MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 21 MARCH 2017

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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DISTRIBUTED: 24 March 2017

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 21 MARCH 2017.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark, Governance and Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS	WARD
Deputy Mayor Cr R Aubrey	City
Cr D Macphail	City
Cr N Pazolli, Cr C Schuster	Applecross/Mount Pleasant
Cr J Barton, Cr G Wieland	Bicton/Attadale
Cr C Robartson, Cr M Woodall	Bull Creek/Leeming
Cr P Phelan	Palmyra/Melville/Willagee
Cr N Foxton, Cr T Barling	University

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr G Ponton	Manager Strategic Urban Planning
Mr J Clark	Governance and Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms G Healey - Burgess	Minute Secretary

At the commencement of the meeting there were 16 members of the public and 1 member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr L O'Malley - Palmyra/Melville/Willagee

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

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

Nil

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

Nil

6. QUESTION TIME

Mr R Willis, Bull Creek

1. Question on access to canning highway – Norma Rd /Dunkley Ave and Riseley Street, Applecross.
2. Question on the breeding of Mosquitos in storm water infrastructure.

Question 1

On the 21 February I asked the above two questions which were not presented or answered at this council meeting or up to this present meeting.

Could you advise me of Council policy on considering and answering questions from the public?

Response

The Chief Executive Officer advised that questions to Council that relate to the day to day operations of the business which are administrative questions are responded to by himself.

Questions to the Council are declared at the meeting and reported in the minutes of the meeting.

The Council Policy provides for a written response to be provided within ten days, the Chief Executive Officer advised that he would ensure that the questions are responded to as soon as possible in relation to the questions that Mr Willis had raised.

The Chief Executive Officer apologised to Mr Willis if there had been any misunderstanding.

The Mayor also advised that questions received at Council meetings are taken on notice if the information required to respond is not immediately available, and whether or not the questioner is in attendance at the meeting.

7. AWARDS AND PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF THE COUNCIL – 21 FEBRUARY 2017

Minutes_21_February_2017

COUNCIL RESOLUTION

At 6:38pm Cr Phelan moved, seconded Cr Aubrey –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 21 February 2017, be confirmed as a true and accurate record.

At 6:38pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 7 MARCH 2017

Notes_7_March_2017

COUNCIL RESOLUTION

At 6.38pm Cr Wieland moved, seconded Cr Foxton –

That the Notes of the Agenda Briefing Forum held on Tuesday, 7 March 2017, be received.

At 6.38pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

8.3 GOVERNANCE MEETING – 7 MARCH 2017

COUNCIL RESOLUTION

At 6:38pm Cr Aubrey moved, seconded Cr Schuster –

That the Minutes of the Governance Committee Meeting held on Tuesday, 7 March 2017, be noted.

NB:
Minutes to be confirmed at next Governance Committee Meeting

At 6.38pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

8.4 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE – 13 MARCH 2017

COUNCIL RESOLUTION

At 6.38pm Cr Macphail moved, seconded Cr Aubrey –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 13 March 2017 be noted.

NB:
Minutes to be confirmed at next Financial Management, Audit, Risk and Compliance Committee Meeting

At 6.38pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

8.5 SPECIAL MEETING OF COUNCIL – 14 MARCH 2017

Minutes_14_March_2017

COUNCIL RESOLUTION

At 6:39pm Cr Schuster moved, seconded Cr Aubrey –

That the Minutes of the Special Meeting of the Council held on Tuesday, 14 March 2017, be confirmed as a true and accurate record.

At 6:39 pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

Nil

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

10. DEPUTATIONS

Nil

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.40pm Cr Foxton moved, seconded Cr Barton -

That the applications for new leaves of absence submitted by Cr Wieland, Cr Aubrey, Cr Phelan, Cr Robartson and Cr Schuster, on 21 March 2017 be granted.

At 6.41pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (12/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

13. PETITIONS

NIL

CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Complaints and Enquires – City Relationships
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	:	CP 101 November 2016
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Leanne Hartill Manager Neighbourhood Development

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☒	**Information**	***For the Council/Committee to note.***

CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

KEY ISSUES / SUMMARY

- Amendment to Council Policy 101 to report customer service data
- Customer service data for 2015-2016 including key performance indicators and improvement strategies
- External benchmarking for continuous improvement also referenced

BACKGROUND

At the Council meeting held on 15 November 2016, the Council resolved to amend Council Policy CP-101 (Complaints Management Policy) as follows:

1. After External Review on page 3 add a new section heading and text as follows:

"Reporting to the Council: Annually, at the first Governance Committee meeting held at least two months after the close of the relevant financial year, the Chief Executive Officer will report to the Committee, in a report intended for review by the Council, to inform the Council on customer service data, trends, issues and improvements as a minimum, while protecting the privacy and confidentiality of all parties, unless a written law requires otherwise. For avoidance of doubt the report for the 2015/2016 financial year will be made through the next available Governance Committee meeting after this policy is adopted."

DETAIL

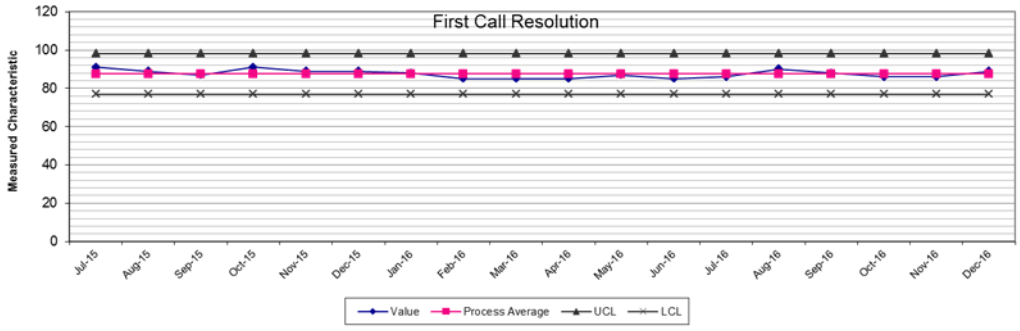
The Customer Service (Contact Centre) team is comprised of 20 staff (15.8 FTE), who offer customer service via the income calls and front counters (administration and Building and Planning).

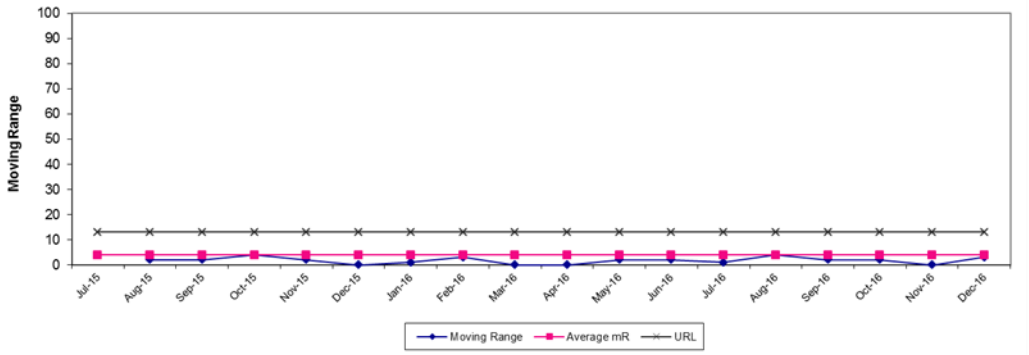
The customer service contact centre manages an average of 18,510 transactions per month.

The Customer Service Team has a number of key performance indicators.

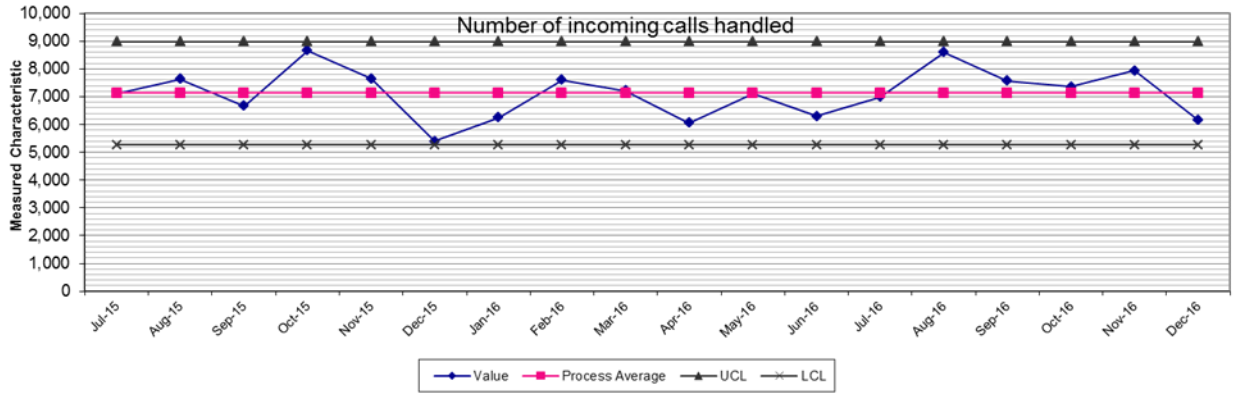
CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

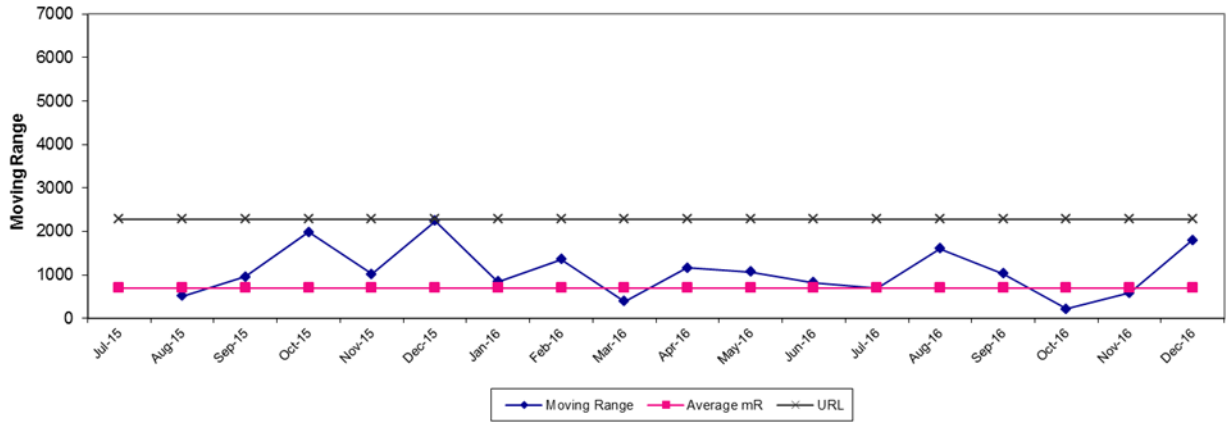
80% of incoming calls relsolved on first contact without need to refer call to other staff





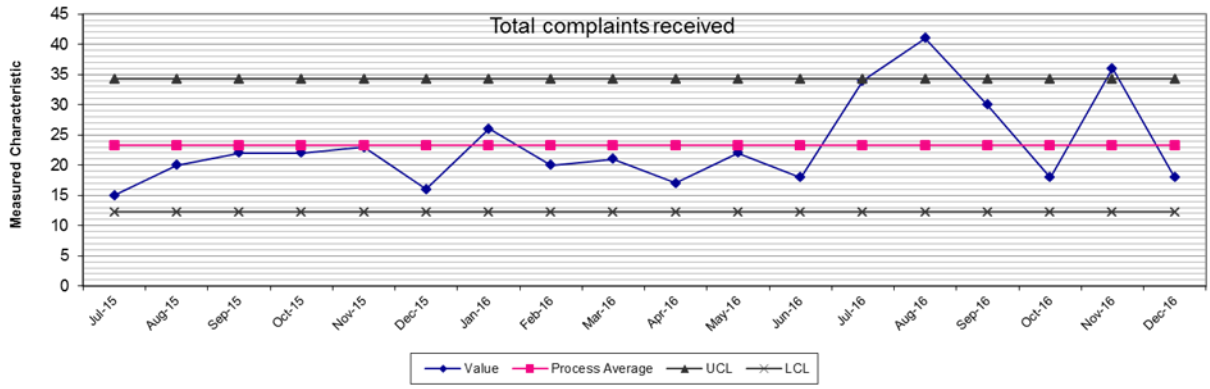
Number of Incoming Calls Handled (monthly) within Grade of Service

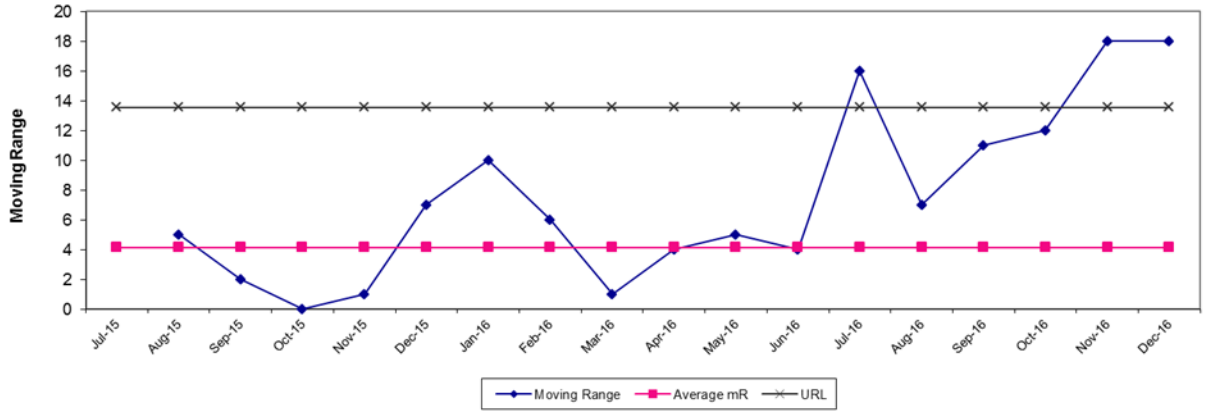




CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

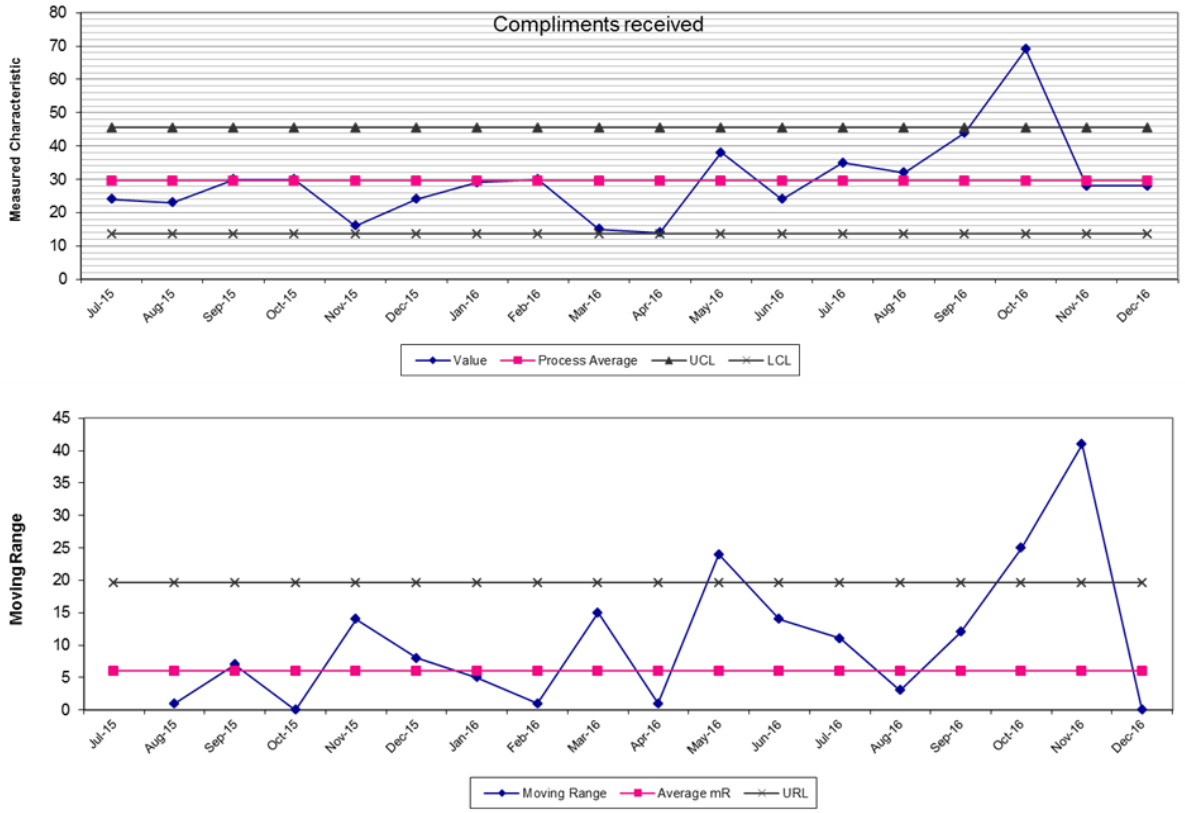
Number of Complaints against a service or staff





CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

Number of Compliments



The City was recognised as the winner of the Australian Service Excellence Awards 2016 – Customer Service of the Year – Government category and a finalist for both the Customer Service of the Year – Medium Business and Customer Service Project of the Year.

The 2016 certification assessment was conducted against the recently updates International Customer Services Standard (ICSS: 2015-2020).

The certification process is a two-step activity that involves first reviewing the material provided to CSIA via an internal self-assessment report. This is followed by a site visit that includes face-to-face meetings with operational staff, while viewing evidence of claims made in the self-assessment report.

The result was that the City of Melville has been recertified at the Integrations level of the International Customer Service Standard (ICSS) with an increased score achieved of 7.85, and an improvement of 6% since 2014.

