at State and Federal Government level for policies consistent with a climate emergency response.
  - Identify additional resources to implement actions identified in the Climate Action Plan;
2. Directs the Chief Executive Officer to prepare a Draft Climate Action Plan to be presented to the Council within two years; and
3. Directs the Chief Executive Officer to advise the lead petitioner of this resolution.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****Amendment**

At 7:40pm Cr Fitzgerald moved, seconded Cr Barber –

**That the officer recommendation be amended as follows:**

- **Insert a new clause 1. as follows:**

**1. Commits to:**

- **declaration of a climate emergency**
- **the reduction of the carbon emissions caused by the operations of the City of Melville to net zero by December 2030; and**
- **working with the State and Federal Governments, the community and local businesses to ensure that the carbon emissions within the geographical area of the City of Melville reach net zero by 2050**

- **The existing clause 1 be renumbered 2 and amended to read as follows:**

**Notes the actions taken to date and that the City will commence preparation of a Draft Climate Action Plan that will guide the city on addressing Council's commitments. That plan will:**

- **Develop a public engagement and education program on Climate Action.**
- **Undertake research and assessments to plan the actions towards Climate Change Mitigation and Adaptation**
- **Identify additional resources to implement actions identified in the Climate Action Plan;**
- **Identify opportunities to advocate for at State and Federal Government level for policies consistent with a climate emergency response.**
- **Identify the additional costs associated with transitioning to carbon positive rather than carbon neutral operations by 2030**

- **A new clause 3. be included as follows:**

**Directs the Chief Executive Officer to prepare a Draft Climate Action Plan to be presented to the Council within two years;**

- **A new clause 4. be included as follows:**

**Directs the Chief Executive Officer to continue the City's current plans for climate change action and mitigation, while the Climate Action Plan is developed and implemented into action.**

- **Clause 3 be renumbered clause 5.**

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****Procedural Motion****COUNCIL RESOLUTION**

At 7:46pm moved Cr Wheatland seconded Cr Mair –

**That Cr Fitzgerald be granted a further 5 minutes to speak on this matter.**

At 7:47pm, the Mayor declared the motion

**CARRIED (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 7:47pm Cr Kepert abstained from voting on the matter.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

**Amendment**

**COUNCIL RESOLUTION**

At 7:40pm Cr Fitzgerald moved, seconded Cr Barber –

**That the officer recommendation be amended as follows:**

- **Insert a new clause 1. as follows:**
  - 1. Commits to:**
    - **declaration of a climate emergency**
    - **the reduction of the carbon emissions caused by the operations of the City of Melville to net zero by December 2030; and**
    - **working with the State and Federal Governments, the community and local businesses to ensure that the carbon emissions within the geographical area of the City of Melville reach net zero by 2050**
- **The existing clause 1 be renumbered 2 and amended to read as follows:**

**Notes the actions taken to date and that the City will commence preparation of a Draft Climate Action Plan that will guide the city on addressing Council's commitments. That plan will:**

  - **Develop a public engagement and education program on Climate Action.**
  - **Undertake research and assessments to plan the actions towards Climate Change Mitigation and Adaptation**
  - **Identify additional resources to implement actions identified in the Climate Action Plan;**
  - **Identify opportunities to advocate for at State and Federal Government level for policies consistent with a climate emergency response.**
  - **Identify the additional costs associated with transitioning to carbon positive rather than carbon neutral operations by 2030**
- **A new clause 3. be included as follows:**

**Directs the Chief Executive Officer to prepare a Draft Climate Action Plan to be presented to the Council within two years;**
- **A new clause 4. be included as follows:**

**Directs the Chief Executive Officer to continue the City's current plans for climate change action and mitigation, while the Climate Action Plan is developed and implemented into action.**
- **Clause 3 be renumbered clause 5.**

At 8.07pm, the Mayor declared the motion

**CARRIED (10/2)**

<b>Yes</b>	10	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Mayor Gear, Cr Fitzgerald, Cr Barton
<b>No</b>	2	Cr Woodall, Cr Robins

At 8:07pm Cr Keperst abstained from voting on the matter.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****Amendment**

At 8:07pm, Cr Woodall moved, seconded Cr Robartson-

**Amend the new Clause 1 by removing the word “Commits to” and inserts “Directs the Chief Executive Officer to undertake community consultation on” to read:**

**Directs the Chief Executive Officer to undertake community consultation on:**

- **declaration of a climate emergency**
- **the reduction of the carbon emissions caused by the operations of the City of Melville to net zero by December 2030; and**
- **working with the State and Federal Governments, the community and local businesses to ensure that the carbon emissions within the geographical area of the City of Melville reach net zero by 2050**

At 8:19pm, the Mayor declared the motion

**LOST (6/7)**

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

At 8:19pm Cr Kepert abstained from voting on the matter.

