



**MINUTES  
OF THE  
ORDINARY MEETING OF THE COUNCIL  
HELD ON  
TUESDAY 18 NOVEMBER 2014  
AT 6.30PM IN THE COUNCIL CHAMBERS  
MELVILLE CIVIC CENTRE**

**DISCLAIMER**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

## **CONTENTS PAGE**

	<b>Item Description</b>	<b>Page Number</b>
<b>ITEMS FROM THE GOVERNANCE COMMITTEE MEETING 4 NOVEMBER 2014</b>		
<b>M14/5393</b>	New Council Policy – Elected Members Allowances and Expenses	5
<b>M14/5394</b>	New Council Policy – Elected Member Professional Development	14
<b>M14/5397</b>	Review of Governance Committee Charter	25
 <b>ITEMS FROM THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING 10 NOVEMBER 2014</b>		
<b>M14/5399</b>	Review of Financial Management, Audit, Risk & Compliance Committee Charter	29
<b>C14/6076</b>	City of Melville Annual Financial Statements 2013/2014	33
 <b>URBAN PLANNING</b>		
<b>P14/3564</b>	Signage (Retrospective) at Lot 26 (No. 579) Canning Highway, Alfred Cove	50
<b>P14/3565</b>	Home Occupation Use for Soft Tissue Massage (Retrospective) at Lot 53 (No. 44) Kitchener Road, Melville	55
<b>P14/3567</b>	Reconsideration of a Proposed Change of Use from ‘Residential’ to ‘Bed and Breakfast Accommodation’ At Lot 154 (No. 37) Hillock Circle, Leeming	41
<b>P14/3560</b>	Review of Council Policy – CP-056: Planning Process and Decision Making	60
<b>P14/3566</b>	Review of Council Policy CP-050: Bed and Breakfast Accommodation	68
<b>P14/3568</b>	Initiation of The Naming of The Park Located on the Former Carawatha Primary School Site (10 Archibald Street, Willagee)	72
 <b>TECHNICAL SERVICES</b>		
<b>Nil</b>		
 <b>COMMUNITY DEVELOPMENT</b>		
<b>Nil</b>		

**MANAGEMENT SERVICES**

<b>M14/5388</b>	City of Melville Local Government Elections 2015	78
<b>M14/5389</b>	Adoption of the Proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014	83
<b>M14/5391</b>	City of Melville Annual Report 2013-2014	88
<b>M14/5000</b>	Common Seal Register	95

**CORPORATE SERVICES**

<b>C14/6074</b>	Supply of Construction, Building Project Management, Carpentry and Painting Services for a Three Year Period CO18/14	100
<b>C14/6000</b>	Investment Statements for September 2014	108
<b>C14/6001</b>	Schedule of Accounts Paid for September 2014	115
<b>C14/6002</b>	Statements of Financial Activity for September 2014	119

**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, 18 NOVEMBER 2014.**

---

**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 & 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, Russell Aubrey

**COUNCILLORS**

Cr N Foxtton (Deputy Mayor)  
Cr M Reynolds  
Cr D Macphail, Cr R Aubrey  
Cr C Robartson, Cr R Willis  
Cr C Schuster, Cr N Pazolli  
Cr J Barton, Cr S Taylor-Rees  
Cr R Hill, Cr P Phelan

**WARD**

University  
University  
City  
Bull Creek/Leeming  
Applecross/Mount Pleasant  
Bicton/Attadale  
Palmyra/Melville/Willagee

**3. IN ATTENDANCE**

Dr S Silcox  
Ms C Young  
Mr J Christie  
Mr S Cope  
Ms K Johnston

Mr P Prendergast  
Mr B Taylor  
Mr K Yeoh  
Mr J Clark

Mr N Fimmano  
Ms G Healey - Burgess

Chief Executive Officer  
Director Community Development  
Director Technical Services  
Director Urban Planning  
Executive Manager Organisational  
Development  
Manager Statutory Planning  
Manager Financial Services  
Senior Financial Accountant  
Governance & Compliance Program  
Manager  
Governance & Property Officer  
Minutes Secretary

There were nine members from the public and one member from the Press representing the Melville Times in the Public Gallery.

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

Nil

**4.2 APPROVED LEAVE OF ABSENCE**

Nil

**5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil

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

Nil

**6. QUESTION TIME**

Nil

**7. AWARDS AND PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 21 OCTOBER 2014**  
**Minutes 21 October 2014****COUNCIL RESOLUTION**

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

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 21 October 2014, be confirmed as a true and accurate record.**

At 6:39pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 4 NOVEMBER 2014**  
**Notes 4 November 2014****COUNCIL RESOLUTION**

At 6:39pm Cr Willis moved, seconded Cr Hill –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 4 November 2014, be received.**

At 6.39pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

At 6:42 pm Mr N Fimmano left the meeting and returned at 6:43pm

**8. CONFIRMATION OF MINUTES (Continued)****8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING – 10 NOVEMBER 2014****COUNCIL RESOLUTION**

At 6.42pm Cr Macphail moved, seconded Cr Hill –

**That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday 10 November 2014 be noted.**

**NB:**

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

At 6.42pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

**8.4 GOVERNANCE COMMITTEE – 4 NOVEMBER 2014****COUNCIL RESOLUTION**

At 6.43pm Cr Schuster moved, seconded Cr Aubrey –

**That the Minutes of the Governance Committee Meeting held on Tuesday 4 November 2014 be noted.**

**NB:**

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

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

**CARRIED UNANIMOUSLY (13/0)**

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

Nil

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

M14/5000 – Cr Schuster – Interest under the Code of Conduct

**10. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 6.43pm Cr Schuster moved, seconded Cr Taylor-Rees -

**That the applications for new leaves of absence submitted by Cr Barton on 18 November 2014, be granted.**

At 6.44pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (13/0)**

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

Nil

**12. PETITIONS**

Nil

**13. ITEMS FROM THE GOVERNANCE COMMITTEE 4 NOVEMBER 2014**

The following items from the Governance Committee meeting of 4 November 2014 require consideration by the Council.

**M14/5393 – NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Policy & Policy Development 5 5A
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	: M14/5372 – Salaries and Wages Tribunal – Elected Member Fees, Expenses and Allowances (July 2014) M13/5306 – Salaries and Wages Tribunal – Elected Members Fees and Allowances (August 2013)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In 2013 the Salary and Wages Tribunal was empowered to determine allowances and reimbursements paid to local government Elected Members.
- This policy has been reviewed and restructured to take into account the determination by the Salary and Wages Tribunal and the other forms of legislation associated with the allowances paid and expenses reimbursed to Elected Members.
- This policy review has separated the original CP 013 Elected Members Allowances, Claims for Expenses and Conference Attendance Policy in to two separate policies.
- It should be noted that the Salary and Wages Tribunal will undertake an annual determination of the allowances and fees payable to local government Elected Members.

**BACKGROUND**

In February 2013, the *Salaries and Allowances Act 1975* and the *Local Government Act 1995* were amended in order to empower the Salaries and Allowances Tribunal to determine the fees, allowances and reimbursements payable to local government Elected Members from 1 July 2013. This matter was presented to the Ordinary Meeting of Council held 20 August 2013, Council resolved:

*“That Council note the Chief Executive Officer will be undertaking a comprehensive review of Council Policy CP-013 Elected Members Allowances, Claims For Expenses And Conference Attendance in order to ensure that the basis for payment of Fees, Allowances and Expense Reimbursements is more clearly stated than at present and that the reviewed Policy will be submitted it to a future meeting of Council for consideration and adoption.”*

A further item was presented to Council in July 2014 that dealt with the recommendations from the Salaries and Wages Tribunal’s 2014 on Local Government Elected Members.

**DETAIL**

The Council Policy [CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance](#) has undergone a comprehensive review and in order to meet the request to ensure the policy more clearly states the basis for payment of Fees, Allowances and Expense Reimbursements, this policy has been divided into two separate policies:

This item deals with the proposed new Elected Member Allowances and Expenses Policy.

The Policy has been reviewed in conjunction with the Salary and Wages determination and amendments have been made to restructure the Policy with the intention of clarifying the entitlements of Elected Members and ensuring the Policy reads in a logical and easily understood format. The table below highlights the significant variations proposed in the new policy and provides the rational for each of them.

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>Objective</b>	<p>To set out the levels of allowances and reimbursement of out of pocket expenses that will be paid to Elected Members in order to enable them to effectively carry out their functions as an Elected member of the City of Melville and ensure that whilst the time spent carrying out the functions of their role is largely provided on a voluntary basis, they are not unduly financially disadvantaged when doing so.</p> <p>To set out the parameters under which Elected Members may attend conferences and seminars in order to develop and enhance their knowledge pertaining to their role, understand their obligations as Elected Members, make well informed decisions and effectively represent their constituents.</p>	<p>This Policy provides guidance and clarity with regard to the allowances and expenses that will be paid to Elected Members in accordance with the <i>Local Government Act 1995, Local Government (Administration) Regulations 1996</i> and the <i>Salaries and Allowances Act 1975</i>, to enable them to effectively carry out their functions as an Elected Member of the City of Melville and ensure that, whilst the time spent carrying out the functions of their role is largely provided on a voluntary basis, they are not unduly financially disadvantaged when doing so.</p> <p>The Salaries and Wages Tribunal's undertakes an annual determination of fees and expenses payable to local government Elected Members.</p>
<b>Scope</b>	<p>The scope to this policy extends to identifying eligibility of Elected Members to statutory fees and reimbursements and the extent of value and matters that will be reimbursed for discretionary expenditure associated with the role of Elected Member.</p> <p><b>Rational:</b> The Scope has been reworded to simplify its intent and provide clarity on the application of this Policy.</p>	<p>This policy is relevant to the Mayor and Elected Members and their entitlement to allowances and reimbursement of expenses incurred in the performance of their official duties.</p>

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>Definition &amp; Explanatory Text</b>		<p>Inclusion of new opening paragraph:</p> <p>This Policy has been developed in accordance with the Western Australia <i>Salaries and Allowances Act 1975</i>, determination by the Salaries and Allowances Tribunal on Local Government Elected Council Members Pursuant to Sections 7(B), determination of a banding structure providing guidance to local governments for the payment of Meeting Attendance Fees and Allowances to Elected Members. Under the Tribunal's determination, the City of Melville has been allocated a Level 1 band (the highest level). This determination is operational from 1 July 2013.</p>
	<b>Rational:</b> This information gives a background to the development of the Policy in association with the initial determination of the Salary and Wages Tribunal that set the Level 1 Band for the City of Melville.	
<b>Definition &amp; Explanatory Text</b>		<p>Inclusion of new definition:</p> <p><u>Annual Meeting Attendance Fee</u> - An annual fee paid in lieu of a per meeting fee which is set by absolute majority decision of Council, for attendance at Committee, Council and other meetings of a prescribed nature as defined in Regulation 30(3A) of the <i>Local Government (Administration) Regulations 1996</i>.</p>
	<b>Rational:</b> Included to provide clarity on the new terminology used to describe the Fee paid to Elected Members for attending meetings.	