The City received several scores of 9, placing us at a level of national best practice for the 27 attributes within the Standards.

Excerpt from report*: "The assessment team was struck by the evident commitment of all staff to the "Melville Way"; the set of guidelines that articulates the commitment to high levels of: customer service standards, customer response timeframes and customer service recovery actions."*
"The City of Melville is maintaining its commitment, spelt out its Customer Service Charter, of actively promoting a culture that tries to exceed customer expectations. This underlying

CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

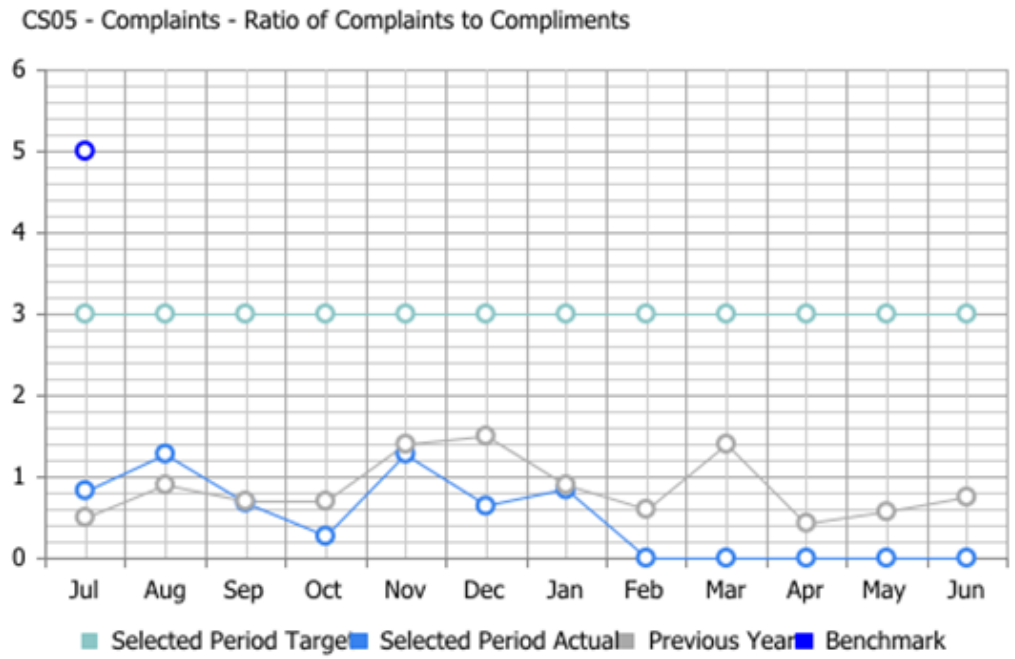
commitment to providing the best customer experience enhances the culture being built within the organisation."

The following information provides further details on the customer service data, trends, issues and improvements for 2015-2016.

Compared to the same period in the previous financial year, compliments have increased by 6% and complaints have decreased by 4%. Industry standard is five Complaints to every Compliment (5:1 ratio). City of Melville target is three Complaints to every Compliment giving a ratio of 3:1. Anything better that 3:1 is within target
(Complaints/Compliments = Ratio)

(Complaints/Compliments = Ratio)

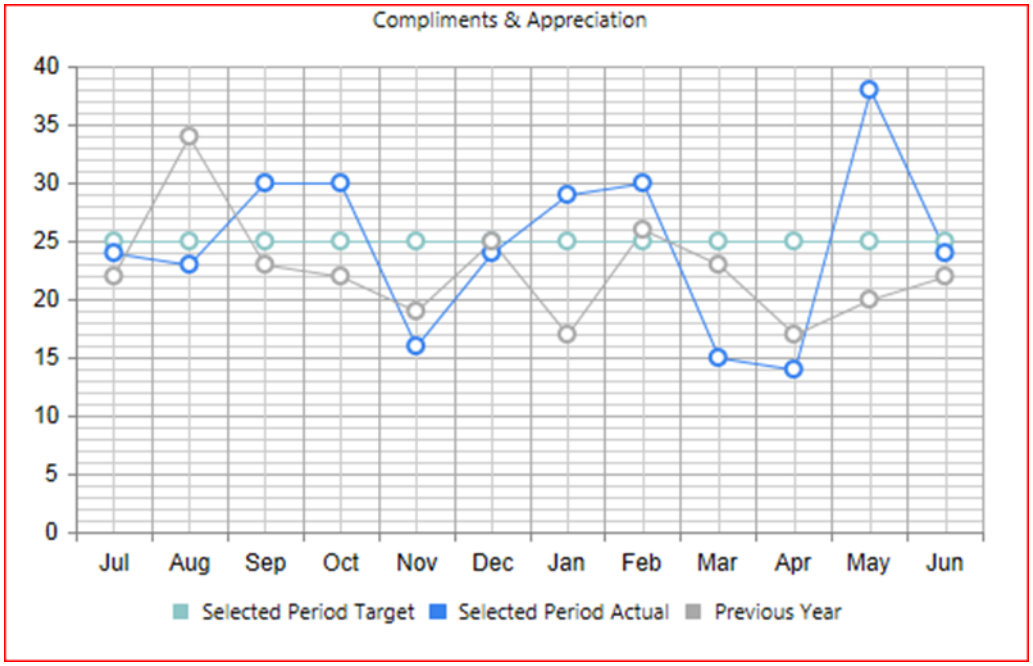
2015-2016	Complaints	Compliments	Ratio
July	12	24	0.50
August	20	23	0.90
September	22	30	0.70
October	22	30	0.70
November	23	16	1.40
December	16	24	0.60
January 2016	26	29	0.90
February	20	30	0.60
March	21	15	1.40
April	17	39	0.43
May	22	38	0.57
June	18	24	0.75

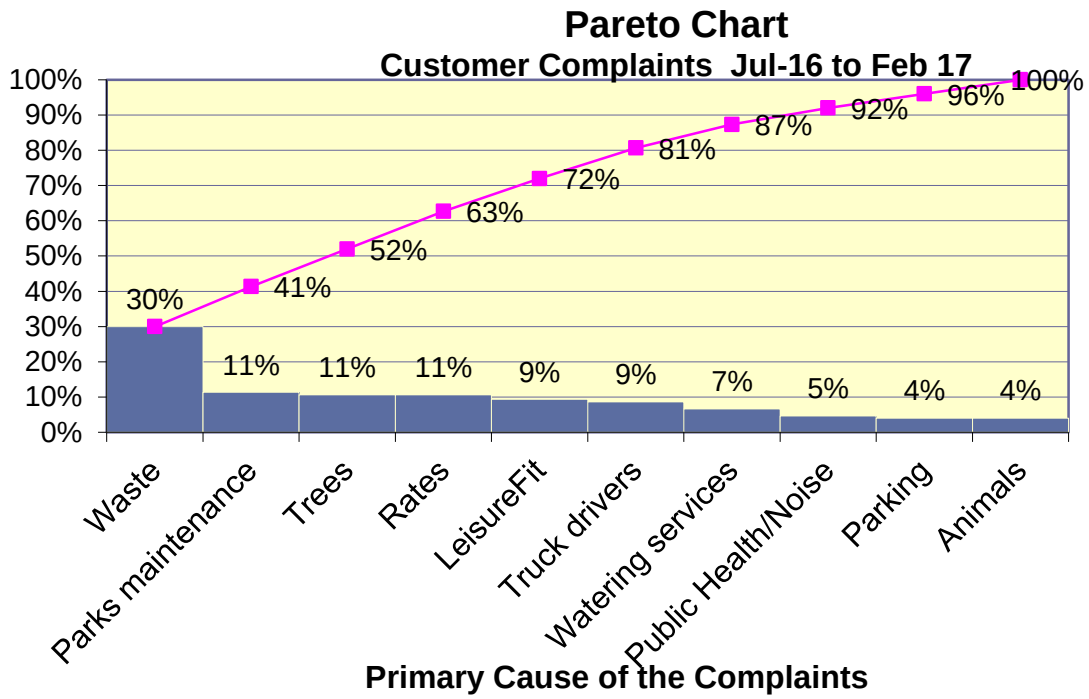


CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

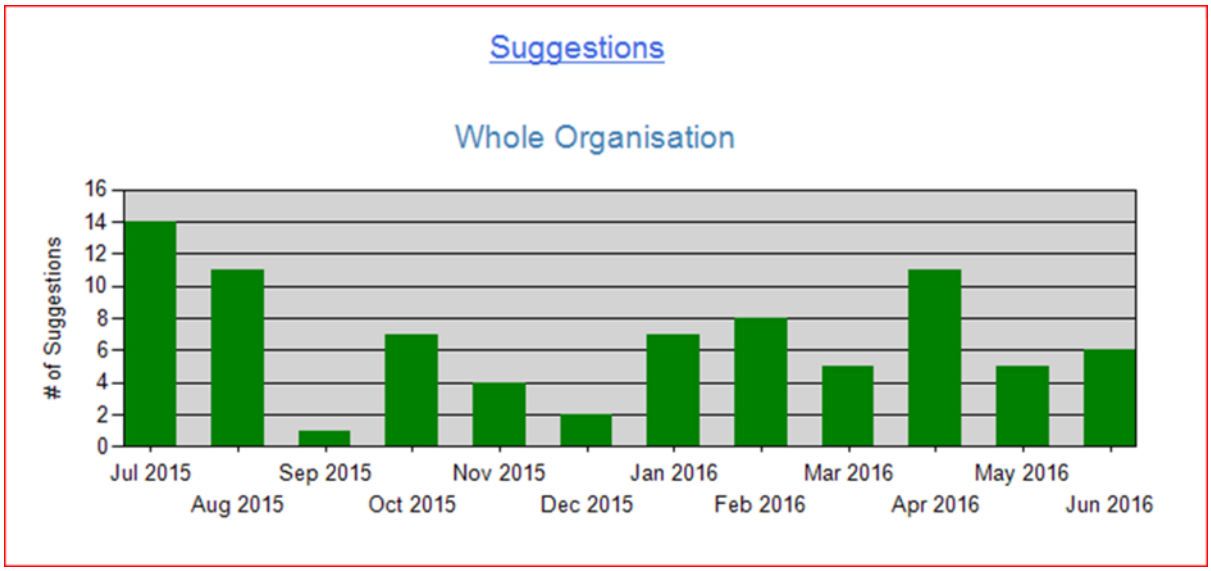
Feedback is encouraged and used to improve the City's products and services. Feedback is received in the form of compliments, complaints and suggestions.

Customer complaints data continues to show improvements.





CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)



Improvement Strategies:

Visitor Management Software

In September 2016, the City started trialling an online Visitor Management software to help with tracking visitors at the Civic Centre building. Who's on Location records how many visitors signed in and who they visited. The trial has been successfully tested and will start its operations in January 2017. A visitor management system can improve building security and access control by monitoring people who entering the building and what areas are being accessed.

***Live Chat* linked to Website**

Live Chat started in October 2015 with three licences – providing an opportunity for real time conversation with Customer Services Officers through the website.

The City now has 10 licences to *Live Chat* with training provided for all permanent staff in the Customer Contact Centre Team. This will allow the Team to have someone on *Live Chat* for longer periods of time.

Key summary data is as follows; refer charts below for more details:

- From July 2015 – June 2016 we engaged a total of 612 chats;
- 92% of rated Live Chats have been regarded positive (247). 58% were unrated. Customers are prompted to rate the interaction.
- Top types of Live Chats were regarding Building & Planning (19%), Waste services (10%), LeisureFit Centre (9%) and Rangers (6%).

CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

Customer Feedback Survey on front counter

The front counter continues to seek feedback from customers. During 2015-2016, 249 surveys were completed. The average rating was 97.6%, with indicates overall ratings being scored 9 or 10. This provides immediate opportunity for receiving feedback from customers on their experience, with customers being unprompted by staff to participate. The information is utilised to improve the quality of customer interactions.

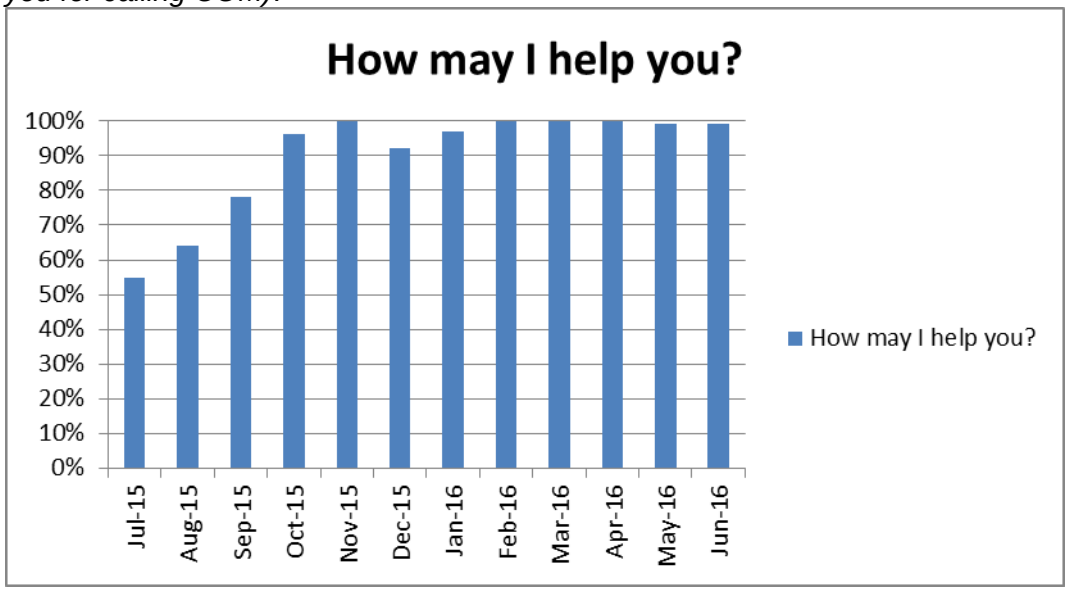
Cross Organisational Continuous Improvement Team

An established cross-functional team is with representatives from Libraries, Organisational Development, Leisure Fit Services, Customer Services Contact Centre, Information and Technology, Marketing and Communications, Rangers, Neighbourhood Development; Security Services is in place with a purpose:

- To implement a cultural change program that delivers excellence in customer service
- To implement a best practice, integrated approach to customer service across the entire organisation
- To achieve, retain and improve accreditation to the Business Excellence and International Customer Service Standards
- To create an environment for continuous improvement (***Customer Service Framework***)

Call quality testing for the Contact Centre Team

286 calls observed in from September 2015-June 2016 with achievement of 85% across the five focus areas *(Welcome: - how I may help you, comfortable silences, anything else? Thank you for calling COM)*.



CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

II. OTHER AGENCIES / CONSULTANTS

External consultants are engaged for the Mystery Shopper and Accreditation Programs

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Continuous improvements in customer service are not implemented leading to an increase in complaints and poor customer experiences.	Moderate consequences which are rare, resulting in a **Low** level of risk	External benchmarking and review and internal systems in place with a focus on continuous improvements.

POLICY IMPLICATIONS

Complaints Management Policy CP101

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not Applicable

CONCLUSION

The City has a strong commitment to continuously improving our approach to customer service recognising there are always opportunities to enhance the customer experience.

This report outlines how the City collects data to analyse and inform improvement strategies.

CD17/8096 - COMPLAINTS MANAGEMENT REPORT 2015-2016 (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8096) **NOTING**

At 6.41pm Cr Schuster moved, seconded Cr Phelan –

That the Governance Committee notes the customer service data for 2015-2016 and refers this report to the Council for review.

At 6.43pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

M17/5531 - COMPLIANCE AUDIT RETURN 2016 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Audits – Compliance
Customer Index	:	Department of Local Government
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item M16/5462 - Compliance Audit Return 2015 - Ordinary Meeting of Council 15 March 2016
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

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☐	Information	*For the Council to note.*

M17/5531 - COMPLIANCE AUDIT RETURN 2016 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- All Western Australian Local Authorities are required to undertake a Compliance Audit Return (the Return) and submit their findings to the Department of Local Government (the Department) by 31 March each year.
- 87 of 87 questions received a positive response by Officers confirming the actions were completed and that 100% compliance was achieved.
- It is recommended that the Compliance Audit Return 2016 be adopted.

BACKGROUND

A Compliance Audit Return was conducted covering the period 1 January 2016 to 31 December 2016. The completed Compliance Audit Return forms part of the Attachments to the Agenda **5531_Compliance_Audit_Return_2016.**

It is a requirement that the Compliance Audit Return is presented to the Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government by 31 March 2017.

DETAIL

The City has achieved another impressive compliance outcome for 2016. The Officers of the City perform extremely well against the requirements of 476 Acts, Regulations and legislative requirements that determine the work practices and responsibilities of the City. However the Compliance Audit Return only assesses compliance against the *Local Government Act 1995* and associated Regulations. The responses of Officers to the 87 audit questions have been audited by the Process Improvement Auditor who has included a comment in this report.

This year's audit has in the opinion of Officers provided 100% compliance. Of the 87 fields of compliance that have been tested, 87 received a positive response.

There has not been an increase in the number of questions assessed in 2016 compared to 2015.

The 2016 Compliance Audit Return continues in a reduced format with the Department only testing those areas considered to be high risk in this Return, the questions relate to regulation 13 of the Local Government (Audit) Regulations 1996. Regulation 14 of the *Local Government (Audit) Regulations 1996* requires each local government's Audit Committee to review the Return and report the results of that review to the Council. The City has taken this approach for some years.

M17/5531 - COMPLIANCE AUDIT RETURN 2016 (REC) (ATTACHMENT)

Following recent amendments to reduce the Compliance Audit Return, the *Local Government (Audit) Amendment Regulations 2013* now extends the current role of local government Audit Committees to encompass a review of areas such as risk management, internal control and legislative compliance.