**NOTE: Due to an equality of votes at the Council Meeting, the Presiding member exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).**

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

**Substantive Motion as Amended**

**COUNCIL RESOLUTION**

At 7:40pm Cr Wheatland Moved, Seconded Cr Barton –

**That the Council:**

**1. Commits to:**

- declaration of a climate emergency
- the reduction of the carbon emissions caused by the operations of the City of Melville to net zero by December 2030; and
- working with the State and Federal Governments, the community and local businesses to ensure that the carbon emissions within the geographical area of the City of Melville reach net zero by 2050

**2. Notes the actions taken to date and that the City will commence preparation of a Draft Climate Action Plan that will guide the city on addressing Council's commitments. That plan will:**

- Develop a public engagement and education program on Climate Action.
- Undertake research and assessments to plan the actions towards Climate Change Mitigation and Adaptation
- Identify additional resources to implement actions identified in the Climate Action Plan;
- Identify opportunities to advocate for at State and Federal Government level for policies consistent with a climate emergency response.
- Identify the additional costs associated with transitioning to carbon positive rather than carbon neutral operations by 2030

**3. Directs the Chief Executive Officer to prepare a Draft Climate Action Plan to be presented to the Council within two years;**

**4. Directs the Chief Executive Officer to continue the City's current plans for climate change action and mitigation, while the Climate Action Plan is developed and implemented into action.**

**5. Directs the Chief Executive Officer to advise the lead petitioner of this resolution.**

At 8:20pm, the Mayor declared the motion

**CARRIED (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:20pm Cr Kepert abstained from voting on the matter.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)****Reasons for the Amendment as provided by Cr Fitzgerald****1. Melville City Climate Action Network (MCCAN) petition and deputation at the ABF  
8 June 2021**

The Officer report C21/5843 responded to the above petition. I had a proposed motion in relation to the petition and have worked with City Officers over the past few months in understanding the City's actions on climate change through the CESP. This amendment brings together the key elements from the officer recommendation and proposed motion.

In particular, the officer recommendation was made on the basis that it would respond to a particular target which would be set by Council. Rather than have two separate motions – one setting a target, and one setting a mechanism for implementing it – those have now been combined.

At the ABF 8 June 2021 Dr Horton raised concerns with the proposed timeframe for the development of the Climate Action Plan (CAP). This and the work the City is already doing is addressed in point 2 and 3 below

**2. CESP : Corporate Environmental Strategic Plan 2016-2025**

The City is undertaking significant work in reducing its emission and is currently leading the way in its activities toward Climate Action in WA. The City has adopted an Emission Reduction target of 48% by 2025, on its 2005 levels, in its Corporate Environmental Strategic Plan (CESP) 2016-2025 which is also in line with the National commitment under the Paris Agreement.

Under the CESP the City has implemented targeted projects for emission reductions that have reduced its emissions by 35%. The City has also laid strong foundations for further reduction in emissions through improved understanding and performance in its energy profile and is consistently adding projects to its renewable portfolio. This work is further strengthened by our partnership with Murdoch University which is focused on identifying Clean Energy Interventions in the City and is exploring new regional opportunities for collective participation in this space.

This work will continue and it is therefore recommended that the City continues with its current plans, through the CESP, towards climate change mitigation, while the CAP is developed and embedded into the City business.

**3. Timeframe for Climate Action Plan development**

The motion proposes the development of a Climate Action Plan (CAP) within two years. This is considered reasonable given the complexity of the issue, the need to embed this in business and the access to the skills and capability required to develop the plan. The City's approach to the development of the plan will be robust and considered, with the aim to complete the project in the set timeframes.



**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

*Reasons for the Amendment as provided by Cr Fitzgerald, continued.*

The cost implications relating to the CAP will be considered in the review of the City's 10 Year Long Term Financial Plan which is currently underway.

The development of a CAP involves a number of key steps including the need for comprehensive research and risk assessments to ensure that the actions are effective, and promote the best value planning, to respond to climate change. The CAP needs to ensure that the interventions identified are well embedded, support changes in the business systems and are co-designed with strong community engagement and advocacy with other stakeholders.

A desktop review on action planning by various Local Governments was conducted and is detailed below. From this research, the development of a plan within the two years is reasonable

**Western Australia**

<b>City</b>	<b>Declaration of Climate Emergency</b>	<b>Further Action</b>	<b>Reference</b>
City of Fremantle	May 2019	In March 2021, the City adopted the Climate Emergency Position Statement	<a href="https://www.fremantle.wa.gov.au/action-climate-change">https://www.fremantle.wa.gov.au/action-climate-change</a>
Town of Victoria Park	August 2018	In Feb 2021, the City released a draft Climate Emergency Plan for community consultation	<a href="https://yourthoughts.victoriapark.wa.gov.au/climateep">https://yourthoughts.victoriapark.wa.gov.au/climateep</a>
City of Swan	June 2019	No specific Plan	
City of Geraldton	Dec 2020	Starting to Work on a Plan	<a href="https://www.cgg.wa.gov.au/news/council-declares-climate-emergency/13983">https://www.cgg.wa.gov.au/news/council-declares-climate-emergency/13983</a>

**Best Examples from Victoria**

<b>City</b>	<b>Declaration of Climate Emergency</b>	<b>Further Action</b>
Yarra City Council	Feb 2017	Yarra Climate Emergency Action Plan 2020 : draft in Nov 2019
Moreland City Council	September 2018	Moreland Climate Emergency Action Plan 2020/21 – 2024/25

At 8:21pm the Mayor adjourned the meeting.