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>Definition &amp; Explanatory Text</b>	<p><u>Telecommunications Expenses</u> – Includes all costs associated with the land line and mobile phones and facsimile transmissions including the cost of acquisition of telephone handsets and facsimile machines, multi-function centre/devices, hands free telephone kits, line rental charges, internet connection and usage charges, call charges and connection and disconnection charges.</p> <p><b>Rational:</b> Clause amended to provide clarity on the new terminology for the Allowance paid to Elected Members with regards to Information, Technology and Communications.</p>	<p>Deleted and replaced with:</p> <p><u>Information, Communication Allowance (ICT)</u> – Replaces the previous Telecommunication Expenses and Information Technology Expenses and includes, but is not limited to, costs associated with acquisition, installation, rental, connection, disconnection, usage charges, hardware, software, digital storage, accessories and consumables associated with telephones, computers, laptops, tablets and multi-function devices.</p>
<b>Definitions &amp; Explanatory Text</b>	<p><u>Special Capital Office Expenses</u> – Includes such items as a digital camera, office furniture and other home office equipment items that assist Elected Members to undertake their role.</p> <p><b>Rational:</b> Provides clarity that this is a once-off allowance that is only available for the 12 months immediately following an Elected Member gaining a position on Council.</p>	<p>Amended to read:</p> <p><u>Special Capital Office Allowance</u> - Includes such items as office furniture and other home office equipment items that assist Elected Members to undertake their role and is a once-off allowance for new Elected Members to be claimed in the twelve months immediately following their election.</p>
<b>General</b>	<p>Section 1 – Expenses and Allowances</p> <p><b>Rational:</b> This section has been reviewed and restructured to address the Allowances as highlighted in the Salary and Wages Tribunal determinations:</p> <ul style="list-style-type: none"> <li>• Annual Allowances</li> <li>• Meeting Attendance Fees</li> <li>• Information, Communication and Technology Allowance and the timing of payments of these.</li> </ul>	<p>Section 1 - Allowances</p>

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>General</b>	Section 2 – Meeting Attendance/Sitting Fees	Section 2 - Reimbursements
	<p><b>Rational:</b> This section has been reviewed and restructured to address the items that may be reimbursed in accordance with the determination of the Salary and Wages Tribunal, the <i>Local Government Act 1995</i>, <i>Local Government (Administration) Regulations 1996</i> and the <i>Public Service Award 1992</i>. Items include:</p> <ul style="list-style-type: none"> <li>• Travel</li> <li>• Childcare Expenses</li> <li>• Carer/Support Work Expenses</li> <li>• Mayoral Vehicle</li> <li>• Other Expenses</li> </ul> <p>and how these items may be claimed and payment made.</p>	
<b>General</b>	Section 3 – Elected Member Support from Corporate Funds	Section 3 – Equipment and Support.
	<p><b>Rational:</b> This section has been reviewed and restructured to provide clarity on the specific items the City provides in support of Elected Members and includes:</p> <ul style="list-style-type: none"> <li>• Special Capital Office Allowance</li> <li>• Provision of Computer/Laptop/Tablet</li> <li>• Maintenance of Computer/Laptop/Tablet</li> <li>• Additional Items.</li> </ul>	
<b>Training and Development</b>	Section 4 - Conference/ Congress/ Seminar/ Training Course Attendance	Deleted
	<p><b>Rational:</b> This section, along with all other references to training and development associated with Elected Members has been deleted as a new policy has been developed to deal specifically with this issue.</p>	
<b>Other Expenses</b>		<p>Inclusion of new Clause 2.5 – Other Expenses</p> <p>It is not expected that Elected members will incur any other expenses in the performance of their duties. Should an Elected Member incur an expense they believe they are entitled to have reimbursed; the matter should be presented to the Governance Committee for determination.</p>
	<p><b>Rational:</b> The structure allowances and fees by the Salary and Wages Tribunal determination is to alleviate the need for discretion to be applied when reimbursing expenses for Elected Members. This clause provides an avenue for an Elected Member to claim a genuine expense be incurred in the course of their role representing the community that may not be covered by the Fees and Allowances set by the Tribunal.</p>	

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Consultation with the community has not been undertaken as this is a matter for the Council to make a determination on.

**II. OTHER AGENCIES / CONSULTANTS**

As part of the 2014 determination process, the Salary and Wages Tribunal approach to the entitlements of elected members was to:

- advertise for public submissions;
- write via email to local governments and regional local governments inviting them to raise any comments or issues relevant to the determination of fees, expenses and allowances;
- seek information from local government and regional local governments regarding the fees, expenses and allowances paid to elected council members in consideration of the 2013 determination;
- consider relevant labour market and economic data; and
- seek advice from the Statutory Advisor, Ms Jennifer Mathews, Director General, Department of Local Government and Communities (DLGC).

A total of ten submissions were received from seven local governments and three councillors.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Tribunal determine the fees, allowances payable and expenses reimbursable to local government Elected Members.

Section 5.98 to 5.99A of the *Local Government Act 1995* authorises the payment of fees and allowances and the reimbursement of expenses to Elected Members.

Section 5.63 of the *Local Government Act 1995* advised that Elected Members do not need to make a declaration in respect to an interest relating to a fee, reimbursement of an expense or an allowance specified under sections 5.98, 5.98A, 5.99 and 5.99A of the Act.

Regulations 31 7 32 of the *Local Government (Administration) Regulations 1996* deals with expenses that are to be reimbursed, or that may be reimbursed to Elected Members.

Regulation 34AD of the *Local Government (Administration) Regulations 1996* relates to the provision of a vehicle to the Mayor.

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

This item deals with the review of the Policy, there are no new financial implications associated with the proposed new Policy.

Any future increases associated with Elected Member Allowances and Expenses will be dealt with via further items to Council.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no identifiable strategic, risk or environmental implications.

**POLICY IMPLICATIONS**

The existing Council Policy [CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance](#) has been reviewed and separated into two Policies, with the new proposed Elected Members Allowances and Expenses Policy intend to provide guidance and clarity on the allowances and expenses that can be paid to Elected Members under the various forms of legislation to enable them to carry out their role without being unduly disadvantaged financially.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Governance Committee could recommend to the Council that only one Council Policy be prepared and contain all references to allowances, claims for expenses and conference attendance. However it is considered that separating the content of the original Council Policy will provide greater clarity on Elected Member fees and claims and matters associated with professional development.

**CONCLUSION**

In 2013, the Salary and Wages Tribunal were empowered to make determination on the fees, expenses and allowances for the local government Elected Members. As a result of previous items to Council, it was resolved the that existing Council Policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance undergo a comprehensive revision and be redrafted to provide clarity and clear guidance on payments and reimbursements to Elected Members.

This Policy review has restructured the existing policy to provide clear guidance and direction on legislated allowances and expense reimbursements for Elected Members.

**M14/5393 - NEW COUNCIL POLICY – ELECTED MEMBERS ALLOWANCES AND EXPENSES (REC) (ATTACHMENT)****COMMITTEE RESOLUTION (5393)****APPROVAL**

At 7.55pm Cr Robartson moved, seconded Cr Foxton –

**That the Governance Committee recommend to the Council that the Council revoke the existing policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance and replace it with the new 5393 Elected Members Allowances and Expenses Policy .**

At 8.00pm the Presiding Member submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (7/0)**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5393) APPROVAL**

**That the Council revoke the existing policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance and replace it with the new 5393 Elected Members Allowances and Expenses Policy .**

At 6.45pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**M14/5394 – NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Policy & Policy Development 5 5A
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	: C13/5267 - Policy Review – Elected Members Allowances, Claims for Expenses and Conference Attendance (April 2013).
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Following the 2013 empowerment of the Salary and Allowances Tribunal to determine certain payments for Elected Member, the original “Elected Members Allowances, Claims for Expenses and Conference Attendance has undergone a significant review, which has resulted in that Policy being split into two separate policies.
- This Policy deals specifically with the City’s support for Elected Members undertaking professional development opportunities that are directly related to the roles on Council.
- Council Policies require resolution of Council, whereas Operational Policies are approved by the Chief Executive Officer (CEO).

**BACKGROUND**

In February 2013, the *Salaries and Allowances Act 1975* and the *Local Government Act 1995* were amended in order to empower the Salaries and Allowances Tribunal to determine the fees, allowances and reimbursements payable to local government Elected Members from 1 July 2013. This matter was presented to the Ordinary Meeting of Council held 20 August 2013, Council resolved:

*“That Council note the Chief Executive Officer will be undertaking a comprehensive review of Council Policy CP-013 Elected Members Allowances, Claims For Expenses And Conference Attendance in order to ensure that the basis for payment of Fees, Allowances and Expense Reimbursements is more clearly stated than at present and that the reviewed Policy will be submitted it to a future meeting of Council for consideration and adoption.”*

**DETAIL**

The Council Policy [CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance](#) has undergone a comprehensive review and in order to meet the request to ensure the policy more clearly states the basis for payment of Fees, Allowances and Expense Reimbursements, this policy has been divided into two separate policies:

- Elected Member Allowances and Expenses
- Elected Member Professional Development

This item deals with the proposed new Elected Member Professional Development Policy.

The table below highlights the significant variations proposed in the new policy and provides the rational for each of them.

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>Objective</b>	To set out the parameters under which Elected Members may attend conferences and seminars in order to develop and enhance their knowledge pertaining to their role, understand their obligations, as Elected Members, make well informed decisions and effectively represent their constituents.	In the interest of ensuring Elected Members understand their obligations as Elected Members, make well informed decisions and effectively represent their constituents, the City provides support for Elected Members to attend conferences, seminars, training and other professional development opportunities in order to develop and enhance their knowledge pertaining to their role.
	<b>Rational:</b> The objective has been reworded to provide clarity on the intent of the policy and the City's commitment in providing support to Elected Members to attend training and professional development opportunities to enable them to meet their obligations as Elected Members.	
<b>Scope</b>	N/A	This policy provides guidance with respect to the entitlements associated with the attendance of the Mayor and Elected Members at conferences, seminars, training and development programs and courses.
	<b>Rational:</b> The existing Policy Scope does not refer to the attendance of Elected Members at professional development opportunities.	

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>Elected members making own arrangements</b>	<p>Clause 3 – Allowances in lieu of reimbursement of travelling and accommodation expenses is the same amount as the amount to which a person would be entitled for those expenses in the same circumstances under the Public Service Award (Public Service Award 1992).</p> <p>Where an Elected Member wishes to make their own arrangement in respect to accommodation &amp; travelling, payments will be made in accordance with Section 34.AB of the Local Government Act (Administration Regulations) 1996.</p>	<p>2.4 Where an Elected Member wishes to receive an upfront payment for sustenance and daily incidental expenses, which need not be acquitted, this will be paid in accordance with the <i>Public Service Award 1992</i>. No allowances can be claimed for accommodation/meals where such services are already supplied within the course/conference or travel costs.</p> <p>Clause 1.3 – Travel, accommodation and registration arrangements shall be made by the City, however where an Elected Member has approval to make their own arrangements in respect to accommodation and travelling, reimbursement will be made in accordance with this policy on presentation of appropriate receipts.</p> <p><b>Rational:</b> Section 3.4AB of the <i>Local Government (Administration) Regulations 1996</i> was deleted via the Government Gazette 13 July 2012.</p> <p>It is more cost effective and efficient for the City to undertake all bookings on behalf of an Elected Member, in order to take advantage of discounts, reducing double handling and to ensure the necessary paperwork is completed for compliance/audit purposes.</p>

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>General</b>	Section 3.4AB of the <i>Local Government (Administration) Regulations 1996</i> .	All references to this clause have been deleted.
	<b>Rational:</b> Section 3.4AB of the <i>Local Government (Administration) Regulations 1996</i> was deleted via the Government Gazette 13 July 2012.	
<b>Accompanying Person</b>	Clause 5 – Accompanying person costs will be limited to those applicable to any accompanying person's program for spouses and conference dinner only.	Amended to: Clause 2.6 – Accompanying person costs will be limited to one accompanying person's program for the partners and one conference dinner only, and these costs will be deducted from the relevant Elected Member's Annual Conference allocation.
	<b>Rational:</b> Provides clarity that and accompanying person can be a spouse/partner and that these costs are deducted from the Elected Member's annual allocation.	
<b>New</b>	N/A	Clause 5 – Sharing of Knowledge. Within a reasonable timeframe, which should not exceed 60 days from the return from the conference/training/seminar the Elected Member shall provide a written report relating to the event for the information of other Elected Members and for the City's records. The report shall be provided on the approved template and relevant conference papers shall be attached. The CEO will arrange for the report to be included on the Councillors Extranet.
	<b>Rational:</b> This clause has been developed in ensure transparency in training and development opportunities and to ensure that information and learnings from these opportunities are shared with other Elected Members in a consistent manner. This process also provides an opportunity to determine the suitability of training/seminars/conferences for future delegates. <a href="#">An Elected Members Professional proforma report</a> template has been developed as part of this policy review.	