The transfer of responsibilities to local government Audit Committees will enable local governments to manage legislative compliance within their own timeframes, with increased transparency and involvement from Elected Members

The Return has been compiled with continued substantial rigour beyond that experienced in most Local Governments. Officers have been expected to demonstrate compliance and provide detail of their work to ensure the work procedures of the City assist to meet obligations of the Act and Regulations.

It is pleasing to note that there is an ongoing increase in Officer knowledge of compliance matters and where possible, systems have been amended to assist with compliance requirements.

The Return containing the questions and responses is provided as an attachment. This document is provided by the Department in an on-line environment to allow local governments to update the Return with their responses and when completed, print for certification by the Mayor and Chief Executive Officer.

The City's Compliance Calendar was introduced in 2008 and this is a major improvement to assist management of all compliance matters and is considered to be best practice in the local government industry. The Calendar is updated monthly which enables a management response should a matter require attention.

The monthly reports generated from the Calendar are reviewed by the Executive Management Team.

The Process Improvement Auditor's comments

The Compliance Audit Return for 2016 has 87 questions, and answers to all questions were checked for correctness.

It is pleasing to note that all answers were correct and 100% compliance was achieved. The management of compliance is a focus of the City and observed by the excellent result.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No external consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

M17/5531 - COMPLIANCE AUDIT RETURN 2016 (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

As per the requirements of the *Local Government Act 1995*, Section 7.13(1) (i) and *Local Government (Audit) Regulations 1996* (Regulations 13–15).

FINANCIAL IMPLICATIONS

There are no financial implications for the Council associated with this compliance audit.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The compliance audit will not impact on the strategies of the Council. There is no risk or environmental management implications in this report.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Compliance Audit Return is a statutory requirement and if the Return was not submitted, the Department of Local Government might take adverse action on the City.	Minor consequences which are possible, resulting in a **Medium** level of risk	Complete and submit the Return by the due date.

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change where it does not currently comply with legislative requirements. There are no such instances identified in the return.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The completion and submission of the Return by the due date is a statutory requirement.

CONCLUSION

The City is compliant in 100% of the 87 questions that have been examined for their accurate statutory completion.

M17/5531 - COMPLIANCE AUDIT RETURN 2016 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (5531) APPROVAL

At 6.39pm Moved Mayor Aubrey moved, seconded Cr Schuster –

That the Financial Management, Audit, Risk and Compliance Committee recommends to the Council that the Compliance Audit Return for the period 1 January 2016 to 31 December 2016 5531 Compliance Audit Return 2016 be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government and Communities.

Amendment

At 6.40pm Moved Cr Macphail moved, seconded Cr Foxton –

That the following text be included in the Recommendation:

That the Financial Management, Audit, Risk and Compliance Committee acknowledge the diligence and hard work of the Governance Team.

The Mover and Seconder of the original motion both agreed that the additional words be included in the substantive motion.

That the Financial Management, Audit, Risk and Compliance Committee recommends to the Council that the Compliance Audit Return for the period 1 January 2016 to 31 December 2016 5531 Compliance Audit Return 2016 be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government and Communities.

That the Financial Management, Audit, Risk and Compliance Committee acknowledges the diligence and hard work of the Governance Team.

At 6.42pm the Presiding Member submitted the motion, which was declared

CARRIED UNANIMOUSLY (8/0)

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5531) APPROVAL

At 6.43pm Cr Macphail moved, seconded Cr Woodall –

That the Council adopts the Compliance Audit Return for the period 1 January 2016 to 31 December 2016 5531 Compliance Audit Return 2016 and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government and Communities.

That the Financial Management, Audit, Risk and Compliance Committee acknowledges the diligence and hard work of the Governance Team.

At 6.44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

Ward	:	City
Category	:	Strategic
Application Number	:	Not Applicable
Property	:	Various
Proposal	:	Response to request from six landowners for a higher density coding at Bolas Court and Evershed Street, Myaree
Applicant	:	Charlotte Hateley 17 Bolas Court, Myaree
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item 13.1 Ordinary Council Meeting 15 November 2016
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

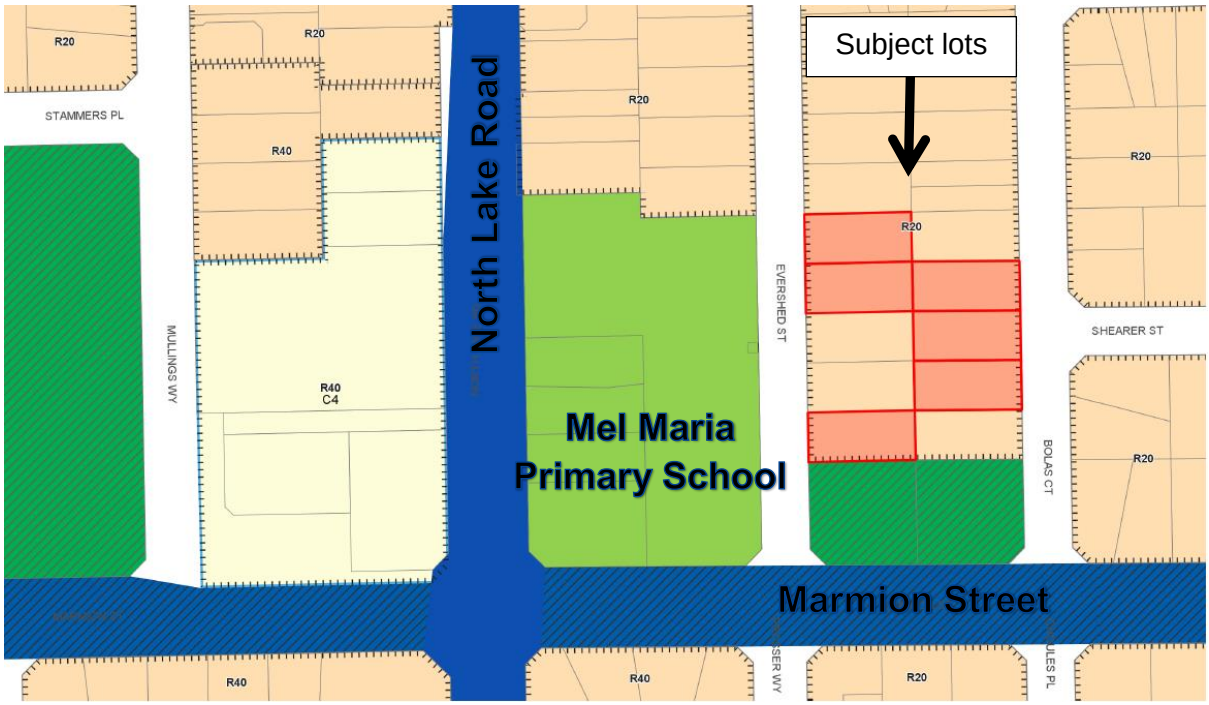
AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes and policies.*
☒	**Review**	***When the Council operates as a review authority on decisions made by Officers for appeal purposes.***
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Local Planning Scheme 6 (LPS6) was gazetted on 27 May 2016
- The City received a petition signed by six landowners requesting a higher density coding in parts of Bolas Court and Evershed Street, Myaree.
- The subject properties are currently zoned Residential R20 in LPS6. The petition requests that the subject properties be recoded to Residential R40.
- The subject properties are within 140 metres of a high frequency bus route along Marmion Street and within 300 metres walking distance of the Neighbourhood Centre on the corner of North Lake Road and Marmion Street.



Map of area around Bolas Court and Evershed Street, Myaree

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

BACKGROUND

The petition was received by the City on 24 August 2016 and was signed by the landowners of three properties in Bolas Court and three properties in Evershed Street, Myaree.

3743_Petition_Received_Requesting_Rezoning_at_Bolas_Court_Myaree .pdf

The petition was presented to the Council's Ordinary Meeting of 15 November 2016, where it resolved that:

> *That the petition bearing six signatures be received and acknowledged in writing to the lead petitioner with the advice that a report will be presented to a future meeting of the Council.*

The supporting letter from the applicant provides the following justification for the requested recoding from R20 to R40:

- The landowners believed that the subject properties may have been rezoned as part of the adoption of LPS6. This did not occur.
- The landowners believe the properties are suitably located for a medium density coding, being:
  - Within 140 metres of a high frequency bus route along Marmion Street
  - Within 300 metres walking distance of the Neighbourhood Centre on the corner of North Lake Road and Marmion Street
  - Adjacent to Mel Maria Primary School
  - Walking distance to three local parks
  - Around 1.7 kilometres from the Melville City Centre
  - State Government documents such as Directions 2031 and Beyond suggest such areas are appropriate for higher density coding
  - The landowners discussions with the State Department of Planning, via telephone, has apparently indicated some level of support for the requested recoding.
  - Smaller lots and houses would be more affordable for future residents
  - Some of the landowners are seniors who would like to downsize or move into retirement accommodation
- The landowners consider the proposal could be included in the proposed Amendment 2 omnibus amendment.

A change to the density coding from R20 to R40 would require a standard scheme amendment to be prepared, initiated, publicly advertised and approved in accordance with the process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. A scheme amendment would be required to be supported by a report highlighting the strategic merits of the proposal.

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R20
Use Type	:	Not Applicable
Use Class	:	Not Applicable

Site Details

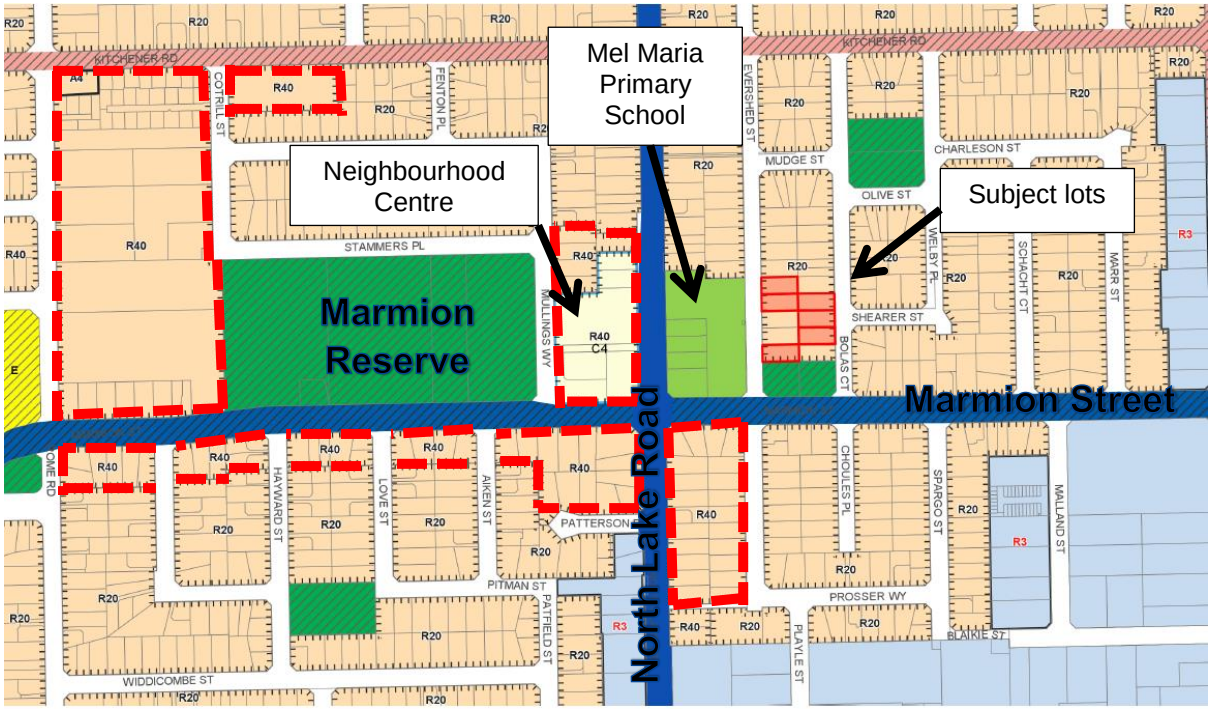
Lot Area	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc.)	:	Not Applicable
Site Details	:	Not Applicable

DETAIL

LPS6 was gazetted on 27 May 2016. LPS6 is the statutory tool to implement the City's Local Planning Strategy.

The subject properties are currently zoned Residential R20 in LPS6. The supporting letter from the applicant requests that the properties be recoded to Residential R40. The area around the subject lots has a variety of zonings, but the majority of lots are zoned Residential R20.

Marmion Street is a high frequency public transport corridor. LPS6 coded selected areas along Marmion Street as R40 in the vicinity of this proposal, including lots between Rome Road and Prosser Way, Myaree as shown on the map below.



P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

The subject lots are coded R20 in LPS6 as they form part of the residential area north of Marmion Street and south of Kitchener Road.

Amendment 2 to LPS6 was initiated for public advertising at the Ordinary Meeting of the Council held on 15 November 2016. Amendment 2 incorporates proposed changes to residential codings requested by landowners which were previously considered and approved by the Council during the preparation of LPS6. The Western Australian Planning Commission (WAPC) required further public advertising of these recodings prior to consideration for approval.

The recoding of the six properties mentioned in the letter received was not pursued through Amendment 2 as the Council has not previously considered and supported the requested change to the residential coding. It is considered that the requested recoding also requires further strategic consideration, in particular the timing of implementation of the City's Local Planning Strategy.

The Local Planning Strategy aims to concentrate growth and development in activity centres and along public transport corridors. The Strategy is a long term approach based on a 20 year vision. There are a large number of lots across the City located on or near high frequency public transport corridors.

The long-term vision is proposed to be implemented in a gradual and measured way, focussing initially on the higher priority areas. The rezoning of extensive areas of low density residential, even where these may be located close to high frequency public transport routes, could reduce the effectiveness of the current strategic approach by dispersing growth and development rather than concentrating it in the high priority areas.

Whilst the proposal is considered to have some merit, particularly as it involves land which is close to a high frequency public transport route and a Neighbourhood Centre, it is not recommended that the Council support the request at this time for the following reasons:

- The Local Planning Strategy is proposed to be implemented in a gradual and measured way, focusing initially on the higher priority areas
- The strategic priorities for population growth and development are in key activity centres and along selected sections of public transport corridors
- LPS6 has only recently been implemented and it is considered that it would be premature to facilitate increase in dwellings or development potential along this section of Marmion Street
- There is not considered to be a demonstrated short term need in the area for the requested rezoning
- It is considered that it would be appropriate to consider residential coding's for this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of future development along key transport corridors in the City.

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

- It is considered that it would be appropriate to consider this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of future development along key transport corridors in the City. Current strategic programming places additional priority on other transport corridors such as Canning Highway. At this stage, land use and density in the vicinity of Marmion Street is expected to be examined as part of the five year review process for LPS6.

OFFICER RECOMMENDATION (3743) **REFUSAL**

That the Council:

1. Notes the petition requesting a higher density coding of Residential R40 in parts of Bolas Court and Evershed Street, Myaree.

2. Not support the requested change to the residential density coding from R20 to R40 at this time for the following reasons:

a. The Local Planning Strategy will be implemented in a gradual and measured way, focussing initially on the higher priority areas.
b. The strategic priorities for population growth and development are in key activity centres and along selected sections of public transport corridors.
c. Local Planning Scheme 6 has only recently been implemented and it is considered that it would be premature to facilitate increase in dwellings or development potential along this section of Marmion Street.
d. There is not considered to be a demonstrated short term need in the area for the requested rezoning.
e. It is considered that it would be appropriate to consider this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of residential coding's along key transport corridors in the City.

3. That the Chief Executive Officer advise relevant landowners in writing of the Council's resolution.

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

REJECT and REPLACE MOTION

At 6.45pm Cr Schuster moved, seconded Cr Macphail –

That the Council:

1. Notes the petition requesting a higher density coding of Residential R40 in parts of Bolas Court and Evershed Street, Myaree.

2. In pursuance of Section 75 of the *Planning and Development Act 2005*, wishes to initiate Scheme Amendment No. 5 to Local Planning Scheme No. 6 by rezoning the following lots from Residential R20 to Residential R25:

- **a. The properties between Lot 93, No. 18 Evershed Street Myaree to Lot 121, No. 28 Evershed Street, Myaree (inclusive of the lots mentioned)**
- **b. The properties between Lot 92, No. 9a Bolas Court, Myaree to Lot 2, No. 19 Bolas Court, Myaree (inclusive of the lots mentioned)**

3. Authorise the preparation, processing and public advertising of documentation for Scheme Amendment No. 5 to Local Planning Scheme No. 6 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015.*

4. Advise the Western Australian Planning Commission that the proposal is considered to be a standard amendment to Local Planning Scheme 6 in accordance with regulation 35 (2) of *the Planning and Development (Local Planning Schemes) Regulations 2015*, as:

- **a. It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;**
- **b. It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
- **c. It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
- **d. It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

5. Note that a further report will be presented to the Council following the completion of the public advertising process.

6. That the Chief Executive Officer advises relevant landowners in writing of the Council's resolution.

P17/3743 – RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLAS COURT, MYAREE (REC) (ATTACHMENT)

Permission for Extension of Time to Speak

At 7:21pm Cr Aubrey moved, seconded Cr Weiland –

That in accordance with Standing Order Clause 9.6 (Limitation of duration of speeches) Cr Schuster be permitted an extension of time to speak.