At 8:29pm the Mayor resumed the meeting.

At 8:29pm, the Mayor brought forward Item P21/3920 Proposed - Land Acquisition by Alchera Living at Winnacott Recreation Reserve, Willagee for the convenience of the public gallery.

*At 8:30pm Cr Robins returned to the meeting.*

*At 8:30pm Cr Barber returned to the meeting.*

*At 8:32pm Cr Fitzgerald returned to the meeting electronically.*

Disclosure of Interest

Member	Cr Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Previously was a community member on the Alchera Living Board.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Disclosure of Interest

Member	Cr Robartson
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Is the State President of the Airforce Association, involved in aged care.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Disclosure of Interest

Member	Cr Kepert
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Do not possess all of the information that I require to make an informed decision.
Request	Stay and Discuss
Decision Leave	Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

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

**KEY ISSUES / SUMMARY**

- The City of Melville Council has received a request from Alchera Living Inc. for the City's in-principle support for the acquisition of a portion of land at Winnacott Recreation Reserve (held by the State of Western Australia) for amalgamation into their adjoining freehold site.
- The proposed acquisition area (494m<sup>2</sup>) is currently subject to a temporary access easement with the State of WA, which the City agreed to for temporary access for construction purposes during recent redevelopment works over part of the site.
- A Motion with Previous Notice given at the Ordinary Council Meeting on 16 February 2021 requested the Chief Executive Officer commence community engagement on Alchera Living Inc.'s proposed acquisition.
- This report provides a summary of the community consultation which was carried out between 19 March 2021 and 19 April 2021 and provides recommendations in response to the request to acquire portion of Winnacott Reserve.



*Location Map*

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

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

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

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

**DETAIL**

Alchera Living Inc. has requested the City's in-principle support for the acquisition of a portion of land at Winnacott Recreation Reserve (held by the State of Western Australia) for amalgamation into their adjoining freehold site. The 494m<sup>2</sup> portion of land is currently the subject of a temporary access easement road. The temporary access easement agreed by the City for the purpose of access during construction works, was granted by the Department of Planning, Lands and Heritage (DPLH) over the crown reserve for the redevelopment of the facilities for period of 5 years expiring in October 2022.

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



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

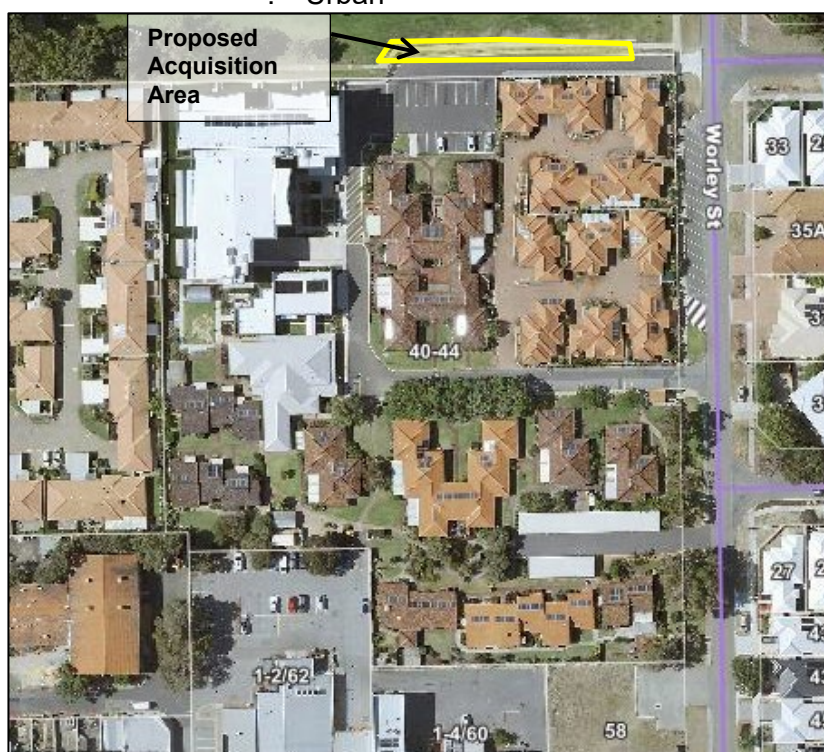
The temporary access easement road is almost rectangular in shape, providing bituminised 6m wide access to the Weeronga Village northern boundary car park via Worley Street (currently fenced and not utilised as there is no construction works underway at the moment).