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>New</b>	N/A	<p>Clause 4 – Conditions of Approval. Approval should be obtained from the Council:</p> <ul style="list-style-type: none"> <li>• For attendance at conferences/training/seminars after 30 June in the year an Elected Member’s term of office ends;</li> <li>• Where two or more Elected Members have requested to attend the same conference outside of Western Australia at the same time;</li> <li>• Where the Elected Member does not have sufficient funds available in their Training and Development allocation to meet all associated costs.</li> </ul>
	<b>Rational:</b> This clause provides clarity on when requests for professional development opportunities that are outside the intent of this policy are required to be presented to Council for approval.	
<b>New</b>	N/A	<p>Clause 2.7 – Elected Members may chose, in writing, not to be reimbursed for any costs associated with their professional development.</p>
	<b>Rational:</b> Point 8 of the 2014 Salaries and Allowances Tribunal determination state that “Elected Members have the ability to waive their entitlements or claim less than the awarded amount by writing to their Local Government in accordance with any relevant policy.	
<b>New</b>		<p>Clause 2.3 – Registration fees may include, where applicable, event registration, dinners, technical tours and associated workshops as identified in the event program.</p>
	<b>Rational:</b> Modern professional development opportunities now include a host of value-add extras for delegates. This clause provides clarity that the City will meet the cost of these extras if they are included as part of the official event program.	

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

	<b>Existing Policy</b>	<b>Proposed Policy</b>
<b>New</b>		Clause 1.9 – Where travel is involved, the cost of the shortest, most practical route to and from the event venue will be met by the City for the respective Elected Member. Travel will be arranged for the Elected Member to arrive the day prior for events that commence prior to 12 noon and the same day for events that commence after 12 noon and depart the same day for events that conclude prior to 5pm and the next day for events that conclude after 5pm. Should an Elected Member wish to travel on different days or via alternative routes, they will be responsible for any additional travel, accommodation, meal and incident costs.
	<b>Rational:</b> This provides clarity on the costs the City will meet and the costs the Elected Member will be required to meet with respect to travel to and from events.	
<b>New</b>		<p>Clause 2.5 – Transport</p> <ul style="list-style-type: none"> <li>• Elected Members shall be provided with a sufficient number of Cab-Charge vouchers for travel to and from the conference, airport and other identified destinations.</li> <li>• Hire cars may only be booked as part of the conference/training costs if it is deemed to be more economical.</li> </ul>
	<b>Rational:</b> This has been included to provide clarity on what transport costs will be met for Elected Members in undertaking professional development opportunities	

It should also be noted that the Professional Development of Elected Members is a specific issue being considered by the Salary and Allowances Tribunal on Local Government Elected Members with the 2013 determination initially considered the issue training and professional development with the following findings:

- “53. *The Tribunal noted that there were some local governments whose council members typically did not claim their entitlement to travel expenses for attendance at meetings, while others did make claims. Furthermore, local governments allocated to band 1 and band 2 were more likely to pay higher travel expenses for councillors including travel to attend training, professional development courses and forums of local governments at state and national level.*

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

69. *The desire for well-trained council members was shared by WALGA and all those in the local government sector with whom the Tribunal consulted during the course of its inquiry. Some observations regarding the need for training and some of the barriers to accessing training have been discussed here.*
70. *There are currently gaps in the availability, scope and recognition of training packages for council members. The Tribunal considered that at this point it was not possible to provide incentives or rewards for completion of training in the absence of widely accessible and nationally recognised training packages. The Department of Local Government is currently exploring options with training providers for the delivery of council member training within the Australian Qualifications Framework including option for online training.*
71. *The Tribunal will continue to monitor the situation with a view to developing a means of rewarding training as part of the framework of fees, expenses and allowances in the next determination or sooner if the opportunity arises.”*

The professional development training was again considered in the 2014 Determination of the Salary and Allowances Tribunal on Local Government Elected Council Members with the following being reported:

- “29. *As part of the Tribunal’s 2013 inquiry, the Minister for Local Government requested that consideration be given to the possibility of providing incentives for elected council members who participate in training programs in an effort to increase the capacity of local governments to successfully deliver services to the community.*
30. *Advice received from the DLGC is that \$1.52m of funding (\$260,000 in 2013-14) has been received as part of the Royalties for Region program to enable the delivery of training to elected council members of non-metropolitan local governments. The proposed training project will support country local governments to improve governance and decision-making and upon completion, provide a pathway into the Elected Member stream of the Diploma of Local Government provided by WALGA. The skill set for local government elected council members is set out in the LGA04 Government Training Package of the Australian Qualifications Framework.*
31. *The DLGC has informed the Tribunal that training will be offered in the first instance via two pilot programs to a limited number of elected council members in central regional locations by 30 June 2014.*
32. *Given that this determination will be issued prior to the DLGC completing its evaluation of the pilot programs, the Tribunal considered that it was not appropriate to provide incentives or rewards for completion of training as part of this determination.*
33. *The Tribunal will monitor the situation with a view to developing a means of rewarding training as part of the framework of fees, expenses and allowances in the next determination or sooner if the opportunity arises.”*

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Consultation with the community has not been undertaken as this is a matter for the Council to make determination on.

**II. OTHER AGENCIES / CONSULTANTS**

As part of the 2014 determination process, the Salary and Wages Tribunal approach to the entitlements of Elected Members was to:

- advertise for public submissions;
- write via email to local governments and regional local governments inviting them to raise any comments or issues relevant to the determination of fees, expenses and allowances;
- seek information from local government and regional local governments regarding the fees, expenses and allowances paid to elected council members in consideration of the 2013 determination;
- consider relevant labour market and economic data; and
- seek advice from the Statutory Advisor, Ms Jennifer Mathews, Director General, Department of Local Government and Communities (DLGC).

A total of ten submissions were received from seven local governments and three councillors.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Tribunal determine the fees, allowances payable and expenses reimbursable to local government Elected Members.

Section 5.98 to 5.99A of the *Local Government Act 1995* authorises the payment of fees and allowances and the reimbursement of expenses to Elected Members.

Section 5.63 of the *Local Government Act 1995* advised that Elected Members do not need to make a declaration in respect to an interest relating to a fee, reimbursement of an expense or an allowance specified under sections 5.98, 5.98A, 5.99 and 5.99A of the Act.

**FINANCIAL IMPLICATIONS**

The City currently budgets \$4,750.00 per annum, per elected member for the purpose of training and professional development. The CEO has an additional budget allocation each year to provide for elected members attendance at the annual Western Australia Local Government Association conference and other training and development opportunities aligned with their role.

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no identifiable strategic, risk or environmental implications.

**POLICY IMPLICATIONS**

The existing Council Policy [CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance](#) has been reviewed and separated into two Policies, with the new proposed Elected Members Professional Development Policy intend to provide clarity and clear guidance on the support the City provides to Elected Members in ensuring they understand their obligations and are able to undertake training and development opportunities to ensure they are able to make well informed decisions and effectively represent their constituents.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS****CONCLUSION**

In 2013, the Salary and Wages Tribunal were empowered to make determination on the fees, expenses and allowances for the local government Elected Members. As a result of previous items to Council, it was resolved that existing Council Policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance undergo a comprehensive revision and be redrafted to provide clarity and clear guidance on payments and reimbursements to Elected Members.

Taking into consideration the findings of the Salary and Wages Tribunal that are specific to the training and development of Elected Members, it was considered appropriate to develop a Policy specific to this matter to ensure clarity and transparency. The new Policy provides more specific guidelines than the previous policy and attempts to address issues associated with modern professional development opportunities and knowledge sharing within the public sector.

**COMMITTEE RESOLUTION (5394)****APPROVAL**

At 8.00pm Cr Schuster moved, seconded Cr Aubrey –

**That the Governance Committee recommend to the Council that the Council revoke the existing policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance and replace it, in part, with the new 5394 Elected Members Professional Development Policy .**

**M14/5394 - NEW COUNCIL POLICY – ELECTED MEMBER PROFESSIONAL DEVELOPMENT (REC) (ATTACHMENT)**

The mover and seconder agreed to incorporate the following text into the substantive motion:

**Amendment 1**

That the Governance Committee amend the Elected Member Professional Development Policy as below:

- 1 At clause 1.8 – Conference/Congress/Seminar/Training Course Attendance delete the word “5pm” and insert “12 noon” to then read “..depart the same day for events that conclude prior to 12 noon..”.
- 2 At clause 3 – Elected Member Support from Corporate Funds add the words “.. or the Annual Australian Local Government Association Conference” after the word “..conference” at the end of the sub-point 2.
- 3 At clause 3 – Elected Member Support from Corporate Funds at sub point two, add the words “.. or delegate” after the words “..Deputy Mayor”.

At 8.25pm the Presiding Member submitted the substantive motion, which was declared  
**CARRIED UNANIMOUSLY (7/0)**

**Reasons**

- 1 It is considered that departure in an afternoon after a conference is onerous given the flight times to Perth from other States. The few hours additional time will provide an opportunity to meet with other conference delegates.
- 2 The option to attend either the Australian Local Government Association Conference or the Western Australian Local Government Managers Association Conference allows for the Mayor or Deputy Mayor to review the conference program and select the conference that offers the greater benefit.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5394) APPROVAL**

**That the Council revoke the existing policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance as amended and replace it, in part, with the new [5394 Elected Members Professional Development Policy](#) .**

At 6.45pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**M14/5397 – REVIEW OF GOVERNANCE COMMITTEE CHARTER (REC) ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Audit - Financial – Policies, Procedures, Meeting Agenda and Minutes
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	: C12/5218 – Ordinary Meeting of the Council 20 March 2012
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5397 – REVIEW OF GOVERNANCE COMMITTEE CHARTER (REC) ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Governance Committee Charter has not been reviewed since 2012.
- A review of the Charter has been conducted and is the subject of this report.
- It is recommended that the Governance Charter be approved.

**BACKGROUND**

The previous review of the Committee's Charter was reported in March 2012. The Charter requires review to be consistent with the Council's expectations of the Committee.

**DETAIL**

The Charter [5397 Governance Committee Charter](#) of the Governance Committee has been reviewed and the following minor amendments were made to the Charter:

- The wording "the Local Government Act 1995" has been changed to be shown in italics throughout the document.
- The bullet points have been amended by deleting the box in front of the sentence.

There were no other amendments to the Governance Committee Charter.

The Committee does not have a delegation or power other than to review matters described in the Charter and refer decisions and recommendations to the Council.

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

Not applicable

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable

**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995 at Section 5.8 provides:

*"5.8. Establishment of committees  
A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees."*

**M14/5397 – REVIEW OF GOVERNANCE COMMITTEE CHARTER (REC) ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The review of the Governance Committee's Charter ensures that it is consistent with the requirements of the Council.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
That the Administration undertakes financial functions without appropriate review by the Council or a Committee	<b>High</b>	Ensure the Committee Charter identifies and lists matters that must be examined at an appropriate time.

**POLICY IMPLICATIONS**

The Governance Committee will ensure a policy review is conducted every two years.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The review of the Charter does not present an alternative option.

**CONCLUSION**

The amendments to the Charter are minor and it is recommended that the Governance Charter be approved.

**COMMITTEE RESOLUTION (5397)**

**APPROVAL**

At 8.46pm Cr Robartson moved, seconded Cr Foxtton –

**That the Governance Committee recommend to the Council that the Governance Committee Charter as attached be approved.**

**5397 Governance Committee Charter**

At 8.46pm the Presiding Member submitted the motion, which was declared

**CARRIED (7/0)**

**M14/5397 – REVIEW OF GOVERNANCE COMMITTEE CHARTER (REC) ATTACHMENT)**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5397) APPROVAL**

**That the Council approve the Governance Committee Charter as attached.**  
**[5397 Governance Committee Charter](#)**

At 6.45pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**14. ITEMS FROM THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE 10 NOVEMBER 2014**

The following items from the Financial Management, Audit, Risk and Compliance Committee meeting of 10 November 2014 require consideration by the Council.