At 7.21pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

At 7.24pm the Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Foxton	No
Cr Wieland	No
Cr Woodall	No
Mayor Aubrey	No

REASONS:

1. **The area of Myaree in question meets all the criteria for up-coding beyond R 20, being on a high frequency bus route, having two parks and Melville Reserve nearby and being very close to a school, shops and the Myaree commercial area;**
2. **The petitioners are a mixture of young couples wanting to subdivide, and older residents seeking to down size their properties and they should be supported;**
3. **Based on the ABF presentation the City staff have no real difficulty with the request other than timing, before another CPS review; and,**
4. **After the ABF discussions it is considered that R 25 is a suitable step, on the way to eventually a higher coding as it lets those who want to increase density with a single residence, while not requiring anyone who doesn't want to do this the opportunity to make their case in a couple of years in the Plan review process.**

P17/3745 – REVIEW OF POLICY CP-005 – LAND AND PROPERTY RETENTION, DISPOSAL AND ACQUISITION (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	Not Applicable
Property	:	Not Applicable
Proposal	:	Review of Policy CP-005 – Land and Property Retention, Disposal and Acquisition
Applicant	:	Not Applicable
Owner	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P12/3315, Ordinary Council Meeting 19 June 2012
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	**Legislative**	***Includes adopting local laws, town planning schemes & policies.***
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

P17/3745 – REVIEW OF POLICY CP-005 – LAND AND PROPERTY RETENTION, DISPOSAL AND ACQUISITION (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City of Melville has a significant land and property portfolio and has previously identified opportunities to better utilise this portfolio to meet the strategic needs of the organisation and the broader needs of the community.
- The Council adopted the Policy CP-005 – Land and Property Retention, Disposal and Acquisition at its Ordinary Meeting held on 19 June 2012.
- The policy is due for review and changes are recommended to:
  1. Add a new policy objective to "create greater revenue from current and potential land, property and facility holdings to reduce the necessity of future rate increases" as this is an objective in the City's Corporate Business Plan.
  2. Delete the section on the Crown Reserve Rationalisation Scheme (5% Model) as this is no longer Government policy and therefore no longer relevant.
  3. Update the section on the Purchase of Property for Public Spaces to align with the new Policy CP-103 – Improving Public Spaces, which was adopted by the Council at its meeting, held on 21 February 2017.
- This report recommends that the Council adopt the updated policy.

BACKGROUND

The Council adopted the Policy CP-005 – Land and Property Retention, Disposal and Acquisition at its Ordinary Meeting held on 19 June 2012.

The policy supports the City's Land Asset Management Plan, which provides operational guidance on land and property matters.

P17/3745 – REVIEW OF POLICY CP-005 – LAND AND PROPERTY RETENTION, DISPOSAL AND ACQUISITION (REC) (ATTACHMENT)

DETAIL

The proposed changes to the Policy are identified and discussed below.

3745_Review_of_Policy_CP005_Land_and_Property_Retention_Disposal_and_Acquisition.pdf

1. New Policy Objective to Align with Corporate Business Plan

The City's Corporate Business Plan 2016-2020 outlines the strategic direction for the organisation. Priority one of the Plan relates to the restricted revenue base of the City and one of the key strategies to address this priority is to:

- *"(Create) greater revenue from our current and potential land, property and facility holdings"*

This policy directly implements this strategy and it is therefore recommended to include this objective of the Corporate Business Plan as an objective of the Policy.

2. Delete the section on the Crown Reserve Rationalisation Scheme (5% Model)

The State Government formerly had a policy that local governments could seek to purchase Public Open Space reserves for 5% of their value with the approval of the Minister for Lands. This is no longer State Government policy and it is therefore recommended that reference to it be deleted from the Council Policy.

3. Updating the section on the Purchase of Property for Public Spaces to align with the new Policy CP-103 – Improving Public Spaces

The Council adopted the new Policy CP-103 – Improving Public Spaces at its meeting held on 21 February 2017.

The existing policy refers to the Public Open Space Strategy 2004, which is now superseded by the newly adopted Improving Public Spaces Policy. The proposed change would make it clear that the Policy CP-103 would guide the consideration of any potential purchase of additional land for public spaces.

STAKEHOLDER ENGAGEMENT

- The proposed changes are considered to be minor and administrative in nature.
- The proposed changes are based on:
  - Aligning the Policy with a key strategy listed in the Corporate Business Plan.
  - Deleting the content relating to a State Government policy which no longer exists.
  - Updating the existing Policy to align with another related Council Policy.

P17/3745 – REVIEW OF POLICY CP-005 – LAND AND PROPERTY RETENTION, DISPOSAL AND ACQUISITION (REC) (ATTACHMENT)

- The proposed changes are not substantial, nor material in nature and do not change anything that relate to or impact on the community or external stakeholders.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications associated with the proposed Policy update.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposed policy update.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with the proposed Policy updates.

The attached Land Asset Management Plan has been developed to guide management in implementing the Council policy.

3745_Land_Asset_Management_Plan_February_2017.pdf

POLICY IMPLICATIONS

The revised Policy would take effect from the date of approval by the Council.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are a number of alternate options available for the Council to consider, which are summarised below.

Alternate Option	Implication
Request that other changes be made to the Policy	Changes can be considered if requested by the Council.
Do not support the proposed changes to the Policy.	The existing Policy would remain in force. The implications of this would be : • The content of the Policy relating to the Crown Reserve Rationalisation Scheme (5% Model) would be incorrect • The content relating to the superseded Public Open Spaces Strategy 2004 would conflict with Policy CP-103

P17/3745 – REVIEW OF POLICY CP-005 – LAND AND PROPERTY RETENTION, DISPOSAL AND ACQUISITION (REC) (ATTACHMENT)

CONCLUSION

The Policy is due for review and the following changes are recommended:

1. Add a new policy objective to "create greater revenue from current and potential land, property and facility holdings to reduce the necessity of future rate increases" as this is a specific objective in the City's Corporate Business Plan.

2. Delete the section of the existing Policy relating to the Crown Reserve Rationalisation Scheme (5% Model) as this is no longer Government policy and therefore no longer relevant.

3. Update the section on the Purchase of Property for Public Spaces to align with the new Policy CP-103 – Improving Public Spaces, which was adopted by Council at its meeting held on 21 February 2017.

It is recommended that the Council adopt the updated Policy.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3745) **APPROVAL**

At 7.25pm Cr Barton moved, seconded Cr Robartson -

That the Council endorses the revised Policy CP-005 – Land and Property Retention, Disposal and Acquisition as shown in 3745_Review_of_Policy_CP005_Land_and_Property_Retention_Disposal_and_Acquisition.pdf

At 7.32 pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Foxton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No

M17/5528 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2017 (AMREC)

Ward	:	All
Category	:	Operational
Subject Index	:	Elections
Customer Index	:	Western Australian Electoral Commission
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item M15/5415 Ordinary Meeting of Council held 24 April 2015 – City of Melville Local Government Elections 2015
Works Programme	:	Not Applicable
Funding	:	Budgeted in 2017/2018
Responsible Officer	:	Jeff Clark Governance & Compliance Program Manager

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	***the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.***
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☐	Information	*For the Council/Committee to note.*

M17/5528 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2017 (AMREC)

KEY ISSUES / SUMMARY

- The local government elections will be held on 21 October 2017 in accordance with the *Local Government Act 1995*.
- The *Local Government Act 1995* requires that prior to formally requesting the Electoral Commissioner to conduct the City of Melville election, the Council must approve by absolute majority;
  a) the Electoral Commissioner being responsible for the elections and;
  b) the election being conducted as a postal election.
- This report recommends that the Western Australian Electoral Commissioner conduct the City of Melville 2017 local government election and for the election to be held as a postal election.

BACKGROUND

The last local government election was held on 17 October 2015 and was conducted by postal voting organised by the Western Australian Electoral Commission.

Prior to requesting the Electoral Commissioner to conduct the City of Melville elections in October 2017, there is a requirement under the *Local Government Act 1995* to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal method.

DETAIL

The City of Melville has successfully undertaken ten postal elections (in 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013 and 2015), and has found postal elections to elicit greater voter response. The voter response in 2015 achieved 29.90% of enrolled persons compared to a State average of 27.50%.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not required

II. OTHER AGENCIES / CONSULTANTS

The City of Melville has received a written quotation of $252,000 including GST from the Western Australian Electoral Commission (WAEC) to conduct the 2017 ordinary elections as postal elections.

M17/5528 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2017 (AMREC)

STATUTORY AND LEGAL IMPLICATIONS

In accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner must agree to be responsible for the conduct of a postal election. Councils can request the Electoral Commission to conduct the election subject to the adoption of the following two motions by absolute majority;

1. Declare in accordance with section 4.20(4) of the *Local Government Act 1995* that the Electoral Commissioner be responsible for the conduct of the 2015 ordinary elections with any other elections or polls which may also be required; and

2. Decide in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

According to the *Local Government Act 1995* Section 4.20 (2),(3) and (4), the last day for agreement of the Electoral Commissioner to conduct a postal election is eighty days prior to the election (i.e. 31 July 2017).

FINANCIAL IMPLICATIONS

The Western Australian Electoral Commission (WAEC) has quoted $252,000 including GST ($229,090 net of GST) to conduct the City of Melville October 2017 elections. This is an estimate only, and has been based on the following assumptions;

- 71,900 electors
- Response rate of approximately 30%
- Six vacancies (six Ward Councillors)
- Count to be conducted at the premises of the City of Melville
- Appointment of a Local Returning Officer
- Regular Australia Post delivery service to apply.

An additional amount estimated to be $15,390 will be incurred should the City decides to use Australia Post's Priority Service for the lodgement of election packages. The WAEC advises that the cost of priority mail does not significantly speed up the delivery of the election packages.

The WAEC is required by the *Local Government Act 1995* to conduct the local government elections on a full cost recovery basis, therefore the final cost may vary. The WAEC charge all materials at cost and a margin only on staff time.

There will also be additional costs incurred directly by the City of Melville (for salary costs, non statutory advertising and potential legal expenses). These additional costs have been provisionally estimated at $20,000.

An allocation for these funds will need to be included in the 2017/2018 budget.

M17/5528 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2017 (AMREC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk of an election being conducted by the WAEC and having significant problems is assessed to be low. The risk of an election conducted by the Chief Executive Officer as Returning Officer is increased by the two year cycle of elections that do not allow skill levels

of many staff to be maintained to the same level as those of the Electoral Commission. The risk of reduced voter participation for an in-person election is acknowledged from previous results.

There are no Strategic and Environmental Implications.

Risk Statement	Level of Risk	Risk Mitigation Strategy
That a postal election conducted by WAEC being deemed invalid.	Minor consequences which are unlikely, resulting in a **Low** level of risk	Close liaison with WAEC to ensure all facilities and staffing provided by the City meet the WAEC requirements.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is an alternate option of the Chief Executive Officer conducting the election as Returning Officer. The election would be an in-person election (i.e. requiring votes to be cast in person at a polling place). This may result in a lower cost but experience has indicated also lower voter participation. Should any issues arise in the election period, there is a potential for the future working relationship of the Chief Executive Officer and Elected Members to be affected.

CONCLUSION

The effectiveness and acceptance of a postal election by the community demonstrated by the ongoing greater elector participation supports a continuation of a postal election. It is recommended that the Western Australian Electoral Commissioner conduct the City of Melville 2017 election and for the election to be held as a postal election.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5528) ABSOLUTE MAJORITY

At 7:33pm Cr Schuster moved, seconded Cr Aubrey –

That the Council:

1. By absolute majority decision and in accordance with Section 4.20(4) of the *Local Government Act 1995*, declare that the Western Australian Electoral Commissioner be responsible for the conduct of the 2017 Ordinary Elections together with any other elections or polls which may also be required.

M17/5528 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2017 (AMREC)

2. By absolute majority decision and in accordance with Section 4.61(2) of the *Local Government Act 1995*, declare that the method of conducting the election will be as a postal election.

At 7:35pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

M17/5000 – 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		Jeff Clark – Governance and Compliance Program Manager

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☒	**Information**	***For the Council/Committee to note.***

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 27 January 2017 up to and including 23 February 2017 for the Council's noting.

M17/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
1296	The City of Melville and Willagee Rugby League Club	Willagee Rugby League Change of Name Variation to Southern Bears Rugby League Club	4074994
1298	The City of Melville and Claude Outdoor Pty Ltd	Licence Agreement For Static Illuminated devices with Sponsor Signs to commence 1 February 2017 for a period of five years	4153328
1305	The City of Melville and Susan Radaich Heathcote Admin building Studio 2	Deed of Variation to Hire Agreement - Susan Studio 2 Admin Pursuant to a hire agreement to commence 1 July 2015 and expire 30 June 2017	4065553
1306	The City of Melville and Migara and Tiffany Ramanayake Heathcote Kitchen Building Studio 1 kitchen	Hire of the studio is to commence on 1 July 2015 and expiring on 30 June 2017 - The City may provide an option to renew the hire agreement	4065545
1308	The City of Melville and Nigel Laxton - Heathcote Admin Building -Studio 1	Hire of the studio is to commence on 1 July 2015 and expiring on 30 June 2017 - The City may provide an option to renew the hire agreement	4065544
1309	The City of Melville and Melville Community Arts Assoc - Heathcote Kitchen Building -Studio 5	Hire of the studio is to commence on 1 July 2015 and expiring on 30 June 2017 - The City may provide an option to renew the hire agreement	4065547
1310	The City of Melville and Erin Madeley - Heathcote Admin Building -Studio 5	Hire of the studio is to commence on 1 July 2015 and expiring on 30 June 2017 - The City may provide an option to renew the hire agreement	4065550
1311/1312	The City of Melville and Sarah Pearn - Heathcote Admin Building -Studio 3 and 4	Hire of the studio is to commence on 1 July 2015 and expiring on 30 June 2017 - The City may provide an option to renew the hire agreement	4065554

M17/5000 – COMMON SEAL REGISTER (REC)

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.

FINANCIAL IMPLICATIONS

There are no financial implications in this report other than that held in the contracts 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.

M17/5000 – COMMON SEAL REGISTER (REC)

CONCLUSION

This is a standard report for the Elected Members' information.

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 27 January 2017 up to and including 23 February 2017.

At 9.38pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

C17/6108 – 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

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	:	Item C16/6099 Special Meeting of Council held 28 June 2016 - Consideration and Adoption of the 2016-2017 Budget.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Bruce Taylor Manager Financial Services

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	***The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.***
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- A Mid Year Budget Review (the Review) is required to be undertaken in accordance with the *Local Government (Financial Management) Regulations 1996*.
- This report presents the results of the Review for the period 1 July 2016 to 31 December 2016 and highlights significant positive and negative variations that require budget amendment.
- This report recommends that the Council notes the results of the Review and by absolute majority decision approves of the recommended budget amendments required to the 2016-2017 Budget as a result of the Review.

BACKGROUND

The City of Melville reviews its actual versus budget position on an ongoing basis and a budget variation listing and a budget variance report is submitted to the Council as a part of the monthly Statements of Financial Activity Report.

The Financial Management Regulations (33A) specify that Local Governments must at the least undertake a formal budget review between 1 January and 31 March each year, have it reviewed and adopted by the Council and submit the findings to the Department of Local Government and Communities. The City of Melville has undertaken the Review within this period based on the financial year to date revenue and expenditure position as at 31 December 2016.

DETAIL

The Review has been undertaken by Budget Responsible Officers and reviewed by the Management Accounting and the Executive Management Teams.

The financial position for the City of Melville as at 31 December 2016 resulted in a net position of nil being identified. This is the net result of both positive and negative variances, across both operating and capital budgets and funds to be set aside and funds to be used from specific purpose Reserve Accounts.

The following table is a summary of the Mid Year Review results, with positive variances shown as $xxx and negative variances shown as ($xxx) i.e. in red and parentheses:

Net Operating	
Loan Funds	($14,551)
Community Amenities	$232,810
Economic Services	($111,973)
Education and Welfare	($1,520)
General Purpose Funding	$912,262
Governance	($27,000)
Health	$5,404

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Law, Order, Public Safety	$78,185
Other Property and Services	$448,241
Recreation and Culture	($489,248)
Transport	$114,070
Net Operating Variance	$1,146,680
Net Capital	
Economic Services	($1,495)
Other Property and Services	$1,572,916
Recreation and Culture	($70,000)
Net Capital Variance	$1,501,421
Net Reserve Fund Transfers	($2,648,101)
Net Variance as at 31 December 2016	Nil

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in attachment: **6108A_Mid_Year_Budget_Review_Summary_Amendments**.

Whilst the reporting variance levels adopted by the Council when adopting the 2016-2017 Budget, at its Special Meeting of the Council held on 28 June 2016, were 10% or $50,000 (whichever is greater), some commentary has been provided on variances less than these numbers where considered necessary to gain a full understanding of the net position.

Key material variance findings in the Operating Budget:

Community Amenities – $232,810 Net Positive Variance

Sanitation – Household Refuse - $36,600 Net Positive Variance made up of:-

- Labour Hire expenses ($49,400) negative variance
- Safety Environment and Health Expenses ($1,000) negative variance
- Waste Recyclables Processing Fees $87,000 positive variance due to reduced tonnages of recyclables processed when compared to budget.

Town Planning and Regional Development - $171,150 Net Positive Variance made up of:-

- Professional Consultancies $225,000 positive variance due to project work being undertaken by officers.
- Other net non-material negative variances ($53,850) arising from various positive and negative variances.

Protection of Environment - $64,506 Net Positive Variance made up of:-

- Various positive and negative non-material variances.

Other - ($39,446) Net Negative Variance made up of non-material variances.

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Economic Services – ($111,973) Net Negative Variance.
Economic Development – ($101,590) Net Negative Variance made up of:-

- Commercial Leases ($101,590) negative variance due to changes in billing timeframes and reduction in turnover rent of commercial tenants.

Other - ($10,383) arising from various positive and negative variances.

General Purpose Funding – $912,262 Net Positive Variance

Rates – $912,262 Net Positive Variance due to:-

- Interim Residential Rates – Positive Variance of $187,341 due to increased residential building and subdivision activity.
- Interim Commercial Rates – Negative Variance of ($399,777) mainly due to the successful appeal against the Gross Rental Valuation applied to Garden City Shopping Centre.
- Instalment Interest – Positive Variance of $77,183 due to an increase in the value of rate accounts registered for the instalment payment program.
- Reserve Investment Earnings – Positive Variance of $1,095,836 due to higher than anticipated reserve balances generating more interest income compared to budget. This interest has been transferred to the reserve accounts on which it was earned.
- Other Rates - net negative non-material variance ($48,321) arising from various positive and negative variances.