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

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

**Site Details & Particulars**

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



Proposed Acquisition Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* Absolute Majority Decision

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



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

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

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

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

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

The following City policies apply and have been considered:

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

**COMMENT**

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

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

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

**CONCLUSION**

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

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

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

That the Council

1. a. Advise Alchera Living Inc and the Department of Planning lands and Heritage that it does not endorse or approve the requested relinquishment of the City's Management Order over the portion of Winnacott Reserve currently a temporary access easement, for amalgamation into the adjoining privately owned site;
- b. Advise Alchera Living Inc. of the opportunity to work with the City's Statutory Planners to improve vehicular access to the Weeronga Village site and to find suitable solutions and locations for the planned controlled access gates within the site, Weeronga Village, Willagee;
- c. If a suitable local access road and location for controlled gates can be reached within the site, requests the Chief Executive Officer inform the Department of Planning, Lands and Heritage (DPLH) that the access easement will terminate in October 2022 and the access way will be removed and reinstated as park in accordance with the easement agreement. The Chief Executive Officer will also inform Alchera Living Inc. that construction of a living wall is no longer required;
2. By absolute majority decision revoke Point 4 of item 16.1 Motion with Notice – Alchera Living – Community Engagement, of the Ordinary Meeting of Council held 16 February 2021 that:  
  
*"4. If Council does not approve the relinquishment of the Management Order, the Chief Executive Office is to extend the term of the temporary access easement to Alchera Living Inc. for a period of time not exceeding the life of the existing "Weeronga Village" residential accommodation situated at 40-44 Worley Street, Willagee, subject to Alchera Living Inc. at its own cost constructing a living wall (along the northern boundary of the access easement adjoining Winnacott Reserve) including substantial community artwork which reflects the cultural and historical significance of the area."*
3. Supports the extension of the access easement for construction purposes only for future stages of redevelopment on Weeronga Village, 40-44 Worley Street, Willagee upon submission of a Development Application prior to October 2022 (the expiry of the access easement); and
4. Supports the accessway easement, with the fencing removed until required for construction purposes.

**ATTACHMENT**

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

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

At 8:32pm the Mayor advised the meeting that information was tabled in relation to the alternate motion. [Alchera Willagee Councillor Information Sheet](#)

**Alternate Motion****COUNCIL RESOLUTION**

At 8:31pm Cr Wheatland moved, Seconded Cr Pazolli –

**That the Council:****1. Advise**

- a) Alchera Living Inc. and the Department of Planning Lands and Heritage that it endorse the requested relinquishment of the City's Management Order over the portion of Winnacott Reserve currently a temporary easement, for amalgamation into the adjoining privately owned site;
- b) Alchera Living Inc. of the opportunity and need to work with the City's Officers and the broader community to refine the proposed boundary treatments to the Weeronga Village site, Willagee

2. Supports the extension of the access easement for construction purposes only for future stages of redevelopment on Weeronga Village, 40 – 44 Worley Street, Willagee upon submission of a DA prior to October 2022 (the expiry of the access easement); and

3. Supports the accessway easement, with the fencing retained until the land acquisition process has been completed.

At 8:50pm, the Mayor declared the motion

**CARRIED (8/4)**

<b>Yes</b>	8	Cr Robartson, Cr Macphail, Cr Wheatland, Cr Woodall, Cr Pazolli, Mayor Gear, Cr Fitzgerald, Cr Barton.
<b>No</b>	4	Cr Barber, Cr Mair, Cr Sandford, Cr Robins.

At 8:50pm Cr Keperst abstained from voting on the matter.

**Reasons for the alternative motion as provided by Cr Wheatland**

- Alchera Living currently have temporary access to the Village through a road built during the Construction phase of the new building in 'The Reserve'. Prior to this the path had formerly abutted the cyclone fence that sat along the boundary of the old Weeronga Village, with gray slab pavers that had been there as a footpath for sometime.
- The temporary granting of the easement saw the moving of this path to sit outside of the temporary road needed during construction which was installed alongside a limestone retaining wall.
- Upon completion of the construction to the Reserve, the need for this continued access was highlighted as a secondary accessway for the safety of the residents within the Village.
- This access road has been in place for 3 years.
- This is an important safety access for emergency vehicles to the village
- The embankment on which the access road is located is unsuitable for any sporting activity.
- Alchera living is a non for profit organisation with Public Benevolent institution status.

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

### Disclosure of Interest

Member : Cr Kepert  
 Type of Interest : Interest under the Code of Conduct  
 Nature of Interest : Do not possess all of the information that I require to make an informed decision.  
 Request : Stay and Discuss  
 Decision Leave : Stay and Discuss

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

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

### **AUTHORITY / DISCRETION**

#### **DEFINITION**

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

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

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

**BACKGROUND**

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

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

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

**DETAIL**

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

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

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



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

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

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

***Risk Management***

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

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

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

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

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

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

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

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

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

*Aspects of an effective control framework will include:*

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

*The following are examples of controls that are typically reviewed:*

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

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

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

*Monitoring compliance with legislation and regulations.*

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

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

**STAKEHOLDER ENGAGEMENT****1. COMMUNITY**

No external consultation has been carried out.