**M14/5399 – REVIEW OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE CHARTER (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Audit - Financial – Policies, Procedures, Meeting Agenda and Minutes
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	: C11/5210 – Special Meeting of the Council – 22 September 2011
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5399 – REVIEW OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE  
COMMITTEE CHARTER (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Financial Management, Audit, Risk and Compliance Committee Charter (the Charter) has not been reviewed since 2011.
- A review of the Charter has been conducted and is the subject of this report.
- It is recommended that the amended Financial Management, Audit, Risk and Compliance Committee Charter be supported by the Committee and recommended to the Council for approval.

**BACKGROUND**

The previous review of the Committee's Charter was reported in November 2011. The Charter requires review to be consistent with the Council's expectations of the Committee.

**DETAIL**

The Charter [5399 Charter for FMARCC](#) of the Financial Management, Audit, Risk and Compliance Committee has been reviewed and the following minor amendments were made to the Charter:

- The wording "the Local Government Act 1995" has been changed to be shown in italics throughout the document.
- Deleted dot point 1 under clause 2 and replaced with:
  - The composition, delegation and decision of an audit committee
  - The appointment of auditors
  - The conduct of an audit
  - The duties of Local Government with respect to audits
- Deleted "and the Chief Executive Officer" from last dot point under Clause 2.
- Deleted "Council" and replaced with "City" in item 6.
- Deleted "any contracted" from first dot point on page 4.

The Committee does not have a delegation or power other than to review matters described in the Charter and refer decisions and recommendations to the Council.

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

Not applicable

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable

**M14/5399 – REVIEW OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE  
COMMITTEE CHARTER (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

The Council is required to have an Audit Committee under S 7.1A of the *Local Government Act 1995* consisting of three or more persons. This statutory requirement is met by the composition of the Committee.

**FINANCIAL IMPLICATIONS**

The Committee includes an external member who is paid an honorarium for his attendance at Committee meetings.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The review of the Committee's Charter ensures that it is consistent with the strategic requirements of the Council.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
That the Administration undertakes financial functions without appropriate review by the Council or a Committee	<b>High</b>	Ensure the Committee Charter identifies and lists matters that must be examined at an appropriate time.

There are no environmental management implications associated with this report.

**POLICY IMPLICATIONS**

There are no Policy Implications associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options to consider as it is the practice of the Council to review this Charter biennially.

**CONCLUSION**

This report advises that the FMARCC Charter has been reviewed and points of clarification have been made with minor amendments to the document.

**M14/5399 – REVIEW OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE  
COMMITTEE CHARTER (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (5399)      APPROVAL**

At 7.42pm Cr Aubrey moved, seconded Cr Foxtan –

**That the Financial Management, Audit, Risk and Compliance Committee recommend to the Council that the reviewed Charter of the Financial Management, Audit, Risk and Compliance Committee as attached 5399 Charter for FMARCC, be approved.**

At 7.42pm the Presiding Member submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (8/0)**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5399)      APPROVAL**

**That the Council approve the reviewed Charter of the Financial Management, Audit, Risk and Compliance Committee as attached 5399 Charter for FMARCC.**

At 6.46pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Financial Statements
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this Annual Financial Statements has a declarable interest in this matter.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Khris Yeoh Senior Financial Accountant

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the 2013/2014 Annual Financial Statements and the Audit Completion Report, including the Proposed Independent Auditor's unqualified report prepared by the City's independent external auditor, in respect of those Financial Statements and recommends that after review and discussion with the City's Auditors the Committee recommends acceptance to the Council.
- The overall closing funds/unrestricted cash amount available to be carried forward to 2014/2015 as per the Rate Setting Statement, after taking into account Capital Expenditure and Reserve Transfers for the 2013/2014 financial year was \$1,566,790.
- This is \$1,316,790 more than the \$250,000 opening funds required to balance the 2014/2015 budget.
- This leaves the 2014/2015 financial year with a surplus that will be addressed during the 2014/2015 mid year budget review and when setting the budget for 2015/2016.

**BACKGROUND**

In accordance with Section 5.53(1) of the *Local Government Act 1995* (the Act), a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report (which includes the financial report for the year) be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report be accepted prior to the Annual Meeting of Electors. The Community Annual Report, including the abridged audited Annual Financial Statements, will be presented to Council at the Ordinary Council Meeting on Tuesday 18 November 2014.

This report is the vehicle whereby the Council will have presented for acceptance the full Annual Financial Statements for the 2013/2014 after consideration by the Financial Management, Audit, Risk and Compliance Committee (FMARCC). The Council is required to accept the full Annual Financial Statements as per Section 6.4(2) of the Act. Electors will be made aware that in addition to the Community Annual Report, which includes the abridged set of the Annual Financial Statements, the complete Annual Financial Statements will be available on request.

The Community Annual Report for 2013/2014 (including the Annual Financial Statements) requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Tuesday, 2 December 2014. The completed published document will be presented to the Council in time for the Annual General Meeting of Electors.

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)****DETAIL**

Section 5.53 of the Act requires the Annual Report to contain, among other things, the financial report for the financial year under review.

This financial report which is titled City of Melville 2013/2014 Annual Financial Statements has been prepared and includes the following:

1. Variance Report on Rate Setting Statement [6076A](#)
2. Audited Annual Financial Statements (including):  
[6076 Annual Financial Statements 2013-14](#)
  - a. Statement by the Chief Executive Officer
  - b. Audit Completion Report
  - c. Proposed Independent Auditor's Report
  - d. Management Representation Letter
  - e. Statements of Comprehensive Income by Nature or Type
  - f. Statements of Comprehensive Income by Program
  - g. Statement of Financial Position
  - h. Statement of Changes in Equity
  - i. Statement of Cash Flows
  - j. Rate Setting Statement
  - k. Notes to and Forming Part of the Annual Financial Statements

The 2013/2014 Annual Financial Statements shows a positive end to the 2013/2014 financial year for the City, with an overall surplus of \$1,566,790. This is \$1,316,790 more than the \$250,000 budgeted to balance the 2014/2015 budget. This surplus will be addressed during the 2014/2015 mid year budget review and when setting the budget for 2015/16. A brief analysis of the significant variances which contributed to this positive position is included in the Variance Report on Rate Setting Statement Attachment [6076A](#).

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

The Proposed Independent Auditor's Report provides an unqualified audit opinion in respect to the 2013/2014 Annual Financial Statements.

**STAKEHOLDER ENGAGEMENT****III. COMMUNITY**

No external public consultation has been carried out.

**IV. OTHER AGENCIES / CONSULTANTS**

The Council's independent external auditors Macri Partners have audited the 2013/2014 Annual Financial Statements.

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)**

Macri Partners, the City's external independent auditors will be attending the FMARCC meeting to discuss the Audit Completion Report including the Proposed Independent Auditor's unqualified report prepared by them.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

The net result for the 2013/2014 financial year was an operating surplus of \$14.44 million on total operating revenues of \$100.74 million, operating expenses of \$90.9 million, non operating revenues of \$2.1 million, gain on sale of the City's Collateralised Debt Obligations (CDO) investments of \$1.74 million and an increase in equity from the City's joint venture with Southern Metropolitan Regional Council of \$0.96 million.

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)**

As required under the new Accounting Standards and *Local Government Act 1995* a major revaluation for fair valuation was undertaken in 2013/2014 for all of the City's Infrastructure assets. This resulted in an increase in revaluation of non current asset values by \$25.51 million.

The Rate Setting Statement reveals an overall unrestricted cash amount / surplus available to be carried forward of \$1,566,790, after taking into account capital expenditures, reserve account transfers and the reversal of non cash items such as asset depreciation. The City budgeted for a \$250,000 opening funds surplus for the 2013/2014 financial year when setting the budget for 2014/2015 resulting in an unallocated opening funds surplus of \$1,316,790. The use of this surplus will be addressed during the 2014/2015 mid year budget review and when setting the budget for 2015/2016.

The balance of the City's cash/investment backed reserve accounts (i.e. after deducting the impaired value of investments) for 30 June 2014 was \$82,027,298, which represents an increase of \$10,996,619 over 2012/2013 levels. This is due mainly to:

- the City writing back \$1.74 million worth of CDO investments as a result of maturity or the CDO's being unwound;
- interest earnings of \$3.34 million on reserve account balances;
- an increase in the reserve transfers that were set during the budget; and
- The net sale proceeds from the sale of 35 St Michael Terrace, Mount Pleasant of \$1,382,875.

The net effect is that the cash/investment backed value of the City's longer term reserve accounts increased by \$12,500,499, from \$63,387,841 to \$75,888,340 (excluding carry forward works and unexpended tied grants).

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The increased level of surplus achieved at end of the 2013/2014 financial year will have a positive impact on the opening balance for the next financial year.

**POLICY IMPLICATIONS**

CP - 025 Accounting Policy – defines the policy relating to the preparation of the Annual Financial Statements.

CP – 008 Financial Sustainability - Forward Financial Planning and Funding Allocation.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)****CONCLUSION**

The 2013/2014 Annual Financial Statements have been completed and a short form version will be included in the Community Annual Report for 2013/2014, with the full set of financial statements being made available on the City's web-site, at its five libraries, the Civic Centre and in printed form upon request.

A proposed unqualified auditor's report was received following the final audit. This report will be discussed by the auditors with the FMARCC at its meeting to be held on 10 November 2014, following which the 2013/2014 Community Annual Report will be presented to the Council for acceptance.

The Annual Financial Statements are presented to the Committee for noting and for recommendation to the Council for acceptance (along with the Community Annual Report for 2013/2014 that will be submitted to the Council) by absolute majority decision.

At 6.44pm moved Cr Pazolli –

**That Standing Orders Clause 9.5 be suspended to allow Elected Members to speak more than once on this matter.**

The motion lapsed for want of a seconder

**OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (6076) APPROVAL**

At 6.55pm Cr Willis moved, seconded Cr Hill –

**That the Financial Management, Audit, Risk and Compliance Committee:**

- 1. Notes the City of Melville 2013/2014 Annual Financial Statements, the Independent External Auditor's Audit Completion Report and Proposed Independent External Auditor's Unqualified Report.**
- 2. Recommends to the Council -**

**That the Council, by Absolute Majority Decision, accepts the City of Melville 2013/2014 Annual Financial Statements and the Independent External Auditor's Unqualified Report component of the 2013/2014 Community Annual Report as contained in attachment 6076 Annual Financial Statements 2013-14.**

**Footnote:**

**When the Council accepts the Annual Financial Statements and the Proposed Independent External Auditor's Unqualified Report as attached to this report, the short form version of the Annual Financial Statements and final Auditor's Report will be included in the Community Annual Report following consideration of and decision on item M14/5391 of the 18 November 2014 Ordinary Meeting of Council.**

At 6.55pm the Presiding Member submitted the motion, which was declared **CARRIED (7/1)**

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	7
No	1

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Macphail	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Willis	Yes
Cr Hill	Yes
Cr Pazolli	No
Mr R Woodgate	Yes

At 6.55pm Mr K Wan, Mr K Yeoh, Mr T Macri and Mr T Tan left the meeting.

**C14/6076 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2013/2014  
(AMREC) (ATTACHMENT)**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (6076)  
ABSOLUTE MAJORITY APPROVAL**

At 6:46pm Cr Schuster moved, seconded Cr Macphail –

**That the Council, by Absolute Majority Decision, accepts the City of Melville 2013/2014 Annual Financial Statements and the Independent External Auditor’s Unqualified Report component of the 2013/2014 Community Annual Report as contained in attachment [6076 Annual Financial Statements 2013-14](#).**

**Footnote:**

**When the Council accepts the Annual Financial Statements and the Proposed Independent External Auditor’s Unqualified Report as attached to this report, the short form version of the Annual Financial Statements and final Auditor’s Report will be included in the Community Annual Report following consideration of and decision on item M14/5391 of the 18 November 2014 Ordinary Meeting of Council.**

At 6.53pm the Mayor submitted the motion, which was declared

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

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**15. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

The Presiding Member advised Elected Members that when dealing with the following Reports they act in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require the decision making process be conducted in a Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice and requires the application of the relevant facts to the appropriate statutory regime.