Governance – ($27,000) Net Negative Variance.
Other Governance – ($27,000) Net Negative Variance due to:-

- Marketing Expenses - Negative Variance of ($50,000) due to additional marketing expenditure authorised by the Council regarding the Roe 8/Perth Freight Link project.
- Other net positive non material variance $23,000 arising from various positive and negative variances.

Law, Order, Public Safety – $78,185 Net Positive Variance
Other Public Order, Fire and Safety - $91,000 Net Positive Variance due to:-

- Corporate Administration cost allocation - Positive variance of $60,000 due to a reallocation of these costs to other areas.
- Other net positive non-material variance $31,000 arising from various positive and negative variances.

Other - ($12,815) Net negative variance arising from various positive and negative variances.

Other Property and Services – $448,241 Net Positive Variance
General Administration Overheads $89,013 Net Positive Variance due to:-

- Expense Recoup Income – Positive variance of $136,892 due to receipt of a distribution from the Local Government Insurance Scheme of $120,799, good driver rebate from Zurich insurance of $10,298, and recoup of legal fees of $5,815.
- Civic Centre building maintenance negative variance of ($62,043).
- Other net positive non-material variance $14,164 arising from various positive and negative variances.

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Business Unit Operations $118,795 Net Positive Variance due to:-

- Investment Realised Gains – Positive variance of $114,466 due to receipt of a GST credit on the final Collateralised Debt Obligations(CDO) payouts received by the City in 2015/2016. This amount has been transferred to the Risk Management Reserve.
- Contractors – Negative variance of ($62,043) due to additional building maintenance expenditure.
- Other net positive non material variance $66,372 arising from various positive and negative variances.

Public Works Overheads $60,433 net positive variance arising from various non-material positive and negative variances.

Salaries and Wages $180,000 net positive variance due to salary savings identified across the organisation.

Recreation and Culture – ($489,248) Net Negative Variance

Heritage - ($66,900) Net Negative Variance due to:-

- Room/Hall Hire ($48,000) negative variance as a result of delay in City being able to hire out Murray House at Heathcote and have this facility under City control and management. Other net negative non-material variance ($18,900) arising from various negative variances.

Other Recreation and Sport – ($118,722) Net Negative Variance due to:-

- Fees – Membership, Casual and Lease/Hire – ($161,060) negative variance due to reduced demand for programs in the face of increased market competition.
- Other net positive non-material variance $42,878 arising from various positive and negative variances.

Swimming Areas and Beaches – ($262,338) Net Negative Variance due to:-

- Fees – Membership, Casual, Lease/Hire and Term/Season – ($252,338) negative variance due to reduced demand for programs in the face of increased market competition. Recreation Services have taken immediate action and will implement further steps to address this deficit.
- Other net negative non-material variance ($10,000) arising from various negative variances.

Other - ($41,288) - Net negative variance arising from various positive and negative variances.

Transport – $114,070 Net Positive Variance

Streets, Roads, Bridges, Depot - $85,463 Net Positive Variance due to:-

- Electricity – Positive variance of $70,000 due to savings in street lighting expenditure
- Other net positive non material variance $15,463 arising from various positive and negative variances.

Other - $28,607 - Net positive variance arising from various positive and negative variances.

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Key Findings in Capital Budgets:

Other Property and Services – $1,572,916 Net Positive Variance

Plant Operations (Fleet) – $312,870 positive variance due to:-

- Proceeds on disposals of assets – ($53,842) Negative income variance arising from the deferment of the sale of various light fleet vehicles and movement in the market value of vehicle sales.
- Mobile Plant – $366,712 Positive expenditure variance of $428,662 arising from reduced light vehicle purchases following recommendations of the Fleet review. Negative expenditure variance of ($61,950) for the planned purchase of a Works loader.

Capital Grants – Tied $110,369 positive variance

Infrastructure Capital Works - $1,226,326 Net Positive variance due to adjustments to the Capital Works program. The adjustments are in the following programs:-

- Buildings $1,216,841
- Drainage $93,722
- Environmental $246,000
- Lighting ($235,000)
- Streetscapes ($152,602)
- Paths ($179,189)
- Playgrounds ($52,300)
- Roads $288,854

These adjustments have been offset by adjustments to net fund transfers from the City's Reserves.

General Administration Overheads (IT) – ($76,649) Negative Variance due to:-

- Computer Equipment - ($76,649) negative variance due to additional funding being required to complete the current computer hardware renewal program ($50,000) and additional equipment repair work of ($26,649) required at the City's Data Centre.

Recreation and Culture – ($70,000) negative variance due to the required installation of fencing at the John Connell Reserve former tip site – funded from the Refuse Facilities Reserve.

It should be noted that the variances noted above (excluding the purchase of a works loader) are offset by either reductions in amounts to be used from the City's reserves, or by increases in amounts to be set aside to the City's reserves.

A listing of material capital works program adjustments is included in attachment **6108B Significant Capital Works Project Budget Amendments.**

Reserve Accounts

Net Funds (Set Aside)/Used – ($2,648,101) Net transfers to reserves

Plant Replacement Reserve – ($374,820) Net funds to be used. This represents a reduction in funds to be used due to a reduction in the light vehicle replacement program.

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Risk Management Reserve - ($245,543) Net funds set aside. This represents the transfer of Insurance premium refunds of $131,077 and the GST tax refund of $114,466 on the payout of the City's CDO investments in 2015/2016 to the Reserve.

Community Facilities Reserve – ($809,965) Net funds to be used. This represents the reduction in reserve funding required for the adjusted buildings renewal component of the Capital Works program funded from the reserve in the 2016-2017 adopted budget.

Community Surveillance and Security Service Reserve - $18,000 Net funds to be used. This represents the additional reserve funding required for the operating program.

Information Technology Reserve - $76,649 Net Funds to be used. This represents an increase in reserve funding required for the adjusted new and upgrade component of the Capital Works program funded from the reserve in the 2016-2017 adopted budget.

Infrastructure Asset Management Reserve - ($237,585) Net funds to be used. This represents the reduction in reserve funding required for the adjusted renewal component of the Capital Works program funded from the reserve in the 2016-2017 adopted budget.

Land and Property Reserve – $18,624 Net fund transfers. This represents a minor adjustment to the General Federal Assistance Grant of $17,129 to be received in 2016-2017, and a minor adjustment of $1,495 to the budget required to fund additional costs incurred during the property acquisition of 5 Willcock Street Ardross.

Future Works Reserve – $93,639 Net funds to be used. This represents the additional reserve funding required for the adjusted new and upgrade component of the Capital Works program funded from the Reserve in the 2016-2017 adopted budget.

Organisational Environmental Sustainability Initiatives Reserve – ($382,784) Net funds to be used. This represents the reduction in reserve funding required at this time for the LeisureFit Melville solar panel installation of ($400,000) due the deferment of the project and in funding required for the Civic Centre voltage optimisation project.

Rates Equalisation Reserve – $281,777 Net Funds to be used. This represents additional funds to be used from the reserve to offset the reduction in commercial rate income applicable to the years 2014-2015 and 2015-2016 financial years.

Refuse Facilities Reserve - $70,000 Net Funds to be used. This represents funding required for fencing to be installed at John Connell Reserve.

Reserve Interest – ($1,095,836) Net funds set aside. This represents the transfer of additional interest earned on reserve funds as described earlier in this report.

Special Projects Reserve – ($60,257) Net Funds to be used. This represents a reduction in funds required for projects funded from this reserve.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not Applicable

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government (Financial Management) Regulations 1996* stipulate the following:

"33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department."

FINANCIAL IMPLICATIONS

After taking into account the various positive and negative variances and Reserve Funds adjustments, the Mid Year Budget Review has identified an overall net budget variance of nil.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

A number of the budget amendments fund specific actions to reduce Risk's. Other than that there are no specific strategic, risk or environmental implications associated with this report.

POLICY IMPLICATIONS

The review has been conducted in accordance with the Accounting Policy CP-025 using the Programme and Sub programme categories.

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
After considering the review the Council is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

CONCLUSION

The Budget Review has identified a number of programs requiring budget amendments. Overall, the net impact on the 2016-2017 Budget is nil.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6108) ABSOLUTE MAJORITY APPROVAL

At 7.36pm Cr Macphail moved, seconded Cr Schuster –

That the Council:

1. **Notes the 2016-2017 Mid Year Budget Review and attachments 6108A Mid Year Budget Review Summary Amendments and 6108B Significant Capital Works Project Budget Amendments**

2. **By Absolute Majority decision adopts the budget review with the following amendments to be made to the Rate Setting Statement adopted in the 2016-2017 ANNUAL BUDGET;**

Operating Income	
Loan Funds	($14,813)
Community Amenities	$7,471
Economic Services	($100,840)
Education and Welfare	$681
General Purpose Funding	$912,261
Law, Order, Public Safety	$31,185
Other Property and Services	$290,677
Recreation and Culture	($462,876)
Transport	$28,607
Total Operating Income	$692,353
Operating Expenditure	
Loan Funds	$262
Community Amenities	$225,339
Economic Services	($11,133)
Education and Welfare	($2,201)
Governance	($27,000)
Health	$5,404
Law, Order, Public Safety	$47,000
Other Property and Services	$157,564
Recreation and Culture	($26,372)
Transport	$85,463
Total Operating Expenditure	$454,326

C17/6108 - 2016-2017 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Net Fund Transfers	
Funds to be Set Aside - Interest	($1,095,836)
Funds to be Set Aside	($228,414)
Funds to be Used	($1,323,851)
Net Fund Transfers	($2,648,101)
Capital Income	
Other Property and Services	$56,527
Total Capital Income	$56,527
Capital Expenditure	
Economic Services	($1,495)
Other Property and Services	$1,516,389
Recreation and Culture	($70,000)
Total Capital Expenditure	$1,444,894
Net Variance as at 31 December 2016	Nil

At 7.36pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

C17/6000 - INVESTMENT STATEMENTS AS AT 31 JANUARY 2017 (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	:	Bruce Taylor – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☒	**Information**	***For the Council/Committee to note.***

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 January 2017 for the Council's information and noting.

C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (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

Summary details of investments held as at 31 January 2017 are shown in the tables below. The following statements detail the investments held by the City as at 31 January 2017.

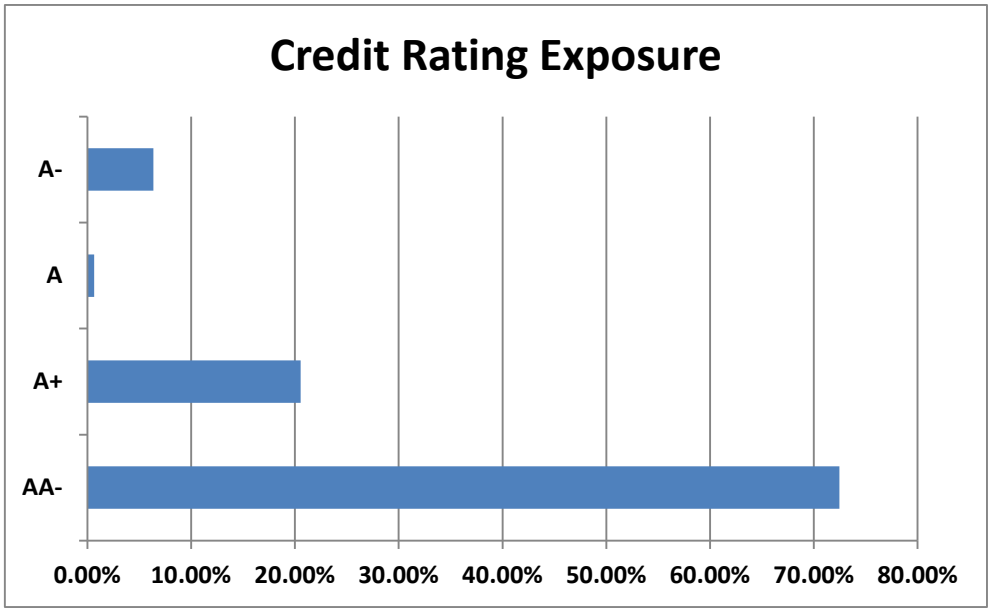
CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 JANUARY 2017

SUMMARY BY FUND	AMOUNT $
MUNICIPAL	$ 39,611,843
RESERVE	$ 116,969,020
TRUST	$ 651,606
CITIZEN RELIEF	$ 209,131
	$ 157,441,600

SUMMARY BY INVESTMENT TYPE	AMOUNT $
11AM	$ 5,886,992
31DAYS AT CALL	$ 1,000,000
60DAYS AT CALL	$ 2,000,000
90DAYS AT CALL	$ 5,000,000
TERM DEPOSIT	$ 141,323,963
FRTD	$ 2,000,000
UNITS (Local Govt Hse)	$ 230,645
	$ 157,441,600

SUMMARY BY CREDIT RATING	AMOUNT $
AA-	$ 113,910,955
A+	$ 32,300,000
A	$ 1,000,000
A-	$ 10,000,000
UNITS (Local Govt Hse)	$ 230,645
	$ 157,441,600

C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS

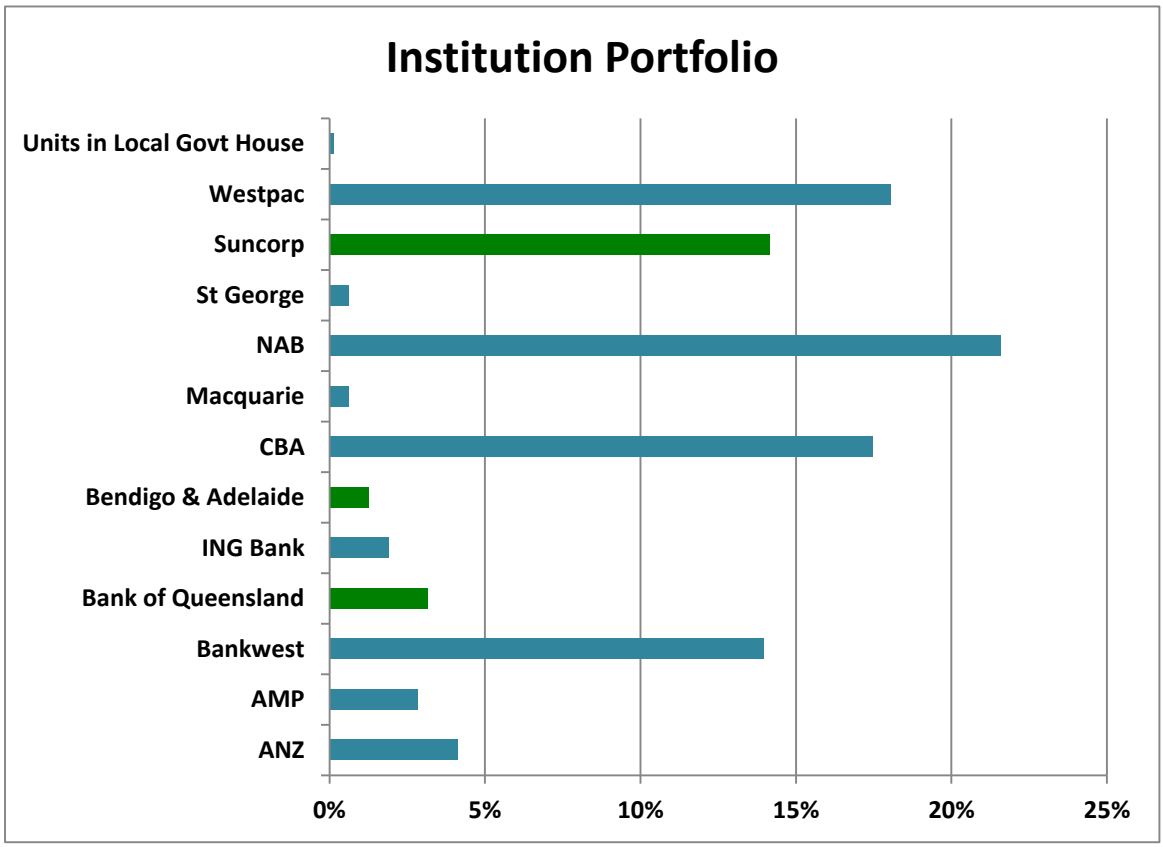
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	$ ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	6,500,000	4.13%	4.13%	25%	No	
AMP BANK (TERM)	TERM	A+	4,500,000	2.86%	2.86%	20%	No	
BANKWEST (TERM)	TERM	AA-	22,000,000	13.97%	13.97%	25%	No	
BANK OF QUEENSLAND (TERM)	TERM	A-	5,000,000	3.18%	3.18%	20%	Yes	5,000,000
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	2,000,000	1.27%	1.27%	20%	Yes	2,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	27,500,000	17.47%	17.47%	25%	No	
ING BANK (TERM)	TERM	A-	1,000,000	0.64%				
ING BANK (FRTD)	FRTD	A-	2,000,000	1.27%	1.91%	20%	No	
MACQUARIE BANK (TERM)	TERM	A	1,000,000	0.64%	0.64%	20%	No	
NAB (TERM)	TERM	AA-	34,006,702	21.60%	21.60%	25%	No	
ST GEORGE BANK (TERM)	TERM	AA-	1,000,000	0.64%	0.64%	25%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	22,300,000	14.16%	14.16%	20%	Yes	22,300,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,352,174	1.49%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,034,819	0.66%				
WESTPAC (MAXI DIRECT)	11AM	AA-	2,500,000	1.59%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	1,000,000	0.64%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000	1.27%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	5,000,000	3.18%				
WESTPAC (TERM)	TERM	AA-	14,517,260	9.22%	18.04%	25%	No	
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.15%	0.15%		N/A	
			157,441,600	**100%**	**100%**			**29,300,000**
Total Non Fossil Fuel Lending ADI								**19%**