**2. OTHER AGENCIES / CONSULTANTS**

No external consultation with other agencies has been carried out.

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**17. CEO to review certain systems and procedures**

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
  - (a) *risk management; and*
  - (b) *internal control; and*
  - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every three financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

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

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

There are no environmental management implications associated with this report.

**POLICY IMPLICATIONS**

There are no direct policy implications associated with this report.

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

**CONCLUSION**

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

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

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

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

*At 8:51pm Cr Wheatland left the meeting*

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5841) APPROVAL**

At 8:52pm Cr Woodall moved, seconded Cr Macphail –

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

At 8:52pm, the Mayor declared the motion

**CARRIED (11/0)**

<b>Yes</b>	11	Cr Robartson, Cr Macphail, Cr Barber, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:52pm Cr Kepert abstained from voting on the matter.

*At 8:52pm Cr Wheatland returned to the meeting.*

**14.1 REPORTS OF THE CHIEF EXECUTIVE OFFICER**

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

**Item Brought Forward**

See page 33.

Disclosure of Interest

Member : Cr Keper  
Type of Interest : Interest under the Code of Conduct  
Nature of Interest : Do not possess all of the information that I require to make an informed decision.  
Request : Stay and Discuss  
Decision Leave : Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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



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

**KEY ISSUES / SUMMARY**

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

**BACKGROUND**

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

**DETAIL**

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

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

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

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

**T21/3928 SUPPLY AND INSTALLATION OF POINT WALTER GOLF COURSE  
IRRIGATION SYSTEM (REC) (CONFIDENTIAL ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

Council Policy CP-023 Procurement of Products or Services

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3928)****APPROVAL**

At 8:53pm Cr Barber Moved, Seconded Cr Barton –

**That the Council:**

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

**Newground Water Services Pty Ltd  
ABN: 96 627 694 393**

At 8:53pm, the Mayor declared the motion

**CARRIED (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:53pm Cr Kepert abstained from voting on the matter.

Disclosure of Interest

Member : Cr Keper  
Type of Interest : Interest under the Code of Conduct  
Nature of Interest : Do not possess all of the information that I require to make an informed decision.  
Request : Stay and Discuss  
Decision Leave : Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

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

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

**BACKGROUND**

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

The Works include:

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

**DETAIL**

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

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

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

**T21/3929 - RFT202125 – MINOR REFURBISHMENT WORKS TOMPKINS PARK STAGE 2  
(REC) (CONFIDENTIAL ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services

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

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

**CONCLUSION**

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

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

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3929)                      APPROVAL**

At 8:53pm Cr Barber Moved, Seconded Cr Barton –

**That the Council:**

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

**AE Hoskins Building Services  
ABN: 14 941 679 801**

At 8:53pm, the Mayor declared the motion

**CARRIED (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:53pm Cr Kepert abstained from voting on the matter.



Disclosure of Interest

Member	Cr Keper
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Do not possess all of the information that I require to make an informed decision.
Request	Stay and Discuss
Decision Leave	Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

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

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

**BACKGROUND**

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

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

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

The responsibility for review, where required by legislation, lies with the delegator. This report deals only with Council delegations. The CEO is responsible for reviewing delegation or sub-delegation of powers and duties held by the CEO either directly under statute or under delegation from Council.

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

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

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

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

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

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

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

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

**DETAIL**

**Reviewed Delegation – Minor Edits Required**

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

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

Revoke Delegation

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

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

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

## **STAKEHOLDER ENGAGEMENT**

All directorates have been consulted regarding the delegations relevant to their operations.

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

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

The majority of Council delegations (46) have been made under the *Local Government Act 1995*. The following are the key issues under Local Government Act the relating to the delegation of local government powers and duties by the Council under that Act.

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

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

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

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

Implementation of the recommendations of the 2021 delegation review will not incur additional financial costs. Ineffective use of delegation powers may result in additional financial cost to the City as a consequence of the additional administrative resources required to refer minor operational decisions to Council, and to the City's customers as a consequence of slower decision-making.



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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

**CONCLUSION**

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

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

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5842)  
ABSOLUTE MAJORITY**

At 8:53pm Cr Robartson moved, seconded Cr Macphail –

**That the Council resolves to:**

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

At 8:53pm, the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:53pm Cr Kepert abstained from voting on the matter.