At 6.54pm the Mayor requested that item P14/3567 be brought forward for discussion.

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

Ward	:	Bull Creek/Leeming
Category	:	Operational
Application Number	:	DA-2014-413
Property	:	Lot 154 (No. 37) Hillock Circle, Leeming
Proposal	:	Change of use from ‘Residential’ to ‘Bed and Breakfast Accommodation’
Applicant	:	Mr and Mrs K G Ellis
Owner	:	Mr and Mrs K G Ellis
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P14/3495 – Review of Council Policy CP-050: Bed and Breakfast Accommodation – Ordinary Meeting of Council 20 May 2014 P14/3513 – Change of Use from Residential to Bed and Breakfast Accommodation – Ordinary Meeting of Council 15 July 2014
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P14/3567– RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The Council at its Ordinary Meeting held 15 July 2014 refused a planning application for a change of use at 37 Hillock Circle, Leeming from ‘Residential’ to ‘Bed and Breakfast Accommodation’ on the basis that its location and the type of use would compromise the residential amenity levels of the locality.
- The applicant subsequently lodged an appeal to the State Administrative Tribunal (SAT) to review the decision of the Council.
- Mediation has since been conducted by the SAT with the applicant, Elected Members, the City’s officers and the owners of an adjoining property.
- On the basis that the applicant was to provide further information; the SAT issued an order pursuant to Section 31 of the *State Administrative Tribunal Act 2004* for the Council to reconsider its previous decision at its Ordinary Meeting on 18 November 2014.
- As requested, the applicant has provided a Site Management Plan and a Guest Information Sheet. These address residential amenity issues such as noise, traffic, parking and guest behaviour.
- It is considered that the Site Management Plan and Guest Information Sheet are acceptable tools to safeguard residential amenity.
- Given the above, and the general compliance with the objectives of the existing and draft Council Policy-050: Bed and Breakfast Accommodation, it is recommended that the application be approved via Special Majority decision of the Council.



**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM  
'RESIDENTIAL' TO 'BED AND BREAKFAST ACCOMMODATION' AT LOT 154 (NO. 37)  
HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

At the Ordinary Meeting of Council on 20 May 2014, the Council resolved to adopt the revised Council Policy-050: Bed and Breakfast Accommodation for the purposes of advertising. Council resolved as follows:

- 1 *That Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy 050: Bed and Breakfast Accommodation policy for the purposes of public consultation for a period of no less than 21 calendar days.*
- 2 *Where no submissions in objection are received in response to the consultation undertaken, the decision on the final adoption of the policy can be taken under delegation by the Chief Executive Officer*

This policy was the subject of consultation in accordance with Clause 9.6 of Community Planning Scheme No. 5 from 24 June 2014 until 18 July 2014 and no submissions were received. Since this time, Officers have undertaken a further review of the policy.

At the Ordinary Meeting on 15 July 2014, the Council resolved to refuse the proposed change of use from "Residential" to "Bed and Breakfast Accommodation" of No. 37 Hillock Circle, Leeming on the following grounds:

*"The proposed development would by virtue of its location and type of use proposed, compromise the residential amenity levels of the locality contrary to the provisions of Clause 7.8 (c) of Community Planning Scheme No. 5 (CPS 5)."*

The Applicant subsequently lodged an appeal to the SAT.

SAT conducted a mediation session on the 17 September 2014 which was attended by the Applicant, two Elected Members, the City's Officers and the adjoining property owners.

Following this mediation session, the SAT ordered the following:

- 1 *"The applicant is to provide the respondent with further information regarding the application by 10 October 2014.*
- 2 *Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 18 November 2014.*
- 3 *The matter is adjourned to a further mediation to commence at 10 am on Friday 28 November 2014 for a duration of one hour."*

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Use Not Listed
Use Class	: "S" – discretionary use subject to advertising in accordance with Clause 7.5 of CPS5.

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM  
'RESIDENTIAL' TO 'BED AND BREAKFAST ACCOMMODATION' AT LOT 154 (NO. 37)  
HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)****Site Details**

Lot Area	:	946m <sup>2</sup>
Street Tree(s)	:	None applicable
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	Refer to aerial photo above

**DETAIL**

Planning approval is sought to change the approved use of 37 Hillock Circle, Leeming from 'Residential' to 'Bed and Breakfast (B&B) Accommodation'.

The existing dwelling contains four bedrooms and two bathrooms and a maximum of six occupants at any one time is proposed. A caretaker will reside on site whenever the dwelling is occupied as a B&B.

The property contains a double carport and double garage serviced by two independent crossovers. It is also proposed to construct one additional on-site car parking bay.

Since the SAT hearing the applicant has submitted a Site Management Plan and Guest Information Sheet. These documents outline how the B&B will operate in general terms but also in specific respect of, parking, noise, light, rules and responsibilities, and complaints.

The applicant has also stated that they are in correspondence with the adjoining property owner with regard to the installation of a new dividing fence between the two properties.

The proposal has been assessed against both the existing CP-050: Bed and Breakfast Accommodation and the revised policy which was adopted by the Council for public advertising at the Ordinary Meeting of Council on 20 May 2014.

The proposal is considered to satisfy the objectives and requirements of the existing policy and the draft policy. However, in accordance with the existing policy, the proposal requires referral to the Council for determination, and a Special Majority decision.

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

The application was previously the subject of public consultation and two submissions in objection were received. These submissions were reported to the Ordinary Meeting of the Council on 15 July 2014 and included the following concern:

- Traffic
- Noise
- Privacy, safety and security
- Use not consistent with the neighbourhood

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

The application has not been the subject of further public consultation.

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

The Council decision to refuse planning approval is currently under review by the SAT in accordance with Part 14 of the *Planning and Development Act 2005*.

The SAT has now ordered that the Council pursuant to Section 31 of the *State Administrative Tribunal Act 2004* reconsider its previous decision on the basis of the additional information to be provided by the Applicant.

A further mediation is scheduled for 28 November 2014 to progress the appeal should the Council refuse the Section 31 application, or should the Applicant object to any of the conditions of approval proposed to be imposed.

**FINANCIAL IMPLICATIONS**

Should the Council refuse the application, the Applicant may continue the appeal process through the SAT. If the matter proceeds to a hearing there will be financial implications for the City in the engagement of consultants to represent Council's decision.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal complies with the existing Council Policy-050: Bed and Breakfast Accommodation and the revised policy adopted by the Council for advertising at the Ordinary Meeting of Council on 20 May 2014.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The application is recommended for approval for the reasons outlined in the Comment section below. Should the Council have an alternate view, it may reaffirm its previous decision to refuse. As outlined above, if the Council reaffirms its previous decision, or imposes any conditions of planning approval that the Applicant considers unreasonable, the Applicant can continue with the appeal process at the SAT.

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)****COMMENT**

As outlined within the report presented to the Council on 15 July 2014, the proposed change of use is considered to satisfy all of the objectives and requirements of both the existing Council Policy 050: Bed and Breakfast Accommodation and the revised draft policy adopted by the Council in May 2014 for the purposes of public consultation, in that:

- The subject site is located adjacent to public open space (Phillip Jane Park), in close proximity to Banksia Park Primary School and the Canning Vale industrial area. It is also located approximately three kilometres away from the Murdoch Activity Centre which contains Fiona Stanley Hospital, St John of God Hospital and Murdoch University.
- The subject property is located adjacent to (though not accessed directly via) South Street, which is well serviced via a footpath and public transport.
- The maximum number of occupants proposed is six (recommended condition).
- A caretaker will reside on site at all times the dwelling is occupied as a B&B (recommended condition).
- Five on-site car parking bays are proposed, four within the existing double carport and garage and another to be constructed adjacent to the existing garage (recommended condition),
- No signage is proposed as part of the application, however an advice note is recommended.

The Site Management Plan and Guest Information Sheet which have been submitted following the SAT mediation session outline how the proposed B&B will be managed to ensure that adverse impacts upon the amenity of occupiers of the adjoining properties or surrounding area are avoided.

This information is considered to address the amenity concerns raised by the adjoining property owners and Council in its previous decision. A condition of approval is recommended to ensure that the B&B is operated in accordance with the Site Management Plan and Guest Information Sheet.

Given the above, and that the proposal satisfies the objectives and requirements of both the existing *Council Policy 050: Bed and Breakfast Accommodation* and the revised policy recently adopted by the Council for the purposes of public consultation, the proposal is considered acceptable.

On this basis, it is recommended that the Council approve the proposed change of use for a temporary period of 12 months to allow the potential impacts of the proposed use to be assessed.

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**CONCLUSION**

As the potential amenity impacts of the proposed B&B have been addressed by the additional information provided, and the proposal is considered to satisfy the requirements of CPS5 and Council Policy 050: Bed and Breakfast Accommodation (including the revised policy adopted by the Council recently for the purposes of advertising), the proposal is recommended for approval via Special Majority subject to conditions.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3567)  
SPECIAL MAJORITY APPROVAL**

At 6.54pm Cr Robartson moved, seconded Cr Willis –

**That the Council approve the planning application for the change of use from ‘Residential’ to ‘Bed and Breakfast Accommodation’ at Lot 154 (No.37) Hillock Circle, Leeming subject to the following conditions:**

- 1. The proprietor or a nominated caretaker shall reside on the property at all times the Bed and Breakfast premises is operational.**
- 2. There shall be no more than six paying guests accommodated on the premises at any one time.**
- 3. Prior to the commencement of the use, the additional off street car parking bay as shown on the approved plans shall be constructed and be made available for use to the satisfaction of the Manager Statutory Planning. The car parking bay shall thereafter be retained in perpetuity.**
- 4. The Bed and Breakfast use shall operate in accordance with the Site Management Plan and Guest Information Sheet dated 9 October 2014 to the satisfaction of the Manager Statutory Planning.**
- 5. This planning approval is valid for a period of 12 months only. The continued use of the property for the purpose of a Bed and Breakfast will require the benefit of a new planning approval.**

**P14/3567 – RECONSIDERATION OF A PROPOSED CHANGE OF USE FROM ‘RESIDENTIAL’ TO ‘BED AND BREAKFAST ACCOMMODATION’ AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**Advice Note**

- 1. Planning approval is required for any advertising signs larger than 0.2 square metres in area.**

At 6.56pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY SPECIAL MAJORITY (13/0)**

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**P14/3564 – SIGNAGE (RETROSPECTIVE) AT LOT 26 (NO. 579) CANNING HIGHWAY, ALFRED COVE (AMREC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2014-613  
 Property : Lot 26 (No. 579) Canning Highway, Alfred Cove  
 Proposal : Retrospective planning application for signage.  
 Applicant : S & D Jewellery Work Shop  
 Owner : Diametric Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3564 – SIGNAGE (RETROSPECTIVE) AT LOT 26 (NO. 579) CANNING HIGHWAY, ALFRED COVE (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The City is in receipt of a retrospective planning application for signage to the front and rear of an existing shop at 579 Canning Hwy, Alfred Cove.
- The subject signage has been assessed against the provisions of Community Planning Scheme No. 5 (CPS5) and the draft Outdoor Advertisements and Signage policy. It is considered that the signage as erected meets with the objectives of those provisions.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of Council is required for the approval of all retrospective planning applications.
- It is recommended that the signage be approved.