Note: Reference for financial institutions not supporting Fossil Fuel Lending is at (http://www.marketforces.org.au/)

MATURITY COMPARISON

TERM to MATURITY	AMOUNT	$ ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	40,032,804	100%	100%	
	40,032,804	**100%**		
RESERVE FUNDS				
< 1 year	116,969,020	100%	100%	
	116,969,020	**100%**		

C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (REC)



Non Fossil Fuel Authorised Deposit Taking Institutions. (ADI's)

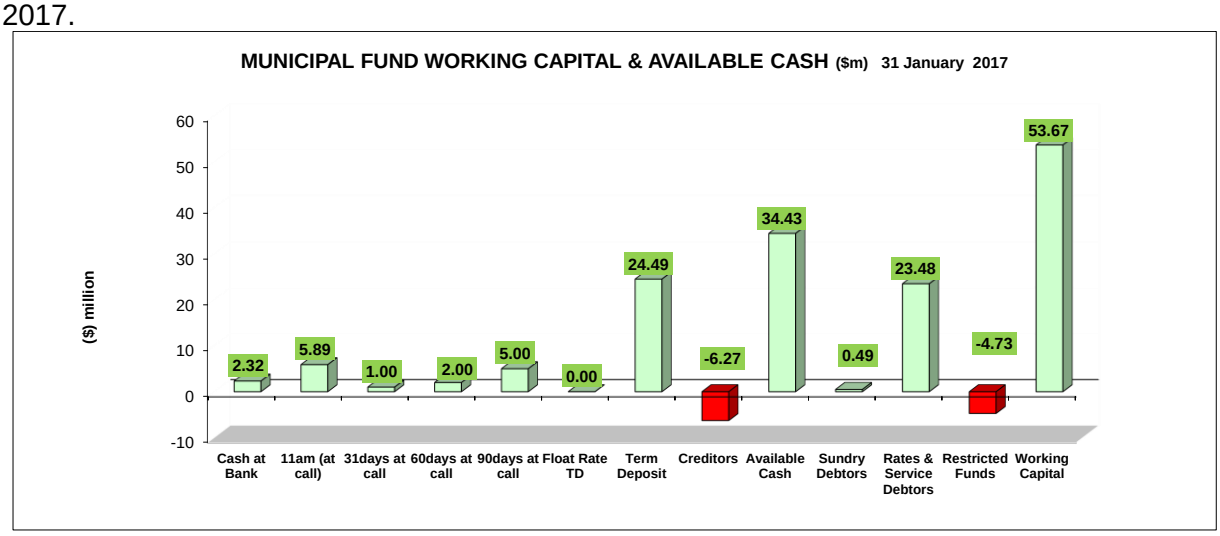
"Green investments" are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

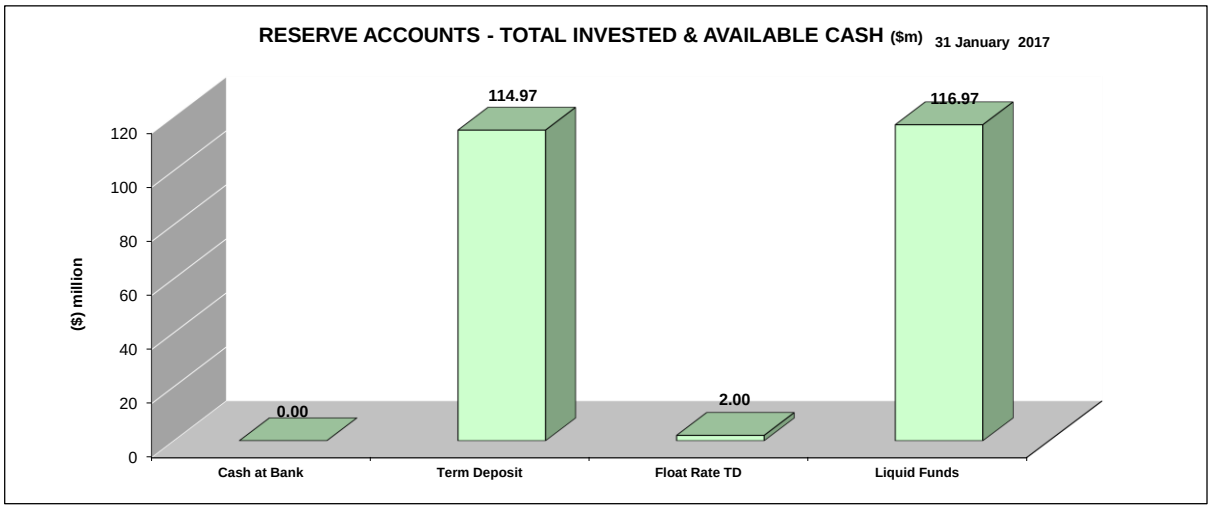
The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 January 2017 was 19%.

C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (REC)

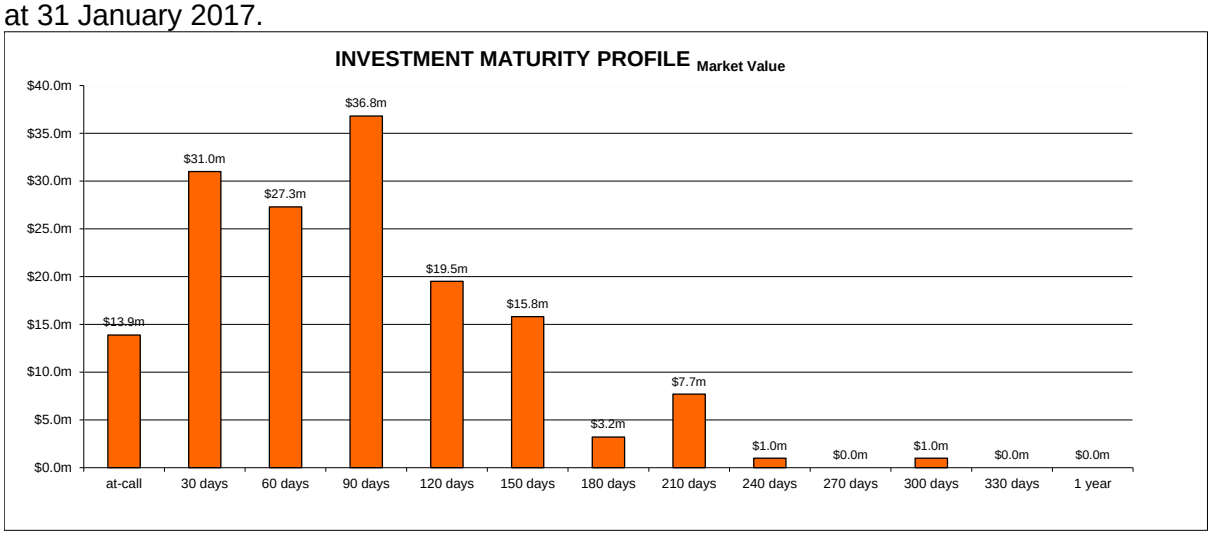
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 31 January 2017.





The graph below summarises the maturity profile of the City's investments at market value as at 31 January 2017.



C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (REC)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

This report is available to the public on the City's web-site and hard copies of this agenda and attachments are available for viewing at the City's five public libraries.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

FINANCIAL IMPLICATIONS

For the period ending 31 January 2017:

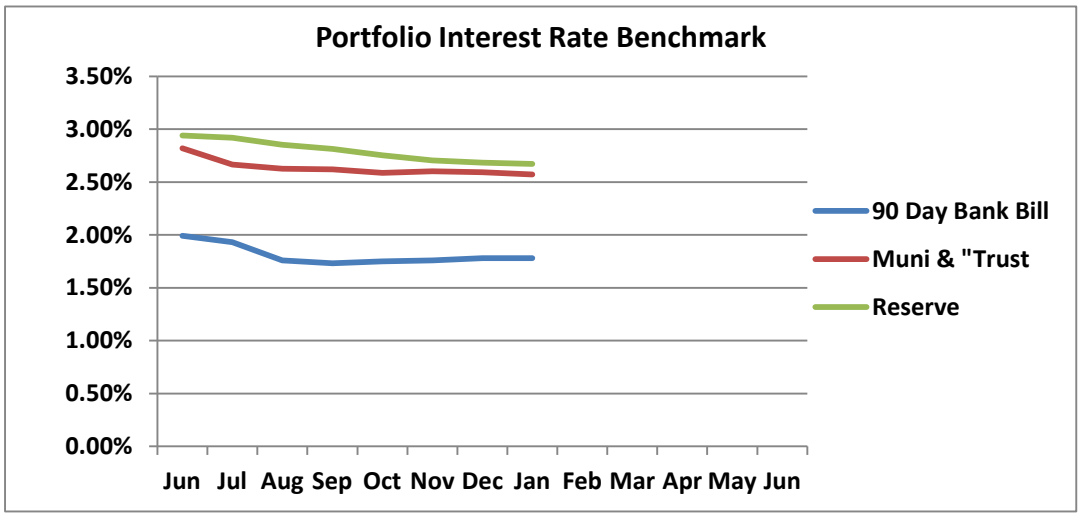
- Investment earnings on Municipal and Trust Funds were $419,243 against a year to date budget of $373,268 representing a $36,766 positive variance.

  The weighted average interest rate for Municipal and Trust Fund investments as at 31 January 2017 was 2.57% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.78%.

- Investment earnings on Reserve accounts were $2,048,926 against a year to date budget of $1,344,096 representing a $704,830 positive variance.

  The weighted average interest rate for Reserve account investments as at 31 January 20176 was 2.67% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.78%.

C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (REC)



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2016-2020"
Priority Number One – "Restricted current revenue base and increasing /changing service demands impacts on rates.

Risk

The Council's Investment of Funds Policy CP-009 was drafted so as to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates mechanisms that protect the City's investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community. The interest rate risk is high due to the short-term nature of the City's investments and the inability, due to legislative restrictions, to lock into longer dated investments which attract higher interest rates and help reduce exposure to reductions in interest rates.

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*.

C17/6000 - INVESTMENT STATEMENTS FOR JANUARY 2017 (REC)

Policy Implications Contd.
Council Policy CP-030 – Environmental states that the "The City aims to prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community." Whilst this Policy directly relates to the environmental impacts that relate to activities within the Cities boundaries and there is a tenuous link between the City's investment activities and lending to organisations producing fossil fuels, the City will to the extent it can without putting invested funds at undue risk, direct its investments to financial institutions that do not lend to those organisations.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments that are returning low investment returns which are commensurate with the low level of risk of the portfolio.

19% of the City's investment portfolio is invested in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels

Future investment earnings are expected to continue to decrease when compared to previous years as interest rates continue to stay low and the Reserve Bank of Australia (RBA) continues to show a bias towards further reducing the official cash rate. Furthermore legislative restrictions that have been implemented by the Western Australian State Government limiting term deposits to a maximum term of 12 months, has resulted in the City not being able to invest in longer term deposits which, depending on the interest rate yield curve, can attract higher interest rates than shorter term investments.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000) NOTING

That the Council notes the Investment Report for the period ending 31 January 2017.

At 9.38pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY EN BLOC (12/0)

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2017 (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	:	Bruce Taylor – Manager Financial Services

AUTHORITY / DISCRETION

		DEFINITION
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☒	**Information**	***For the Council/Committee to note.***

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of January 2017 and recommends that the Schedule of Accounts Paid be noted.

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2017 (REC) (ATTACHMENT)

BACKGROUND

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to 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 the period ending 31 January 2017 including Payment Registers numbers, Cheques 557 to 562 and Electronic Funds Transfers batches 427 to 430, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 March 2017. Payments for the period totalled $9,055,843.63 for the Municipal Fund and $84,762.15 for the Trust Fund whilst new investment transactions totalled $5,500,000. Details of the payments are shown in attachment **6001 January 2017.**

Payments in excess of $25,000 for the period are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Asphaltech Pty Ltd	E054300 & E054537	Road resurfacing	$716,155.65
Australia Post Perth	E054234 & E054473	Mail charges	$30,058.74
Australian Taxation Office	Direct Bank Transfer	Pay as You-Go taxation and other deductions from employee payroll for Pays 14 & 15	$640,607.00
Axiis Contracting Pty Ltd	E054315 & E054545	Concrete works	$71,678.64
Building & Construction Industry Training Fund	Chq 007150	Remittance of the building construction training levy collected by the City with building licence applications	$45,827.95
City of Cockburn	E054163	Commercial waste tip fees for November 2016	$130,090.54
CSP Group Pty Ltd T/A Stihl Shop Osborne Park	E054351	Small plant equipment	$29,008.20
Department of Commerce	E053421	Remittance of Building Service Levy collected on building licence applications	$38,934.20
Department of Fire & Emergency Services	E054527	ESL remittance for December 2016	$604,162.01
Dickies Tree Service	E054165 & E054415	Tree lopping services	$69,945.55
EMSO Maintenance T/A Crabclaw Holdings P/L	E054231 & E054469	Building maintenance	$39,332.03
Fleet Logistics Pty Ltd T/A EZY2C	E054404	Supply and installation of GPS tracking system in vehicles	$27,002.80
Flexi Staff	E054190 & E054438	Temporary employment	$103,799.48
Forest Hills Spraying Services	E054306	Weed spraying City wide	$55,000.00
Fredon Air Pty Ltd	E054325 & E054554	Service and maintenance to air conditioners City wide	$53,513.51

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2017 (REC) (ATTACHMENT)

Goodyear & Dunlop Tyres (Australia) Pty Ltd T/A Beaurepaire3s Myaree	E054248 & E054489	Tyre renewal	$26,068.44
Landmark Engineering & Design Pty Ltd T/A Exteria	E054430	Installation of park benches at various sites	$30,484.65
Marketforce	E054274 & E054514	Advertisements	$34,488.36
MMM WA Pty Ltd	E054255	Construction works at The Esplanade and Piney Lakes	$79,624.82

Supplier Name	Remittance Number	Remittance Details	Amount
Nature Play Solutions Pty Ltd	E054307	Progress claim 3 for Piney Lakes playground	$38,209.69
Octy Water Pty Ltd T/A Aquamonix	E054335 & E054562	Irrigation controllers for various Reserves	$29,617.50
Reece Pty Ltd	E053425 & E054496	Irrigation parts	$29,954.99
Rhysco Electrical Services	E054267 & E054509	Electrical services	$77,469.98
Southern Metropolitan Regional Council	E054243	MSW, MRF, green waste gate fees and over compaction charges for November and December and RRRC loan repayment	$1,709,034.15
Synergy	E054189 & E054437	Electricity charges	$136,084.04
TJS Cleaning Services Perth Pty Ltd	E054314	Cleaning services for LeisureFits Booragoon and Melville and AH Bracks Library for November and December 2016	$56,856.80
Tree Amigos Tree Surgeons	E054264 & E054506	Tree lopping services	$40,658.31
Tree Planting & Watering (ATF) Baroness Holdings Pty Ltd	E054297 & E054535	Street tree watering	$69,578.99
Water Corporation	Chq's 066326 & 066392	Water charges	$48,052.09
West Coast Turf	E054204 & E054449	Turf replacement at various Reserves	$33,232.76
Western Power	E054436	Upgrade of power supply at Karoonda Reserve	$34,328.00
Westpac Bank	Direct Bank Transfer	Payment of salaries and wages to City employees net of tax and deduction for pays	$2,097,901.65

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2017 (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

This report meets the requirements of the *Local Government (Financial Management) Regulations 1996* Regulation 11 - Payment of Accounts, Regulation 12 - List of Creditors and Regulation 13 - Payments from the Trust Fund and the Municipal Fund.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANAURY 2017 (REC) (ATTACHMENT)

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

Payments for the period totalled $9,055,843.63 for the Municipal Fund and $84,762.15 for the Trust Fund whilst new investment transactions totalled $5,500,000.

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

OFFICER RECOMMENDATION (6001) **NOTING**

That the Council notes the Schedule of Accounts paid for the period ending 31 January 2017 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment 6001_January_2017

At 9.38pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2017 (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	:	Bruce Taylor – Manager Financial Services

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
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☐	Information	*For the Council/Committee to note.*

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 January 2017 and recommends that they be noted by the Council.
- The variances for the month of January 2017 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 January 2017 and recommends that they be adopted by Absolute Majority decision of the Council.