Disclosure of Interest

Member	Cr Keper
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Do not possess all of the information that I require to make an informed decision.
Request	Stay and Discuss
Decision Leave	Stay and Discuss

**M21/5000 – COMMON SEAL REGISTER (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

## **M21/5000 – COMMON SEAL REGISTER (REC)**

### **KEY ISSUES / SUMMARY**

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

### **BACKGROUND**

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

### **DETAIL**

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

### **STAKEHOLDER ENGAGEMENT**

#### **I. COMMUNITY**

Not applicable.

#### **II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

### **STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

(a) *the mayor or president; and*

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

**M21/5000 – COMMON SEAL REGISTER (REC)****FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 13 April 2021 up to and including 17 May 2021.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)****NOTING**

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

At 8:54pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:54pm Cr Kepert abstained from voting on the matter.

Disclosure of Interest

Member : Cr Keper  
Type of Interest : Interest under the Code of Conduct  
Nature of Interest : Do not possess all of the information that I require to make an informed decision.  
Request : Stay and Discuss  
Decision Leave : Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

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

**BACKGROUND**

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

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

**DETAIL**

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

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



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

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

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

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

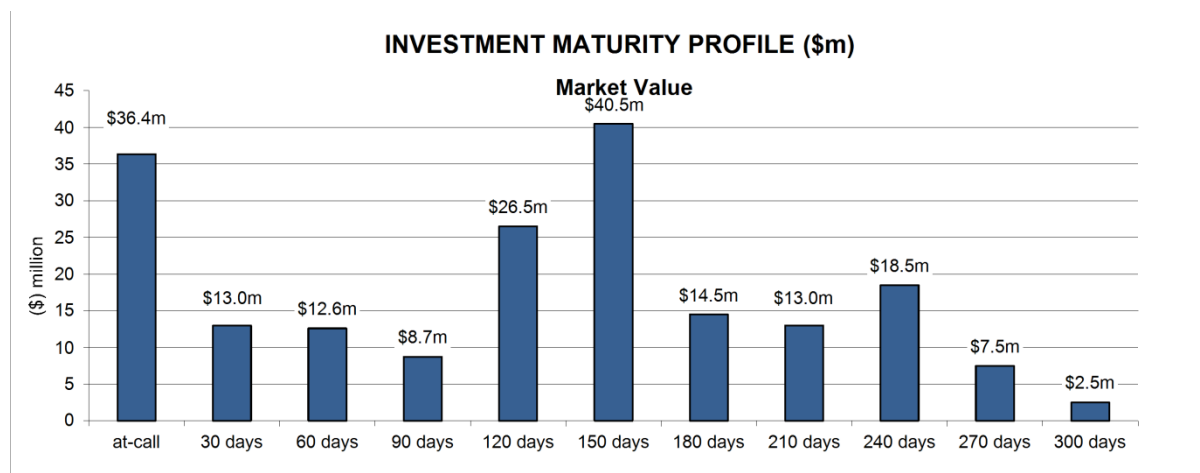
The City's investments were invested within the limits allowed within each category rating for April 2021.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 145,174,142	75%	80%	✓
A Category (A+ to A-)	\$ 10,000,716	5%	50%	✓
BBB+ Category	\$ 39,500,000	20%	25%	✓
<b>TOTAL</b>	<b>\$ 194,674,857</b>	<b>100%</b>		

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

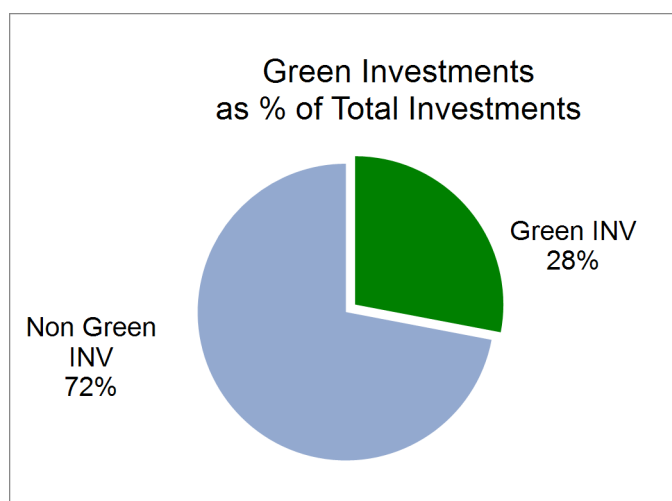
**C21/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2021 (REC)**

The below graph summarises the maturity profile of the City's investments at market value as at 30 April 2021. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table below meets the liquidity requirements of the Council policy.