**BACKGROUND**

There is no previous relevant planning history in respect of the subject site.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Community Centre
R-Code	: R40
Use Type	: Shop
Use Class	: P - Permitted

**Site Details**

Lot Area	: 1,012m <sup>2</sup>
Street Tree(s)	: Yes, all retained
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

[3564 Signage 579 Canning Highway Alfred Cove](#)

---

**P14/3564 – SIGNAGE (RETROSPECTIVE) AT LOT 26 (NO. 579) CANNING HIGHWAY,  
ALFRED COVE (AMREC) (ATTACHMENT)****DETAIL**

Retrospective planning approval is sought for signage at 579 Canning Hwy, Ardross.

The application as originally submitted included the following signage:

- Four wall signs located below the shopfront window along the Canning Highway façade which are all 1.46m wide x 0.3m high.
- One pylon sign located to the rear of the building facing the car park which is 2m wide x 0.51m high suspended above the existing fence height by two poles.
- One projecting sign located above the awning along the Canning Highway façade.

In negotiation with the applicant, the above awning projecting sign has been removed and no longer forms part of this retrospective planning application submission.

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

Public consultation in relation to the proposed signage was not required by Community Planning Scheme No. 5 or Council Policy.

**II. OTHER AGENCIES / CONSULTANTS**

As the subject site is adjacent to Canning Highway the application was referred to Main Roads WA for comment. Main Roads WA have no objection to the retention of the signage.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the Council refuse the application for planning approval; the applicant will have the right to have the decision reviewed by the State Administrative Tribunal (SAT) in accordance with part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City associated with this application.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P14/3564 – SIGNAGE (RETROSPECTIVE) AT LOT 26 (NO. 579) CANNING HIGHWAY,  
ALFRED COVE (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

The proposal has been assessed against the provisions of the City's draft Outdoor Advertisements and Signage policy. This is addressed in the Comment section below.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

If the Council refuses to grant approval, or if any conditions of planning approval are imposed that the Applicant considers unreasonable, the Applicant may seek a review of the decision by the SAT.

**COMMENT**

The subject pylon and wall signs do not satisfy Part 4 of the City's draft Outdoor Advertisements and Signage policy, therefore assessment against Part 8 of the policy is required. Overall, the signage is considered to satisfy Part 8 of the policy for the following reasons:

- The signage is clear, simple and concise.
- The proposal does not obscure existing signage on adjacent tenancies or properties.
- The signage does not result in the creation of an unacceptable level of visual clutter within the area, to the detriment of visual amenity.
- The signage is appropriate to the locality and surrounding land uses, in terms of its size, location and design.

**CONCLUSION**

Based on the above, it is considered that the signage as displayed meets the requirements of the draft Outdoor Advertisements and Signage policy and is recommended for approval on that basis. An Absolute Majority decision of Council is required pursuant to Clause 7.14(a) of CPS5.

**P14/3564 – SIGNAGE (RETROSPECTIVE) AT LOT 26 (NO. 579) CANNING HIGHWAY,  
ALFRED COVE (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3564)  
ABSOLUTE MAJORITY APPROVAL**

At 6.57pm Cr Schuster moved, seconded Cr Robartson –

**That the Council approve the retrospective planning application for signage at 579  
Canning Highway, Alfred Cove.**

At 6.57pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)**

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**P14/3565 – HOME OCCUPATION USE FOR SOFT TISSUE MASSAGE  
(RETROSPECTIVE) AT LOT 53 (NO. 44) KITCHENER ROAD, MELVILLE (AMREC)  
(ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2014-1056  
 Property : Lot 53 (No. 44) Kitchener Road, Melville  
 Proposal : Retrospective planning application for a Home Occupation (Soft Tissue Massage)  
 Applicant : G Papaphotis  
 Owner : G Papaphotis  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3565 – HOME OCCUPATION USE FOR SOFT TISSUE MASSAGE (RETROSPECTIVE) AT LOT 53 (NO. 44) KITCHENER ROAD, MELVILLE (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought to operate a Home Occupation at 44 Kitchener Road, Melville for the purposes of undertaking soft tissue massage.
- The home occupation is small in scale and satisfies all of the requirements of the Community Planning Scheme No. 5 (CPS5).
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of Council is required for the approval of all retrospective planning applications.
- It is recommended that the retention of the home occupation use is conditionally approved.



**BACKGROUND**

There is no relevant planning history in respect of the subject site.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R20
Use Type	:	Residential
Use Class	:	'P'-Permitted

**Site Details**

Lot Area	:	885sqm
Street Tree(s)	:	None applicable
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	Refer to aerial photo above

[3565 Application & Plans 44 Kitchener Road Melville](#)

**P14/3565 – HOME OCCUPATION USE FOR SOFT TISSUE MASSAGE  
(RETROSPECTIVE) AT LOT 53 (NO. 44) KITCHENER ROAD, MELVILLE (AMREC)  
(ATTACHMENT)**

**DETAIL**

Retrospective planning approval is sought for the continued operation of a Home Occupation at 44 Kitchener Road, Melville for the purposes of remedial soft tissue massage and minor adjustments for the treatment of upper and lower back pain.

The business operates from a small room at the rear of the dwelling with the owner being the only employee.

The business generates between 2-3 clients per day, who attend for up to 30 minutes. The business operates between 10am-12pm and 2.30pm-5pm up to six days a week and has parking for up to four vehicles within the existing driveway.

There is a small yellow sign displayed on the front fence of the property advertising the business.

The business owner is qualified as a 'Doctor of Chiropractor' and as a 'Doctor of Osteopathic Medicine'. The business has been operating from the property since approximately 1977.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Home Occupations are a 'D' – discretionary use within the Living Area Precinct. Due to the small scale nature of the subject business, public consultation was not considered necessary in line with the City's draft CP-056: Planning Process and Decision Making, as the proposal does not result in any impacts which affect the amenity of the adjoining or surrounding properties.

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants was required in this instance.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the Council refuse the application for planning approval; the applicant will have the right to have the decision reviewed by the State Administrative Tribunal (SAT) in accordance with part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City associated with this application.

**P14/3565 – HOME OCCUPATION USE FOR SOFT TISSUE MASSAGE  
(RETROSPECTIVE) AT LOT 53 (NO. 44) KITCHENER ROAD, MELVILLE (AMREC)  
(ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The City has no relevant policies against which the application should be assessed.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**COMMENTS**

The subject Home Occupation is considered to satisfy all of the relevant CPS5 requirements which include:

- 1) Does not employ any person not a member of the occupier's household;
- 2) Will not cause injury to, or adversely affect the amenity of the neighbourhood;
- 3) Does not occupy an area greater than 20 square metres;
- 4) Does not display a sign exceeding 0.2sqm;
- 5) Does not involve the retail sale, display or hire of goods;
- 6) Does not result in a greater number of parking bays or result in an increase in traffic volume in the neighbourhood;
- 7) Does not involve the calling of a vehicle greater than two tonnes tare weight, or for the fuelling, repair or maintenance of motor vehicles;

Furthermore, the City has no record of any complaints in relation to the operation of the business since its commencement in 1977.

Overall, the Home Occupation is a small scale activity which has no adverse impact upon the adjoining properties or surrounding area.

**CONCLUSION**

Approval of the home occupation is supported on the grounds that the requirements of CPS5 are satisfied. As such, it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**P14/3565 – HOME OCCUPATION USE FOR SOFT TISSUE MASSAGE (RETROSPECTIVE) AT LOT 53 (NO. 44) KITCHENER ROAD, MELVILLE (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3565)  
ABSOLUTE MAJORITY APPROVAL**

At 6.58pm Cr Hill moved, seconded Cr Barton –

**That the Council approve the retrospective planning application for a Home Occupation (Soft Tissue Massage) at Lot 53 (No. 44) Kitchener Road, Melville subject to the following conditions:**

- 1) This is a personal approval to the applicant only and is not transferable to another person or property.**
- 2) No retail sale, display or hire of goods of any nature is to occur at any time.**
- 3) No non-resident employees are permitted to be employed by the Home Occupation.**
- 4) The Home Occupation shall not occupy an area greater than 20m<sup>2</sup> at any time.**
- 5) A maximum of one client is permitted to visit the premises at any one time.**
- 6) The hours of operation of the business are limited to Monday to Saturday - 10am to 5pm.**

At 6.58pm the Mayor submitted the motion, which was declared

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

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

The Presiding Member to advised Elected Members that the Meeting was now moving out of the Quasi-Judicial phase.

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Application Number	: None applicable
Property	: None applicable
Proposal	: Final adoption of Council Policy – 056: Planning Process and Decision Making
Applicant	: None applicable
Owner	: None applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P00/1004 - Special Planning and Development Services Committee - 27 June 2000 P07/1006 – Consideration of Draft Revised Policy on the Function and Role of the Development Advisory Unit - Ordinary Meeting of Council 19 June 2007 P10/3152 – Final Adoption of Advertised Urban Planning Policies - Ordinary Meeting of Council 17 August 2010 P10/3178 – Second Stage Review of Urban Planning Policies - Special Meeting of Council 9 November 2010 P11/3228 – Review of Policy CP-044 Development Advisory Unit - Ordinary Meeting of Council 16 August 2011 P14/3228 – Review and Amalgamation of Four Existing Council Policies (CP-042: Development Approvals, CP-044: Development Advisory Unit, CP-054: Community Planning Scheme No. 5 and Advertising Procedures and CP-056: Planning Process and Decision Making) – Ordinary Meeting of Council 17 June 2014 P14/3560 – Review of Council Policy – 056: Planning Process and Decision Making – Ordinary Meeting of Council 21 October 2014
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council on 17 June 2014, Council resolved to adopt the revised CP-056: Planning Process and Decision Making for the purposes of public consultation.
- The revised policy was advertised for a period of 21 days via a press notice and content on the City's website. No submissions were received.
- Upon review of the revised policy and the receipt of a proposed Notice of Motion in relation to the policy, officers have amended the draft policy.
- The Draft Policy was presented to Council in October, but was deferred to enable an Elected Member Information Session to occur. This took place 21 October 2014.
- The changes to the draft policy include the introduction of advertising procedures specifically relating to multiple dwelling developments outside of Structure Plan areas, and also other minor wording changes throughout the policy to reflect the change in terminology introduced by the 2013 Residential Design Codes (R-Codes).
- As some of the proposed amendments introduce new provisions, the revised policy requires re-advertising.
- It is therefore recommended that Council resolve to adopt the draft policy for the purposes of public consultation for a period of 21 days in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)****BACKGROUND**

At the Ordinary Meeting of Council on 17 June 2014, Council considered the review and amalgamation of four existing planning procedural policies:

- CP-042: Development Approvals,
- CP-044: Development Advisory Unit,
- CP-054: Community Planning Scheme No. 5 and Advertising Procedures, and
- CP-056: Planning Process and Decision Making

At this meeting, Council resolved as follows:

- 1 *That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy 056: Planning Process and Decision Making for the purposes of public consultation for a period of no less than 21 calendar days.*
- 2 *Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 056: Planning Process and Decision Making and subsequent revocation of CP-042: Development Approvals, CP-044 Development Advisory Unit and CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures be approved by the Chief Executive Officer.*

At the Ordinary Meeting of Council on 16 September 2014, a proposed Notice of Motion in relation to the revised CP-056: Planning Process and Decision Making was submitted for consideration. At this meeting, Council resolved as follows:

*That in the instance of any review of CP-056 the following issues be considered for inclusion:*

1. *That Clause 1.7.5 of the Draft Policy No CP-056; Planning Process and Decision Making considered at the June 2014 Ordinary Meeting of Council (Item 14/3507) be amended to include the following words at the beginning of Clause 1.7.5: “all applications that do not satisfy the deemed-to-comply requirements of Part 5 of the Residential Design Codes (Multi-Unit Housing Codes) or, other applications.;*

*Clause 1.7.5 shall then become:*

*“All applications that do not satisfy the deemed-to-comply requirements of Part 5 of the Residential Design Codes (Multi-Unit Housing Codes) or, other applications which involve a departure from the prescriptive development requirements, which in the opinion of the delegated officer, are likely to adversely affect the amenity of adjoining or surrounding property owners or occupiers, are to be advertised in accordance with:...”*

2. *That the following sub – clause be added as Clause 3.5.2(a)(iii) Matters to be considered by the DAU:*

*“(iii) All applications that do not satisfy the deemed-to-comply requirements of Part 5 of the Residential Design Codes (Multi-Unit Housing Codes).”*

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

The revised Policy was considered at the Ordinary Meeting of Council on 21 October 2014, at which a decision was deferred for the following reason:

*That this item be referred to the November Elected Members Information Session and the November Ordinary Meeting of Council for further consideration.*

The matter was duly discussed at an Elected Members Information Session held 27 October 2014.