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2017 (AMREC) (ATTACHMENTS)

BACKGROUND

The Statements of Financial Activity for the period ending 31 January 2017 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

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

Variances

CITY OF MELVILLE
EXTRACT OF RATE SETTING STATEMENT FOR VARIANCES IN EXCESS OF $50,000
for the Period 1 July 2016 to 31 January 2017

	January Actual $	YTD Rev. Budget $	YTD Actual $	Variance $	Variance %	Annual Budget $	Annual Rev. Budget $
Revenue							
General Purpose Funding	394,713	9,910,322	10,203,714	293,392	3%	12,931,170	12,931,170
Law, Order, Public Safety	28,618	2,482,584	2,552,134	69,549	3%	2,509,843	2,608,609
Community Amenities	160,442	2,538,818	2,809,872	271,054	11%	3,136,387	3,237,387
Recreation and Culture	826,678	4,892,284	4,663,465	(228,819)	-5%	8,469,621	8,469,848
Transport	142,468	2,498,077	2,587,325	89,247	4%	4,641,787	5,081,058
Other Property and Services	94,710	387,674	626,587	238,912	62%	3,356,430	3,356,430
	1,869,848	25,176,151	25,809,347	711,937	3%	35,739,377	36,379,142
Expenses							
Governance	(268,188)	(2,392,484)	(1,931,891)	460,593	-19%	(4,110,317)	(4,299,013)
General Purpose Funding	(67,268)	(4,467,563)	(4,393,845)	73,719	-2%	(6,919,538)	(6,919,538)
Law, Order, Public Safety	(301,526)	(2,394,431)	(2,187,354)	207,076	-9%	(4,051,723)	(4,160,269)
Health	(79,422)	(660,067)	(576,829)	83,238	-13%	(1,115,196)	(1,115,196)
Education & Welfare	(204,597)	(1,536,880)	(1,422,013)	114,867	-7%	(2,650,229)	(2,631,980)
Community Amenities	(1,915,406)	(14,383,636)	(13,355,571)	1,028,065	-7%	(24,619,692)	(25,436,745)
Recreation and Culture	(2,205,523)	(16,674,995)	(15,778,216)	896,779	-5%	(28,710,832)	(28,911,857)
Transport	(1,144,831)	(8,670,055)	(9,243,400)	(573,345)	7%	(15,078,943)	(15,133,578)
Economic Services	(180,337)	(1,254,439)	(1,479,605)	(225,166)	18%	(2,174,143)	(2,184,143)
Other Property and Services	(722,393)	(7,798,877)	(6,316,523)	1,482,354	-19%	(11,740,320)	(11,686,095)
	(7,094,113)	(60,272,245)	(56,721,270)	6,464,419	-6%	(101,232,456)	(102,539,937)
Net Result Excluding Rates	**(5,224,265)**	**(35,096,094)**	**(30,911,923)**			**(65,493,079)**	**(66,160,795)**
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(56,278)	(768,297)	(632,497)	135,801	-18%	(1,454,494)	(2,390,609)
Purchase of Plant & Equipment	(26,371)	(2,370,017)	(2,041,916)	328,101	-14%	(2,441,631)	(4,687,329)
Purchase of Land & Buildings	(143,199)	(2,617,592)	(1,979,382)	638,210	-24%	(3,786,000)	(9,506,200)
Purchase of Infrastructure Assets	(976,373)	(9,370,389)	(7,314,675)	2,055,715	-22%	(15,935,141)	(21,183,669)

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program (**6002C Sub Program January 2017**) is provided in attachment **6002H January 2017.**

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2017 (AMREC) (ATTACHMENTS)

Revenue
$82.63 million in Rates was raised to 31 January 2017. This is compared with a revised year to date budget of $82.72 million, resulting in a negative variance of $87,794.

Money Expended in an Emergency and Unbudgeted Expenditure
Not applicable for January 2017.

Budget Amendments
Details of Budget Amendments requested for the month of January 2017 are shown in attachment **6002J_January_2017**. Highlighted is one budget amendment journal greater than $50,000 that was processed in January 2017.

- $951,267 – Adjustment to correct reversal of rates income received in advance in 2015-2016 financial year.

Rates Collections and Debtors
Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling $5,372,797.56 were collected over the course of the month. Rates collection progress for the month of January is 1.3% below the target of 84%. This represents a dollar value of $1,125,679. As at 31 January, 82.7% of 2016-2017 rates had been collected, compared with 83.8% collected for the same time last year.

Total sundry debtor balances increased by $195,027 over the course of the month from $481,553 to $676,580. The 90+ day's debtor balance increased by $54,982 from $54,002 to $108,984.

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.

No debts were written off under delegated authority in the month of January 2017.

The following attachments form part of the Attachments to the Agenda.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – January 2017	6002A_Nature_Type_January 2017
Rate Setting Statement by Program – January 2017	6002B_Program_January 2017
Rate Setting Statement by Sub-Program – January 2017	6002C_Sub_Program_January 2017
Representation of Net Working Capital – January 2017	6002E_January 2017
Reconciliation of Net Working Capital – January 2017	6002F_January 2017
Notes on Rate Setting Statement reporting on variances of 10% or $50,000 whichever is greater – January 2017	6002H_January 2017
Details of Budget Amendments requested – January 2017	6002J_January 2017

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2017 (AMREC) (ATTACHMENTS)

Summary of Rates Debtors – January 2017	**6002L_January 2017**
Graph Showing Rates Collections – January 2017	**6002M_January 2017**
Summary of General Debtors aged 90 Days Old or Greater – January 2017	**6002N_January 2017**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34*. Financial activity statement report — s. 6.4*

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

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

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2017 (AMREC) (ATTACHMENTS)

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

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

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

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

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment **6002H January 2017** (Notes on Statement of Variances in excess of $50,000 by Sub-Program).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risk or environmental management implications arising from this report.

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.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 January 2017.

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2017 (AMREC) (ATTACHMENTS)

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

At 7.37pm Cr Woodall moved, seconded Cr Robartson –

That the Council:

1. **Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 January 2017 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – January 2017	6002A_Nature_Type_January 2017
Rate Setting Statement by Program – January 20167	6002B_Program_January 2017
Rate Setting Statement by Sub-Program – January 2017	6002C_Sub_Program_January 2017
Representation of Net Working Capital – January 2017	6002E_January 2017
Reconciliation of Net Working Capital – January 2017	6002F_January 2017
Notes on Rate Setting Statement reporting on variances of 10% or $50,000 whichever is greater – January 2017	6002H_January 2017
Details of Budget Amendments requested – January 2017	6002J_January 2017
Summary of Rates Debtors – January 2017	6002L_January 2017
Graph Showing Rates Collections – January 2017	6002M_January 2017
Summary of General Debtors aged 90 Days Old or Greater – January 2017	6002N_January 2017

2. **By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for January 2017 6002_January_2017.**

At 7.37pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Proposed Amendments to Local Planning Policy LPP1.1 Planning Process and Decision Making
Applicant	:	Not applicable
Owner	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P16/3711 Review of Council Policy CP056: Planning Process and Decision Making.
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	**Legislative**	***Includes adopting local laws, town planning schemes & policies.***
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Council Policy CP-056 'Planning Process and Decision Making' was last substantially reviewed by the Council at its Ordinary Meeting held on 21 June 2016.
- In September 2016 Council endorsed a minor review of all Council policies to bring them up to date with the current planning framework. Modifications included the renaming of all relevant Council Policies to Local Planning Policies.
- At the December 2016 meeting of Council, Elected Members requested that the Chief Executive Officer (CEO) consider further amendments to the policy to provide greater clarity with regard to advertising of development applications and the role of Elected Members in the decision making process.
- A report in respect of this was prepared for the February 2017 Ordinary Council Meeting.
- Council deferred Item P17/3740 at the February 2017 Council meeting to facilitate discussion of the report content and recommendations, discussion has occurred and the report is now re-submitted as a Late Item to the March Council meeting.
- No further changes are proposed to the policy.
- The policy as now presented has been reviewed, taking into consideration the applicable December 2016 Resolution of Council, and a number of amendments are now proposed for the approval of Council. The amendments are considered to be minor in nature and do not require formal consultation under the provisions of the *Planning and Development (Local Planning Schemes) Regulations*.

BACKGROUND

The Council at its Ordinary Meeting of 15 March 2016 considered a number of amendments to CP-056: Planning Process and Decision Making. The amendments endorsed by the Council at that time related to the need to align the provisions of the Council policy with the *Planning and Development (Local Planning Schemes) Regulations* (the Regulations), as well as the inclusion of requirements for informal notification in respect of applications that are determined by the Joint Development Assessment Panel (JDAP).

At the June 2016 Ordinary Meeting, the policy provisions relating to informal notification requirements advocated by Part 1.8 were further streamlined to provide, at the discretion of the City, the opportunity for such notification in respect of any major development proposal, irrespective of its location, and irrespective of who the decision maker is.

At the December 2016 Council Meeting, the Council requested the policy be reviewed further and that the review be submitted to the Council in February 2017, with a proposal to advertise the revised policy for public comment. The associated resolutions of the Council are now the subject of consideration in this report.

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

DETAIL

At the December 2016 Ordinary Council Meeting, Elected Members requested a review of Local Planning Policy 1.1 "Planning Process and Decision Making" (LPP1.1), to consider changes to the consultation and call up provisions of the policy. The matters raised in the Notice of Motions presented at that Council meeting are outlined below.

1. **In the Definition of "Major Development" on page 2 remove the words "2,000 m2" and replace them with "1,000 m2" ;**

2. **In the definition of "Major Development" on page 2 , after the words "— classed as a major development" replace the full stop with a comma and add the words "unless the Form 2 proposal in some way requires the exercise of judgement under the City's planning scheme and/or policies, or the R Codes.";**

3. **In Section 1.7 "Advertising of Planning Applications" on page 5, Clause 1.7.4 (b) remove the full stop at the end of the Clause, replace it with a comma, and add the words "but will be subject to the provisions of Cl. 1.8 of this Policy.";**

4. **In Section 1.7 "Advertising of Planning Applications" a new sentence is to be added to the end of Clause 1.7.5 (c) as follows – "If the application is either a referral to JDAP or defined as a Major Development, then in addition to the other provisions in this Clause the proponent shall erect an information sign on site in accord with the provisions in Clause 1.8";**

5. **In Clause 1.7.7 "Extent of Advertising" a new sentence be added to the end of Clause 1.7.7 (e) as follows –"For avoidance of doubt and irrespective of any other provision of this policy, for a development that is either the subject of a referral to JDAP or is defined as a Major Development, the proponent will place an information, or invitation to comment sign, as is relevant on the site.".**

6. **Insert: 3.5.4(a) (iii) Any Major Development (whether referred to the DAU or not referred to the DAU) can be called up by any Elected Member writing to the CEO at the discretion of the Elected Member without the Elected Member needing to obtain the agreement of the CEO or other Planning Officers that there is a relevant planning matter to be considered.**

7. **Insert 3.7.6(c) Any Major Development whether assessed by Planning Officers to be compliant or not.**

3747_LPP-1.1_Planning_Process_and_Decision_Making_(draft recommendation)

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

It is noted that the Council resolution of December 2016, which requested a report on a review of the Planning Process and Decision Making Policy to the February 2017 Council meeting, anticipated a proposal to advertise the revised policy for public comment. As outlined above, formal advertising is not required and is therefore not recommended.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

If the Council resolves to endorse the proposed amendments to the call up provisions of the policy, and should this result in delays to the decision making process which exceed the standard decision making timeframes established by the Regulations, then applicants are able to lodge an appeal to the State Administrative Tribunal. In addition, it should be noted that there is no jurisdiction to refuse to approve a development which meets the Deemed to Comply provisions of the R Codes.

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are some financial implications for the City and the applicant in relation to the recommended policy changes as listed below:

- The informal notification process places has implications for staff resources and budgets, via the preparation and mailing of letters to adjoining landowners, updating plans and information on the City's website and responding to enquiries from interested landowners.
- There are financial implications for the applicant in placing a sign on site.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are number of strategic risks associated with the suggested change in policy as follows:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Raised community expectations that there is an ability to object or provide feedback through the informal notification process.	Moderate consequences which are likely, resulting in a **High** level of risk.	Letters and sign on site to clearly state that these are intended to inform only.
Potential compromise to the ability of the decision maker to meet statutory processing targets.	Moderate consequences which are likely, resulting in a **High** level of risk.	It is recommended that the Council does not pursue changes to the call up procedures.
Potential for decisions to be made which are inconsistent with the planning framework.	Moderate consequences which are likely, resulting in a **High** level of risk.	As above.
Potential reputational risk for the City.	Moderate consequences which are likely, resulting in a **High** level of risk.	As above.
Elected Members focus may be diverted to operational rather than strategic matters	Moderate consequences which are likely, resulting in a **High** level of risk.	As above

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

POLICY IMPLICATIONS

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

COMMENT

At the December Ordinary Council Meeting, Council resolved to request that Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1), be reviewed with specific reference to the consultation and call up provisions of the policy. The matters to be considered as a part of this report are listed below, together with an associated response.

1. **In the Definition of "Major Development" on page 2 remove the words "2,000 m2" and replace them with "1,000 m2" ;**

In planning terms this amendment is not recommended. The definition of major development including commercial development of 2,000sqm or above is consistent with State Planning Policy. The proposed amendment to define commercial development of 1,000sqm as major development will result in inconsistency in policy terms, and confusion on the part of applicants and developers. In addition, the change proposed will likely result in adverse administrative implications for the City.

2. **In the definition of "Major Development" on page 2 , after the words "— classed as a major development" replace the full stop with a comma and add the words "unless the Form 2 proposal in some way requires the exercise of judgement under the City's planning scheme and/or policies, or the R Codes.";**

A Form 2 application may be used when a minor amendment to a development which was previously approved by the JDAP is proposed. Where substantial changes are proposed a Form 2 submission would be inappropriate, and a new Form 1 application would be required. The process associated with Form 2 applications is governed by the *Planning and Development (Development Assessment Panels) Regulations 2011*. Where minor modifications are proposed and an exercise of judgement is sought which has the potential to adversely impact a third party landowner, formal consultation in accordance with the provisions of Clause 1.7 of policy LPP1.1 would apply. For these reasons, it is recommended that this amendment should not be pursued.

3. **In Section 1.7 "Advertising of Planning Applications" on page 5, Clause 1.7.4 (b) remove the full stop at the end of the Clause, replace it with a comma, and add the words "but will be subject to the provisions of Cl. 1.8 of this Policy.";**

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Under the Regulations, permitted (P) land uses are acceptable uses within a given zone and therefore do not require advertising. Where a new development is proposed that is a P use, but which requires the exercise of discretion against one or more of the associated development requirements, that Development Application (DA) will be advertised in accordance with the provisions of this policy. In view of this, it is proposed to update Clause 1.7.4 b as follows:

'P' land uses are permitted uses in principle and therefore do not require advertising. It is proposed to add two new clauses to clarify that while the use does not require advertising a development application may still be advertised in accordance with the provisions of this policy.

(f) The above clauses (a)-(e) relate to land use permissibility only. Where the built form characteristics of a proposed land use development proposal seeks the exercise of judgement by the decision maker to determine the proposal, advertising may be required.

(g) 'While a land use may not require formal advertising under the provisions of this Clause, the provisions of Clause 1.8 of this policy still apply'.

4. **In Section 1.7 "Advertising of Planning Applications" a new sentence is to be added to the end of Clause 1.7.5 (c) as follows – "If the application is either a referral to JDAP or defined as a Major Development, then in addition to the other provisions in this Clause the proponent shall erect an information sign on site in accord with the provisions in Clause 1.8";**

5. **In Clause 1.7.7 "Extent of Advertising" a new sentence be added to the end of Clause 1.7.7 (e) as follows –"For avoidance of doubt and irrespective of any other provision of this policy, for a development that is either the subject of a referral to JDAP or is defined as a Major Development, the proponent will place an information, or invitation to comment sign, as is relevant on the site.".**

The intent of the suggested changes in point 4 and 5 above are acknowledged, it being to ensure that a wide range of landowners and occupiers in the locality are made aware of development proposals and are either formally consulted or informally notified as is appropriate.

Rather than adding a new sentence to each of the Clauses above it is proposed to reword Clause 1.8 to read as follows:

"All applications for Major Development (refer to the definition of Major Development in this policy) will be subject to an informal notification process in addition to the requirements of Clause 1.7 above. The key methods to be adopted to facilitate this informal notification process will be the display of a site notice installed by the applicant; a letter, or an email to owners/occupiers the City's website and where relevant the social media platforms used by the City. Letters and emails will be sent to owners and occupiers of land directly adjacent to or sharing a common boundary

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

with the development site and properties which are directly across a thoroughfare from the development site. The informal notification letter or email will only apply for those owners/occupiers who are not the subject of formal consultation.

The content of the informal notification process will inform, as opposed to consult, in which case formal submissions are not sought or considered."

In addition to the proposed changes above, City officers recommend modification of clause 1.7.7 (c) as follows:

"Wider public consultation – where a proposed development requires general advertisement in accordance with LPS6 or as required by Clause 1.7.6 above, such consultation should generally be undertaken in accordance with Diagram 1 below. In addition, a site notice shall be displayed on the site for the duration of the consultation period"

6. **Insert: 3.5.4(a) (iii) Any Major Development (whether referred to the DAU or not referred to the DAU) can be called up by any Elected Member in writing to the CEO at the discretion of the Elected Member without the Elected Member needing to obtain the agreement of the CEO or other Planning Officers that there is a relevant planning matter to be considered.**

7. **Insert 3.7.6(c) Any Major Development whether assessed by Planning Officers to be compliant or not.**

In relation to the proposed changes outlined in the points 6 and 7 above, it is noted that the City of Melville has recently adopted Local Planning Scheme No. 6 and a number of local structure plans and activity centre plans which guide development within key areas across the City. These, together with the City's suite of Local Planning Policies, State Planning Policies, and Planning Bulletins published by the Department of Planning, combine to comprise the planning policy framework, against which the assessment and determination of planning applications is made. This framework of planning policy has been endorsed by Council. The assessment and determination of development applications against this Council endorsed framework ensures consistency in decision making, whether those decisions are taken under delegation to the CEO, the Development Assessment Unit (DAU), by the JDAP, or by the Council. . Where development is proposed which complies with the development standards established by an approved policy or plan there is an expectation that the development assessment and determination process would be straightforward and streamlined to deliver timely decisions, in accordance with the determination timelines established by the Regulations.

In respect of development applications for which the provisions of the Residential Design Codes apply, Clause 2.5.4 of the Codes states that where a proposed development meets the Deemed to Comply provisions and the relevant provisions of the Scheme and any relevant Local Planning Policy, it should not be refused. Where an application under the R Codes seeks exercise of judgement in respect of the relevant Design Principles of the Codes, neighbour consultation may be required where there is considered to be possible impact or where consultation is specifically required by the Scheme or relevant Local Planning Policy.

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Where an application is under assessment and the Deemed to Comply provisions of the R Codes are satisfied, Clause 4.1.1 states that such applications should not be the subject of consultation. In these scenarios, the expectation of applicants and developers is that the development approval process will be straightforward and timely. The call up of such applications to the Council without a relevant planning cause, for a decision by the Council, would therefore be contrary to the R Code provisions.