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

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



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

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

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

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

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

### **II. OTHER AGENCIES / CONSULTANTS**

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

## **STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

Effective from 13 May 2017 the *Local Government (Financial Management) Regulations 1996* were amended (regulation 19C) to allow local governments to deposit funds for a fixed term of three years or less. The regulation previously only allowed for deposits of 12 months or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

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

**FINANCIAL IMPLICATIONS**

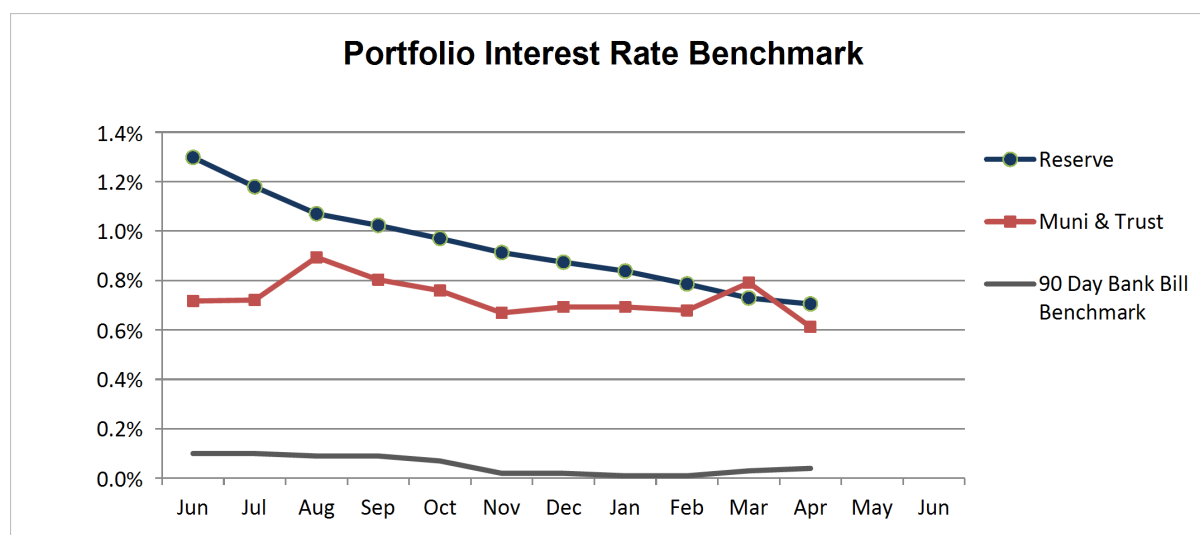
For the period ending 30 April 2021:

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

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

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

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



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

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

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

**Risk**

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

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

**Environmental**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report only presents information for noting.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.61% to 0.71% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

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

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

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

**NOTING**

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

At 8:54pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:54pm Cr Keperst abstained from voting on the matter.

Disclosure of Interest

Member : Cr Keper  
Type of Interest : Interest under the Code of Conduct  
Nature of Interest : Do not possess all of the information that I require to make an informed decision.  
Request : Stay and Discuss  
Decision Leave : Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

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

**BACKGROUND**

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

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

**DETAIL**

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

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

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

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



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

*Schedule of Payments Made continued.*

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

Details of the payments are shown in attachment [6001 Payment Details April 2021](#). Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

**CONCLUSION**

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

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

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

**NOTING**

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

At 8:54pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:54pm Cr Kepert abstained from voting on the matter.

Disclosure of Interest

Member	Cr Keper
Type of Interest	Interest under the Code of Conduct
Nature of Interest	? not possess all of the information that I require to make an informed decision.
Request	Stay and Discuss
Decision Leave	Stay and Discuss

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

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

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 April 2021 and recommends that they be noted by the Council.
- The variances for the month of 30 April 2021 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 30 April 2021 and recommends that they be adopted by Absolute Majority decision of the Council.

**BACKGROUND**

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

**OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION**

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

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

**DETAIL**

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

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

**Variances**

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

[6002C Statement Sub Program April 2021](#): Rate Setting Statement by Sub-Program  
[6002H Statement of Variances April 2021](#): Statement of Variances in Excess of \$50,000

**Revenue**

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

**Rates Collection**

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	102,186,992	102,091,016	0%	116,184,500	-12%
Payments Received	(102,670,621)	(101,037,145)	2%	(111,598,229)	-8%
Closing Balance	8,658,857	10,196,359	-15%	11,193,952	-23%

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

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

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	1,238,865	1,238,865	0%	432,873	186%
Invoices Raised	5,295,544	4,649,762	14%	7,208,254	-27%
Receipts	(5,628,782)	(5,038,667)	12%	(6,197,217)	-9%
Prepayments	19,193	22,440	-14%	35,497	-46%
Closing Balance	924,821	872,400	6%	1,479,407	-37%

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

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

Not applicable for April 2021.

**Budget Amendments**

Details of Budget Amendments requested for the month of April 2021 are shown in attachment [6002J April 2021](#). Variances greater than \$50,000 processed in April 2021 are highlighted in the attachment.

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

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

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

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

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

**Reserve Accounts**

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

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

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

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.



**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2021 (AMREC)  
(ATTACHMENTS)****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;*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

*(2) Each statement of financial activity is to be accompanied by documents containing —*

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) such other supporting information as is considered relevant by the local government.*

*(3) The information in a statement of financial activity may be shown —*

- (a) according to nature and type classification; or*
- (b) by program; or*
- (c) by business unit.*

*(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

*(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

The variance adopted by the Council is 10% or \$50,000 whichever is greater.