**DETAIL**

Upon completion of the initial public consultation period, officers identified that minor modifications were required to be undertaken to the policy. On this basis, officers commenced a further review of the policy. The majority of the minor wording changes proposed, reflect the changes in terminology introduced within the 2013 R-Codes. These modifications are detailed within the attachment to this report.

In addition to this review, the abovementioned proposed Notice of Motion has also been considered by officers and subsequent modifications have been made to the revised policy to address these suggestions. These modifications include the incorporation of a new Clause 1.7.6 relating to specific advertising requirements of multiple dwelling developments located outside of adopted Structure Plan areas. This change is considered to address Part 1 within the abovementioned motion and is detailed within the attachment to this report.

With respect to Part 2 of the abovementioned motion, it is considered that as mandatory public consultation is now proposed to occur for multiple dwelling developments requiring assessment against the Design Principles in relation to a number of matters, that the existing triggers for consideration by the Development Advisory Unit (DAU) in the policy (Clause 3.5) are appropriate.

In particular, Clause 3.5.2 of the draft policy requires referral of applications to the DAU where submissions are lodged which raise relevant planning matters. Consequently, for those multiple dwelling developments where relevant planning concerns are raised, the application will be referred to the DAU with the opportunity for Elected Members or interested third parties to call the item up for consideration by Council. Where no submissions raising relevant planning grounds are received, the determination of the application can be undertaken as per CPS5 and Council delegations.

[3560 Planning Process And Decision Making Policy](#)

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

In accordance with Council's resolution of 17 June 2014, the revised CP-056: Planning Process and Decision Making was the subject of public consultation for a period of 21 days via a press notice and content on the City's website. No submissions were received as a result of this public consultation.

As outlined above, given that some of the proposed amendments to the policy introduce new provisions, it is recommended that the revised policy be re-advertised pursuant to Clause 9.6(b) of CPS5.

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

Clause 9.6(b) (ii) of CPS5 requires Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The revised policy does not have regional significance; therefore the WAPC need not be consulted.

**STATUTORY AND LEGAL IMPLICATIONS**

The regular review of Council's policies improves their validity in circumstances where a decision by a decision maker on a development proposal is subject to review by the State Administrative Tribunal.

**FINANCIAL IMPLICATIONS**

There are no financial implications which result from this report other than advertising costs for consultation, adoption and revocation purposes.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The proposed policy does not result in any strategic, risk or environmental management implications for the Council.

**POLICY IMPLICATIONS**

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could elect not to adopt the amended policy for advertising and continue to rely upon the four existing policies. This is not recommended, as the revised policy is considered to be an improvement upon the City's current planning procedural policies as it expands upon the existing provisions, and in many cases, explains the City's processes and procedures in writing for the benefit of applicants and submitters, where these are currently undocumented.

Council also has the ability to make amendments to the revised policy.

Should Council resolve to amend Clause 3.5.2 of the draft policy to require referral of all multiple dwelling developments which require assessment against the Design Principles of the R-Codes to the DAU, this will require an amendment to Delegated Authority 020 – Planning and Related Matters prior to the final adoption of the policy.

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)****CONCLUSION**

As the proposed modifications introduce new provisions which have not previously been the subject of public consultation, it is recommended that Council resolve to adopt the revised policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

**OFFICER RECOMMENDATION (3560)****PUBLIC CONSULTATION**

At 7.01pm Cr Schuster moved, seconded Cr Foxtton –

**That the Council:**

- 1 Resolves, pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves, to adopt the revised Council Policy 056: Planning Process and Decision Making for the purposes of public consultation for a period of not less than 21 calendar days.
- 2 Directs that, where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 056: Planning Process and Decision Making and subsequent revocation of CP-042: Development Approvals, CP-044 Development Advisory Unit and CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures, be approved by the Chief Executive Officer under Delegated Authority.

Amendment

***(A) That Part 1 of the Officer Recommendation be amended by adding the following words after “period of no less than 21 calendar days”:***

***“subject to the following amendments to the policy:”***

***(a) Clause 3.5.2(a)(i) be amended to read:***

- (i) “Any advertised application for which a submission(s) outlining relevant planning matters (as defined above) of concern have been received and the concerns have not been entirely addressed via the submission of amended plans, or via recommended conditions of approval which satisfy the CPS5, or Council Policy development requirement, or the Deemed-to-Comply provision of the R-Codes in relation to that relevant planning matter.”***

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**Reasons for Amendment

This proposed change was discussed at the Agenda Briefing Forum held 4 November 2014 when Elected Members sought clarification that Clause 3.5.2(a)(i) of the draft CP-056: Planning Process and Decision Making would, notwithstanding receipt of amended plans, result in referral of an application to the DAU where an exercise of judgement is still sought in relation to a matter which had received a submission raising a relevant planning matter.

This amendment is intended to clarify the intent of this provision as outlined above.

**At 7.01pm Cr Schuster, with agreement of the seconder Cr Foxtan agreed to incorporate the amendment into the recommendation.**

**COUNCIL RESOLUTION (3560)****PUBLIC CONSULTATION****That the Council:**

- 1 Resolves, pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves, to adopt the revised Council Policy 056: Planning Process and Decision Making for the purposes of public consultation for a period of not less than 21 calendar days “subject to the following amendments to the policy:”**
  - (a) Clause 3.5.2(a)(i) be amended to read:**
    - (ii) “Any advertised application for which a submission(s) outlining relevant planning matters (as defined above) of concern have been received and the concerns have not been entirely addressed via the submission of amended plans or via recommended conditions of approval which satisfy the CPS5 or Council Policy development requirement or the Deemed-to-Comply provision of the R-Codes in relation to that relevant planning matter.”**
- 2 Directs that, where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 056: Planning Process and Decision Making and subsequent revocation of CP-042: Development Approvals, CP-044 Development Advisory Unit and CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures, be approved by the Chief Executive Officer under Delegated Authority.**

At 7.10pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**P14/3560 – REVIEW OF COUNCIL POLICY - 056: PLANNING PROCESS AND DECISION  
MAKING (REC) (ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**P14/3566 – REVIEW OF COUNCIL POLICY CP-050: BED AND BREAKFAST  
ACCOMMODATION (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Application Number : Not applicable  
 Property : Not applicable  
 Proposal : Review of CP-050: Bed and Breakfast  
 Accommodation  
 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 : P14/3495 – Review of Council Policy CP-050:  
 Bed and Breakfast Accommodation – Ordinary  
 Meeting of Council 20 May 2014  
 P14/3513 – Change of Use from Residential to  
 Bed and Breakfast Accommodation at Lot 154  
 (No. 37) Hillock Circle, Leeming – Ordinary  
 Meeting of Council 15 July 2014  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3566 – REVIEW OF COUNCIL POLICY CP-050: BED AND BREAKFAST ACCOMMODATION (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council at its Ordinary Meeting held 20 May 2014 resolved to adopt the revised CP-050: Bed and Breakfast Accommodation for the purposes of public consultation.
- The revised policy was subsequently advertised for a period of 21 days and no submissions were received.
- Since the close of advertising, officers have undertaken a further review of the policy and now propose further amendments.
- As one of the proposed amendments is a new requirement, the revised policy requires re-advertising.
- It is therefore recommended that Council resolve to adopt the draft policy for the purposes of public consultation for a period of 21 days in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

**BACKGROUND**

At the Ordinary Meeting of Council on 20 May 2014, Council considered the review of CP-050: Bed and Breakfast Accommodation and resolved as follows:

- 1 Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves to adopt the amended Council Policy CP-050: Bed and Breakfast Accommodation, for the purposes of public consultation for a period of no less than 21 calendar days.
- 2 Where no submissions in objection are received in response to the consultation undertaken the decision on the final adoption of the policy to be taken under delegation by Chief Executive Officer.

At the Ordinary Meeting on 15 July 2014, Council considered an application for a proposed change of use from “Residential” to “Bed and Breakfast Accommodation” at No. 37 Hillock Circle, Leeming. Council resolved to refuse the application for the following reasons:

*“The proposed development would by virtue of its location and type of use proposed, compromise the residential amenity levels of the locality contrary to the provisions of Clause 7.8 (c) of Community Planning Scheme No. 5 (CPS 5).”*

This decision of Council has since been the subject of an appeal to the State Administrative Tribunal (SAT). Mediation has taken place, and a Section 31 reconsideration application has been submitted.

**DETAIL**

The completion of the public consultation period coupled with the decision of Council of 15 July 2014 to refuse consent for a Bed and Breakfast use at 37 Hillock Circle, Leeming, a further review of the revised policy has been undertaken. [CP-50 Bed and Breakfast Accommodation](#)

As a result of this review, two further modifications are proposed as follows:

- Clarification that all bed and breakfast accommodation proposals within the Living Area Precincts require a Special Majority decision of Council pursuant to CPS5; and
- The inclusion of a clause to require all proposals for the establishment of all Bed and Breakfast uses to be accompanied by a management plan to outline in some detail how the business will operate.

---

**P14/3566 – REVIEW OF COUNCIL POLICY CP-050: BED AND BREAKFAST ACCOMMODATION (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

In accordance with Council's resolution of 20 May 2014, the revised CP-050: Bed and Breakfast Accommodation was the subject of public consultation for a period of 21 days via a press notice and content on the City's website. No submissions were received as a result of this public consultation.

As outlined above, given that one of the proposed amendments introduces a new requirement, it is recommended that the revised policy be re-advertised pursuant to Clause 9.6(b) of CPS5.

**II. OTHER AGENCIES / CONSULTANTS**

Clause 9.6(b) (ii) of CPS5 requires Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The revised policy does not have regional significance; therefore the WAPC need not be consulted.

**STATUTORY AND LEGAL IMPLICATIONS**

The regular review of Council's policies improves their validity in review situations by the SAT.

**FINANCIAL IMPLICATIONS**

There are no financial implications which result from this report other than advertising costs for consultation and adoption purposes.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The proposed policy does not result in any strategic, risk or environmental management implications for the Council.

**POLICY IMPLICATIONS**

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council could elect not to adopt the amended policy and continue to rely upon the existing policy. This is not recommended as the revised policy represents an improved policy which is clearer in its intent and assessment criteria.

**P14/3566 – REVIEW OF COUNCIL POLICY CP-050: BED AND BREAKFAST ACCOMMODATION (REC) (ATTACHMENT)**

The Council also has the ability to modify the amended policy prior to it being re- advertised.