Where a development application does not meet with the acceptable development standards of LPS6, a structure or activity centre plan or the Deemed to Comply standards of the R-Codes, it will be advertised in accordance with the provisions of the Planning Process and Decision making policy. Where valid objections are received, the DAU process will apply, including the associated call up provisions. The parameters that are outlined in Clause 3.5.4 (a) (i) of LPP 1.1 are designed to assist Elected Members in the execution of their duties. These call up provisions were framed on the basis that development proposed by DA's that is consistent with the Council endorsed planning policy framework, may appropriately be dealt with under delegation, and the call up of such planning applications to Council would be unnecessary.

The introduction of the ability for Elected Members to call up any item to Council, for any reason, could impact on the ability to provide a responsive and effective planning service, and may be seen to undermine the Council and State planning policy framework. that has been put in place to ensure decision making is aligned to Council Policy and consistently applied. In addition, the call up of any development application to Council without relevant grounds would not provide an effective good governance audit trail. For these reasons the amendments proposed by points 6 and 7 above are not recommended for inclusion in the reviewed policy.

Minor changes to LPP1.1 also recommended as part of this review.

Clauses 1.7.9 (a) and 1.7.10 make reference to a 21 day advertising timeframe. The timeframes associated with advertising are determined by the Regulations, and in this case are 14 days. It is proposed to modify this clause accordingly. Clause 1.7.9 (b) includes reference to the advertising of development proposals which are assessed against the provisions of a Council Policy. This Clause is no longer deemed required as the provisions of Clause 1.7.9 (a) apply. It is therefore recommended that the Clause be deleted, and subsequent clauses renumbered accordingly.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may determine that further changes to the policy are required. As discussed earlier in the report it is not recommended that the Council make changes to the call up provisions of the policy as these would be likely to result in longer determination periods, increased number of appeals to the State Administrative Tribunal and, potentially, a loss of confidence in the City of Melville as a place to invest.

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

At 8.52pm Cr Foxton left the meeting and returned at 8.54pm
At 8:57pm Cr Aubrey left the meeting and returned at 8:59pm
At 9:20pm Cr Schuster left the meeting and returned at 9:22pm
At 9:22pm the CEO left the meeting and returned at 9:24pm

CONCLUSION

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

OFFICER RECOMMENDATION (3747) **APPROVAL**

At 8.52pm Cr Schuster moved, seconded Cr Robartson –

That the Council pursuant to Clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the following changes to Local Planning Policy LPP1.1 Planning Process and Decision Making as detailed below.

1. **Amend Clause 1.7.4 (b) to read 'P' land uses are permitted uses in principle and therefore do not require advertising.**

2. **Add two new clauses 1.7.4(f) and (g) as follows:**

(f) **The above clauses (a)-(e) relate to land use permissibility only. Where a development proposal seeks the exercise of judgement by the decision maker to determine the proposal, advertising may be required.**

(g) **'While a land use may not require formal advertising under the provisions of this Clause, the provisions of Clause 1.8 of this policy still apply'.**

3. **Amend Clause 1.7.7(c) to read "Wider public consultation – where a proposed development requires general advertisement in accordance with Local Planning Scheme 6 or as required by Clause 1.7.6 above, such consultation should generally be undertaken in accordance with Diagram 1 below. In addition, a site notice shall be displayed on the site for the duration of the consultation period"**

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

4. **Reword Clause 1.8 to read as follows:**

   "All applications for Major Development (refer to the definition of Major Development in this policy) will be subject to an informal notification process in addition to the requirements of Clause 1.7 above. The key methods to be adopted to facilitate this informal notification process will be the display of a site notice installed by the applicant; a letter, or an email to owners/occupiers the City's website and where relevant the social media platforms used by the City. Letters and emails will be sent to owners and occupiers of land directly adjacent to or sharing a common boundary with the development site and properties which are directly across a thoroughfare from the development site. The informal notification letter or email will only apply for those owners/occupiers who are not the subject of formal consultation.

   The content of the informal notification process will inform, as opposed to consult, in which case formal submissions are not sought or considered."

5. **Modify Clauses 1.7.9 (a) and 1.7.10, remove reference to 21 day advertising timeframe and replace with 14 day timeframe.**

6. **Delete Clause 1.7.9(b) and renumber the remaining clauses accordingly.**

3747 LPP-1.1 Planning Process and Decision Making (draft recommendation)

AMENDMENT 1

At 8.54pm moved Cr Pazolli, seconded Cr Barton -

That the Council amend the Officer Recommendation by:

1. **In the second paragraph of Item 4 of the officer recommendation, replace the words "in which case formal submissions are not sought or considered" with "however, all submissions received shall be considered in assessing the Development Application."**

At 9.35pm the Mayor submitted the amendment which was declared

CARRIED (8/4)

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Robartson	No
Mayor Aubrey	No

AMENDMENT 2

2. **Insert Item 7 to the officer recommendation that; "Add a new clause at 3.5.4(a)(iii) as follows:**

   "(iii) Any Major Development (whether referred to the DAU or not referred to the DAU) can be called up by two Elected Members signing a request to the CEO to call it up and quoting a relevant planning matter."

At 9.36pm the Mayor submitted the amendment which was declared

CARRIED (7/5)

Vote Result Summary	
Yes	7
No	5

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Macphail	No
Cr Phelan	No
Mayor Aubrey	No

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

REASONS:

1. The purpose of the first amendment is to overcome the current unsatisfactory situation where planning officers assess a development application as being compliant (even though that assessment often requires subjective judgement) and issue informal notifications to surrounding residents. These informal notifications tell the residents that the officers consider the DA to be compliant and that no submissions objecting to the development will be accepted or considered. This is unfair to the surrounding residents in that in many instances the compliance is based on the exercise of subjective judgement by the planning officers. The residents can often raise planning objections that the officers had not considered or they have a different interpretation of a subjective assessment of the planning compliance. Under the current wording of the policy the residents are dissuaded from submitting objections and even when they submit an objection the officers can ignore the submission. By amending the policy, any submissions received to informal notification shall have to be considered and addressed by the planning officers.

2. The second amendment is to provide a mechanism for Councillors to call-up a DA to the full Council that would otherwise not be able to be called up. This occurs in the Catch 22 situation where planning officers assess a DA to be compliant but though residents disagree with that often subjective assessment and have submitted an objection, they have no opportunity to have their objections heard. The amendment would allow the objecting residents to call on their elected representatives to have their concerns heard and determined in the public forum of the full council. This applies to DAs that developers elect to have determined by Council rather than by the JDAP.

3. The second amendment only applies to those developments categorized as major developments (greater than 10 dwellings / units) and does not affect the majority of “routine” DAs.

4. Would prefer to have the two amendments voted on separately.

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

COUNCIL RESOLUTION

That the Council pursuant to Clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the following changes to Local Planning Policy LPP1.1 Planning Process and Decision Making as detailed below.

1. **Amend Clause 1.7.4 (b) to read 'P' land uses are permitted uses in principle and therefore do not require advertising.**

2. **Add two new clauses 1.7.4(f) and (g) as follows:**

(f) The above clauses (a)-(e) relate to land use permissibility only. Where a development proposal seeks the exercise of judgement by the decision maker to determine the proposal, advertising may be required.

(g) 'While a land use may not require formal advertising under the provisions of this Clause, the provisions of Clause 1.8 of this policy still apply'.

3. **Amend Clause 1.7.7(c) to read "Wider public consultation – where a proposed development requires general advertisement in accordance with Local Planning Scheme 6 or as required by Clause 1.7.6 above, such consultation should generally be undertaken in accordance with Diagram 1 below. In addition, a site notice shall be displayed on the site for the duration of the consultation period"**

4. **Reword Clause 1.8 to read as follows:**

"All applications for Major Development (refer to the definition of Major Development in this policy) will be subject to an informal notification process in addition to the requirements of Clause 1.7 above. The key methods to be adopted to facilitate this informal notification process will be the display of a site notice installed by the applicant; a letter, or an email to owners/occupiers the City's website and where relevant the social media platforms used by the City.

Letters and emails will be sent to owners and occupiers of land directly adjacent to or sharing a common boundary with the development site and properties which are directly across a thoroughfare from the development site. The informal notification letter or email will only apply for those owners/occupiers who are not the subject of formal consultation. The content of the informal notification process will inform, as opposed to consult, *however, all submissions received shall be considered in assessing the Development Application.*

5. Modify Clauses 1.7.9 (a) and 1.7.10, remove reference to 21 day advertising timeframe and replace with 14 day timeframe.

6. Delete Clause 1.7.9(b) and renumber the remaining clauses accordingly.

LATE ITEM - P17/3747 - REVIEW OF LOCAL PLANNING POLICY LPP1.1 PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)

7. Add a new clause at 3.5.4(a)(iii) as follows:

"(iii) Any Major Development (whether referred to the DAU or not referred to the DAU) can be called up by two Elected Members signing a request to the CEO to call it up and quoting a relevant planning matter."

3747_LPP-1.1_Planning_Process_and_Decision_Making_(draft recommendation)

At 9.37pm the Mayor submitted the amendment which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Aubrey	No

At 7.38pm the Mayor requested that Items M17/5541be brought forward for discussion.

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Council Administration
Customer Index	:	Elected Members
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	:	In Accordance with 2016-2017 Budget
Responsible Officer	:	Jeff Clark – Governance and Compliance Program Manager

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	**The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.**
☐	Legislative	Includes adopting local laws, town planning schemes & policies.
☐	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
☐	Quasi-Judicial	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.
☐	Information	For the Council/Committee to note.

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

KEY ISSUES / SUMMARY

- At the City of Melville Special Meeting of Electors held on 15 March 2017, one motion was carried and the Council needs to consider the response.
- A recommendation for the motion is referred for consideration of the Council.

BACKGROUND

The City of Melville held a Special Meeting of Electors on 15 March 2017. At the meeting one motion from electors was carried and the Council is required to consider the motion and decide on any future action that should be resolved in the interests of the City.

DETAIL

The purpose of the meeting as advised by the Requestor was;

"Recognising the importance of Alfred Cove to the ratepayers of the City of Melville and wishing to ensure that the future use of the Melville Bowling Club land should have widespread community support, to move a motion that the Council should suspend current negotiations and consider alternative proposals for community recreational and leisure use of the Melville Bowling Club site compatible with the Alfred Cove environment."

The motion passed at the Special Meeting of Electors is below;.

Motion

"That the Council suspend current negotiations and consider alternative proposals for community recreational and leisure use of the Melville Bowling Club site compatible with the Alfred Cove environment".

CARRIED UNANIMOUSLY

The unsolicited proposal received from the Wave Park Group has adhered to due process complying with the *Local Government Act Section 3.59*. The Report to the Ordinary Meeting of the Council 21 February reported on the number of submissions received in regard this proposal. Support for the proposal was indicated by the majority of submissions being 3,026 in support which included 719 residents in support. Those opposing the proposal numbered 651 with 587 being Melville residents. Three alternate proposals did not represent an alternative ground lease proposal to that advertised by the City

The proposal is a unique and transformational project that has been identified as aligning to the City's Corporate Business Plan 2016-2022 which was also noted in the 21 February 2017 Report to the Council.

Concerns raised by residents opposing the proposal can be addressed in the regulatory approval process which would occur if the lease is accepted by the Council. The lease agreement would be dependent upon a Development Approval assessed by the Department Parks and Wildlife.

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Stakeholder engagement previously occurred in relation to this proposal, at the Special Meeting of Electors held on the 23 January 2017, Stakeholder engagement also occurred at the Special Meeting of Electors held on the 15 March 2017.

The Advertising period of the proposal required as per the Section 3.59 of the *Local Government Act 1995* also provided an opportunity for comment with 3,694 submissions received.

A petition with over 3,200 signatures was tabled at the Special Meeting of Council on 28 November 2016 supporting the proposal, with almost 2,000 residents as signatories.

II. OTHER AGENCIES / CONSULTANTS

Consultation has also taken place with officers from relevant State Government Departments.

STATUTORY AND LEGAL IMPLICATIONS

The Council is required to consider any decisions from an electors meeting at the next or subsequent ordinary council meeting as noted below:

5.33. Decisions made at electors' meetings
(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
(a) at the first ordinary council meeting after that meeting; or
(b) at a special meeting called for that purpose, whichever happens first.
(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this item other than the costs of conducting the meeting and hire of an external venue. (Estimated to be $10,150)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic management implications contained in this report.

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council is required by the *Local Government Act 1995* to consider any motions passed at the Special Meeting of Electors.

CONCLUSION

Following the Special Meeting of Electors held on the 23 January 2017, the Council at its meeting held on the 21 February 2017 resolved as follows:

That the Council having considered the voting outcomes of the two motions from the Special Meeting of Electors – Wave Park held on 23 January 2017, resolves that the motions will be included in its consideration at the time that it considers Item CD17/8095 Wave Park Group Ground Lease Recreational Facility Proposal for Tompkins Park at the February 2017 Ordinary Meeting of Council.

CARRIED UNANIMOUSLY (13/0)

Following discussion of Item CD17/8095 Wave Park Group Ground Lease Recreational Facility Proposal for Tompkins Park at the 21 February 2017 Ordinary Meeting, the Council resolved as follows:

That the Council, having considered the submissions as set out in this report:

1. By absolute majority decision authorises the Chief Executive Officer to proceed with the drafting and negotiation of a ground lease agreement with Wave Park Group Pty Ltd.

2. Requests the Chief Executive Officer to present the ground lease agreement to an Elected Member Information Session prior to seeking final authority from the Council to execute the agreement.

3. Requests the Chief Executive Officer to, by way of a notice on the city's website, advise the public and all parties who provided submissions that the ground lease proposal by Wave Park Group Pty Ltd has been progressed by the Council.

4. If the proposal proceeds and in the event that the City requires less groundwater for its Tompkins Park facilities, any excess groundwater pumping capacity this provides under the City's licence through the Rights in Water and Irrigation Act will be used on other City parks or reserves";

5. In the event that the proposal is supported in this meeting, the final lease agreement, with all relevant regulatory approvals in place, must be finalised by February 28, 2019, or the proposal lapses, unless this date is amended by Council prior to 28 February, 2019."

At 7:44pm Dr Silcox left the meeting and returned at 7:46pm
At 7:48pm Cr Schuster left the meeting and returned at 7:50pm
At 8:13pm Cr Woodall left the meeting and returned at 8:15pm

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

6. In the event that the proposal is supported in this meeting, the final lease agreement, with all relevant regulatory approvals in place, must be finalised by February 28, 2019, or the proposal lapses, unless this date is amended by Council prior to 28 February, 2019.

7. In the event the proposal is supported in this meeting the Council provides to the Wave Park Group all information it holds by way of regulatory correspondence and consulting reports other than confidential documents in respect to the Contaminated Sites Act 2003 and relevant classifications of the land, which is the subject of this proposal.

8. In the event that the proposal is supported in this meeting, the final lease agreement contain a clause requiring Wave Park Group Pty Ltd provide and maintain for the term of the lease a bank guarantee, or similar security, of an amount sufficient to cover the total costs of "make good" and (remediation and rehabilitation) of the ground lease site, to be accessed by the city in the event of the failure or inability of Wave Park Group Pty Ltd to continue operating the facility.

CARRIED BY ABSOLUTE MAJORITY (8/5)

This report recommends that the motion carried at the Special Meeting of Electors held on the 15 March 2017 be considered and noted.

OFFICER RECOMMENDATION (5541) **NOTING**

At 7:39pm Moved Cr Aubrey, Seconded Cr Macphail -

That the Council;

1. Having considered the motion from the Special Meeting of Electors held on 15 March 2017, notes the intent of the motion.

2. Requests the Chief Executive Officer to advise the mover of the Motion at the Special Meeting of Electors in writing of the Council's resolution.

AMENDMENT 1

At 7:42pm Moved Cr Woodall, Seconded Cr Schuster -

That the council amend the officer's recommendation by adding after the words "notes the intent of the motion". in point 1 the following:

"and resolves that the motion will be included in its consideration at the time that it considers the final proposed ground lease to Wave Park Group Pty Ltd at a future ordinary meeting of council.

At 7.47pm the Mayor submitted the amendment, which was declared

LOST (6/7)

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

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*).

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Aubrey	No
Cr Barling	No
Cr Barton	No
Cr Foxton	No
Cr Pazolli	No
Mayor Aubrey	No

Amendment 2

At 7:51pm moved Cr Pazolli, seconded Cr Barton -

That item 3 be added o the Officers Recommendation as follows:

"3. Requests the Chief Executive Officer to prepare a report for Council's consideration on the serious issues raised at the Special Meeting of Electors."

At 8.29pm the Mayor submitted the amendment, which was declared

LOST (3/9)

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

Vote Result Summary	
Yes	3
No	9

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Pazolli	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Wieland	No
Cr Woodall	No
Mayor Aubrey	No

Amendment 3

At 8:30pm Cr Robartson moved, seconded Cr Woodall -

That item 3 be added to the Officers Recommendation as follows:

"3. Requests the Chief Executive Officer to arrange a Special Elected Members Information Session meeting to enable consideration of the issues raised at the Special Meeting of Electors on 15 March 2017."

At 8.49pm the Mayor submitted the amendment, which was declared

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Aubrey	No
Cr Foxton	No

M17/5541 – SPECIAL MEETING OF ELECTORS – MELVILLE BOWLING CLUB SITE – MOTIONS CARRIED (REC)

COUNCIL RESOLUTION (5541)

That the Council;

1. Having considered the motion from the Special Meeting of Electors held on 15 March 2017, notes the intent of the motion.

2. Requests the Chief Executive Officer to advise the mover of the Motion at the Special Meeting of Electors in writing of the Council's resolution.

3. Requests the Chief Executive Officer arrange a Special Elected Members Information Session meeting to enable consideration of the issues raised at the Special Meeting of Electors on 15 March 2017.

At 8.52pm the Mayor submitted the motion as amended, which was declared

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Foxton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No

15. EN BLOC ITEMS

At 9.38pm Cr Schuster moved, seconded Cr Woodall –

That the recommendations for items, M17/5000, C17/6000, and C17/6001 be carried En Bloc.

At 9.38pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9:39pm.