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

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

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable

**CONCLUSION**

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

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

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

**That the Council:**

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

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

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

At 8:54pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:54pm Cr Kepert abstained from voting on the matter.

**C21/5843 – LATE ITEM – RESPONSE TO MELVILLE CITY CLIMATE ACTION NETWORK  
PETITION – REQUEST FOR CLIMATE CHANGE (REC) (ATTACHMENT)**

**Item Brought Forward**

See page 16.

**P21/3931 – PROPOSED FOUR STOREY APARTMENT DEVELOPMENT – NO. 25  
(STRATA LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)**

**Item Brought Forward**  
See Page 33.

**15. EN BLOC ITEMS****COUNCIL RESOLUTION**

At 8:54pm Cr Mair moved, seconded Cr Wheatland –

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

**M21/5000 Common Seal Register**  
**C21/6000 Investment Statements April 2021**  
**C21/6001 Schedule of Accounts Paid April 2021**  
**C21/6002 Statements of Financial Activity for April 2021**

At 8:54pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Fitzgerald, Cr Barton Cr Woodall, Cr Robins, Mayor Gear
<b>No</b>	0	

At 8:54pm Cr Kepert abstained from voting on the matter.

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

At 8:55pm the Mayor deferred motion 16.1 Review of Policy CP-017 Legal Representation Policy Elected Members and Employees, submitted by Cr Keper to be discussed at an Elected Members Meeting.

**16.1 Review of Policy CP-017**

The Council directs the CEO to make the following amendments to CP-017 Legal Representation Policy Elected Members and Employees.

1. Delete under 1(c) “, except in exceptional circumstances,”
2. Delete under 1(c) “The City, at the discretion of the Chief Executive Officer, may seek preliminary advice on any aspect relating to such comments and criticisms of relevance to it and may support action where exceptional circumstances are involved – for example, where a person or organisation is potentially lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members or employees. The value of the preliminary advice is not to exceed \$5,000.”
3. Delete under 2(a) “and 2(e),”
4. Delete section 2(e) “Where there is a need for the provision of urgent legal services before an application can be considered by the Council, the Chief Executive Officer may give an authorisation to the value of \$3,000. Such authorisation shall be followed up by a report from the Chief Executive Officer to the next available Council meeting, outlining the circumstances behind the urgency of the matter.”
5. Delete section 2(f) accordingly.
6. Create a new section 1(b) with the following text:  
  
“All applications for legal assistance provided by the City must first be approved by the Council.”

and shift the remaining sections down accordingly.



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

Nil.

**18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED****Procedural Motion****COUNCIL RESOLUTION**

At 8:56pm Cr Mair moved, Seconded Cr Woodall –

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

At 8:56pm, the Mayor declared the motion

**CARRIED (9/4)**

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

At 9:04pm Mr McAuliffe entered the meeting electronically for the purpose of answering questions.

Confidential Pages Extracted

**Procedural Motion**

**COUNCIL RESOLUTION**

At 9.53pm Cr Mair moved, seconded Cr Wheatland –

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

At 9:53pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

At 9:53pm the meeting was reopened to the public 1 member of the public returned to the meeting.

At 9:55pm the Mayor advised that the matters behind closed doors related to:

- The amendment to the minutes of the 18 May 2021 Ordinary Meeting of Council, the section behind closed doors and not available to the public.
  - The amendment to Item 16.2 of the 18 May 2021 meeting related to an employee matter and the motion to amend the 18 May 2021 minutes was lost 4/9.
  - The motion in relation to Item 17.1 of the 18 May 2021 meeting minutes was considered, with the Council resolving as follows

**COUNCIL RESOLUTION**

At 9:48pm moved Cr Sandford, seconded Cr Mair -

**That the Council release to the public the confidential section of the Minutes of the Ordinary Meeting of the Council held 18 May 2021 that deals with Item 17.1 Motion to Seek Barrister's Opinion on Grounds to Seek Leave to Appeal from SAT Decision of 12 May 2021 Regarding 4A View Road, Mt Pleasant as the matter is no longer deemed confidential.**

At 9:53pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8. CONFIRMATION OF MINUTES**

(Deferred from page 7)

**8.1 ORDINARY MEETING OF THE COUNCIL – 18 MAY 2021**  
**Minutes 18 May 2021**

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

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 18 May 2021 be confirmed as a true and accurate record.**

At 9:55pm, the Mayor declared the motion

**CARRIED (12/1)**

<b>Yes</b>	12	Cr Robartson, Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Woodall, Cr Pazolli, Cr Robins, Mayor Gear, Cr Barton, Cr Fitzgerald.
<b>No</b>	1	Cr Kepert

**19. CLOSURE**

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Barton and Cr Fitzgerald were still in attendance electronically and declared the meeting closed at 9:55pm.