**CONCLUSION**

It is considered that the amended policy will provide clearer guidance for the assessment of Bed and Breakfast Accommodation applications. The intent of the policy remains the same: to promote bed and breakfast accommodation in appropriate locations where they will not result in any significant adverse amenity impacts. Accordingly, it is recommended that the Council adopt the revised policy for the purposes of public consultation.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3566)                      ADOPTION****That the Council:**

1. **Resolves, pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the revised Council Policy [CP-050: Bed and Breakfast Accommodation](#), for the purposes of public consultation for a period of no less than 21 calendar days.**
2. **Directs that the decision on the final adoption of the policy to be taken under delegation by Chief Executive Officer, where no submissions in objection are received in response to the consultation undertaken.**

At 7.11pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**P14/3568 – INITIATION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)**

Wards	: Palmyra/Melville/Willagee
Category	: Strategic
Property	: Portion of the Former Carawatha Primary School (10 Archibald Street, Willagee)
Proposal	: Initiation of the naming of the park located on the former Carawatha Primary School site
Applicant	: Not applicable
Owner	: 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	: T13/3383 – Re-development of Carawatha Primary School – Ordinary Meeting of Council 16 April 2013
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3568 – INITIATION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)**

**KEY ISSUES / SUMMARY**

- It is proposed to name the new park which is currently under construction on the former Carawatha Primary School site in Willagee.
- A shortlist of appropriate names, including a preferred option has been formulated by Officers, taking into account preliminary community engagement undertaken by officers from the City's Technical Services Directorate, the list of names included within the City of Melville Park and Road Name Inventory and any other site-specific names that may have historical or indigenous connotations.
- The City has sought preliminary comments from Landgate for each of the short listed names who have indicated that the names selected are suitable for consideration, subject to any name adopted being advertised to the community for comment.
- It is recommended that Council, adopt the preferred name option of 'Carawatha Park' for the purposes of public engagement for a period of not less than 14 calendar days.



**P14/3568 – INITIATION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)****BACKGROUND***Former Carawatha Primary School Site*

The former Carawatha Primary School site is located at 10 Archibald Street, Willagee.

The Carawatha Primary School commenced operating in the late 1950s and ceased operation in 2004 when students were relocated to Willagee Primary School. The City purchased the site in 2006 and the buildings which were located on the site were demolished in 2012.

Approximately one third of the site (13,200 square metres) has been designated as Local Open Space. The remainder of the site is designated for future mixed use development.

Officers from the City's Technical Services Directorate undertook preliminary consultation between 29 October and 20 November 2012 on a proposed design concept of the park. This consultation also included a request for feedback regarding proposed names for the park. The response of this consultation is outlined below.

The construction of the park is currently underway and is anticipated to be completed by end of December 2014.

**DETAIL**

It is proposed to initiate the naming process for the new park under construction on the former Carawatha Primary School site.

In the preparation of the shortlist of names, the City has taken into account:

- The responses received during the City's Technical Services preliminary consultation,
- The City's existing Road and Park Names Inventory,
- The Geographic Names Committee's (GNC) guidelines for park naming,
- Any historical or indigenous site-specific names which may be of relevance.

The shortlisted names for the former Carawatha Primary School site are:

*Carawatha Park*

This name results from the consultation exercise undertaken by Technical Services, and is a Historic and Indigenous Site-Specific Name.

Community feedback received during Technical Services engagement relating to the design concepts for the park indicated that "Carawatha Park" is the preferred name for the park.

'Carawatha' is an Aboriginal word and refers to 'place of pines'. 'Carawatha' is also the name of the primary school which previously occupied the site and therefore has a recent historical link to the site. Council also resolved at the Ordinary Meeting of Council on 16 April 2013 that 'Carawatha Park' should be considered as one of the options for the naming of the park.

**P14/3568 – INITIATION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)***Phillip Utting Park*

This name is taken from the City's Road and Park Naming Inventory. Phillip Utting was the first headmaster of Carawatha Primary School, Willagee 1959-1972.

*Waitj (Group of Emus) Park*

This is an indigenous site-specific name. Willagee is known as an important creation site as the dreaming for the area is the Emu. The area was also known to be a large Emu breeding ground. The Noongar words for Emu are 'Widgee' (female), 'Wetj' (male) and 'Waitj' (group).

*Red Ochre Park*

This is an indigenous site-specific name. The Noongar word 'Wilgee' means Red Ochre which was found in abundance in and around the lakes in Willagee. Ochre, in particular red, was precious and was traded to places as far away as Queensland.

*Archibald Park*

This name is recommended for use by the GNC Guidelines, which recommends the naming of a park based on the street on which it is located.

It is recommended that Council adopt 'Carawatha Park' as the preferred park name as this name has already received strong community support and it references both historic and indigenous ties to the site.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY***Preliminary Stakeholder Engagement*

In the formulation of the shortlist of names, the City has undertaken preliminary stakeholder engagement as follows:

1. The City's Technical Services have undertaken preliminary public engagement in relation to the design concept of the park which also requested suggestions for the possible park name. The 55 responses received have been considered in the compilation of the shortlisted names for the park.
2. The City's Community Development Services have undertaken informal community engagement with both Aboriginal and non-Aboriginal members of the community in relation to the former Carawatha Primary School site.

*Stakeholder Engagement following Adoption of the Preferred Name*

Should the Council resolve to initiate the naming of the park, the recommended name will be advertised via a signage on site (at each of the road boundaries) and a notice in a local newspaper for a period of not less than 14 calendar days.

**P14/3568 – INITIATION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)****II. OTHER AGENCIES / CONSULTANTS**

The GNC of Landgate has published the *Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia*. The City has undertaken preliminary consultation with Landgate in relation to the shortlisted names and the City has received confirmation that all of the shortlisted names are suitable for consideration, subject to community consultation and final endorsement by the Council.

**STATUTORY AND LEGAL IMPLICATIONS**

Council's role in the adoption of any new park name is to make recommendations only. Following community consultation and final Council endorsement, the adopted name will be referred to the GNC for final approval.

**FINANCIAL IMPLICATIONS**

There are no financial implications which result from this report other than advertising costs for consultation and adoption purposes.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The City adopted its first Reconciliation Action Plan (RAP) in March 2013 and is a plan of action for three years (2013 – 2016) describing the City's journey to reconciliation. Reconciliation is about building better relationships between Aboriginal and Torres Strait Islander people and the wider Australian community for the benefit of all Australians. The RAP lists a range of actions under three theses of Respect, Relationships and Opportunities.

Action 2.7 is of relevance to the proposed park naming and states:

*2.7 Investigate the feasibility of adopting a dual-naming strategy for community spaces, public places and natural features within the City of Melville.*

As outlined above, the City's Community Development Services have undertaken research and preliminary consultation in relation to possible indigenous names for the park. The recommended name for the former Carawatha Primary School site - 'Carawatha Park' is an indigenous name and therefore is consistent with the objectives of the RAP.

**POLICY IMPLICATIONS**

There are no policy implications applicable to this report.

---

**P14/3568 – INITIATION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council can refuse to name the park or to endorse any of the shortlisted names for advertising. There are no rights of appeal in respect of either decision. However, this option is not recommended as the park is currently without an official name.

The Council may also adopt one (or more) alternative names from the shortlist outlined in this report. It is not recommended that the Council adopt more than one name, as this can result in confusion for the community during the advertising process.

The Council may also nominate a different name for the purposes of advertising. Should this occur, the alternative name will need to be referred to Landgate for their preliminary comment prior to advertising to the community.

**CONCLUSION**

It is recommended that the Council adopt the nominated name 'Carawatha Park' for the purposes of advertising. Once advertising has closed and the submissions have been collated, the matter will be presented to the Council for final endorsement.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3568)                      INITIATION**

**That the Council adopt the following name for the park being constructed on a portion of the former Carawatha Primary School site located at 10 Archibald Street, Willagee for the purposes of public consultation for a period of no less than 14 calendar days:**

- **Carawatha Park**

At 7.11pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**M14/5388 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2015 (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 C12/5256 Ordinary Meeting of Council held 20 November 2012 – City of Melville 2013 Local Government Elections
Works Programme	: Not Applicable
Funding	: Budgeted in 2015/2016
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5388 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2015 (AMREC)****KEY ISSUES / SUMMARY**

- The local government elections will be held on 17 October 2015 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 2015 election and for the election to be held as a postal election.

**BACKGROUND**

The last local government election was held on 19 October 2013 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 2015, 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 nine postal elections (biennial from 1997 to 2013), and has found postal elections to elicit greater voter response. The voter response in 2013 achieved 28.80% of enrolled persons compared to a State average of 27.76%.

**STAKEHOLDER ENGAGEMENT****III. COMMUNITY**

Not required

**IV. OTHER AGENCIES / CONSULTANTS**

The City of Melville will receive a written quotation from the Western Australian Electoral Commission (WAEC) to conduct the 2015 ordinary elections as postal elections.

**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 following the passing of two motions by absolute majority;

**M14/5388 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2015 (AMREC)**

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. 28 July 2015).

**FINANCIAL IMPLICATIONS**

The Western Australian Electoral Commission (WAEC) has advised that for all local governments likely to use the Commission to conduct their election using the postal election method, providing a cost estimate for the 2015 elections will not be possible until after the Governor's Orders have been released and more definitive cost calculations can be determined. At this stage it is proposed to provide cost estimates to those local governments that will still exist on 1 July 2015, by February 2015.

The cost estimate will be based on the following assumptions;

- Number of electors
- Response rate of approximately 35%
- Number of vacancies, and
- Count to be conducted at the premises of the City of Melville.

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 \$18,000.

An allocation for these funds will need to be included in the 2015/2016 budget submission.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The risk of an election being conducted by the Western Australian Electoral Commission 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.

**M14/5388 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2015 (AMREC)**

There are no Strategic and Environmental Implications.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
That a postal election conducted by WAEC being deemed invalid.	Minor consequences which are unlikely, resulting in a <b>Low</b> 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). 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 2015 election and for the election to be held as a postal election.

**M14/5388 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2013 (AMREC)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5388)**

**ABSOLUTE MAJORITY**

At 7.11pm Cr Foxtton moved, seconded Cr Schuster –

**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 2015 Ordinary Elections together with any other elections or polls which may also be required.**
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 7.11pm the Mayor submitted the motion, which was declared

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**M14/5389 – ADOPTION OF THE PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (AMREC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Acts, Statutes and Local Laws
Customer Index	: City of Melville.
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M14/5373 – Proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014 – 19 August 2014.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5389 – ADOPTION OF THE PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

This item is presented to the Council for the adoption of the Proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014. The matter came before the Council at its meeting on 19 August 2014 where it was resolved to advertise the proposed local law. The Council is now required to resolve by absolute majority to either make the proposed local law or not.

**BACKGROUND**

In November 2009, the Council resolved to adopt a number of proposed recommendations made as a result of a review of its local laws. One of the recommendations was the repeal or amendment of certain local laws.

At its Ordinary Council Meeting held on 19 August 2014, the Council considered the proposed *Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014* and resolved –

*That the Council authorise the Chief Executive Officer to advertise the proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014 as contained in 5373 Activities in Thoroughfares, Public Places and Trading Local Law 2014 for public comment, in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.*

*CARRIED UNANIMOUSLY EN BLOC (11/0)*

No requests were made by members of the public for copies of the proposed local law and no submissions have been received.

**DETAIL**

The proposed Local Law was advertised in the West Australian on 27 August 2014 and the Melville Times on 2 September 2014. Submissions closed on 10 October 2014. A copy of the proposed local law was sent to the Minister for Local Government on 25 August 2014 and the Minister for Health, Training & Workforce Development on the 26 August 2014.

***Department of Local Government***

The Department of Local Government and Communities (the Department) under cover of an e-mail dated 13 October 2014 commented on the proposed local law. The Department made suggestions in respect of drafting improvements to ensure standardising the format for Acts and Regulations for purposes of uniformity, consistency and functionality. In addition to the formatting amendments made to the proposed local law, the Department also made some amendments to the content. The amendments deal principally with meeting the requirements of the Joint Standing Committee on Delegated Legislation (JSCDL).

---

**M14/5389 – ADOPTION OF THE PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (AMREC) (ATTACHMENT)**

The City therefore in adopting the proposed local law is not making significant changes to the proposed local law to the one that was originally proposed.

The Council is now required to make the local law as proposed or make a local law that is not significantly different from what was proposed. If the Council decides to make a local law that is significantly different from what is proposed than under section 3.12(4), the local law-making process must be started again.

After the Council has made the local law, the local government is required to publish it in the Government Gazette and submit a copy of it to the Minister for Local Government. After the local law has been published in the Gazette, the local government is to give Statewide public notice:

- stating the title of the local law;
- summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
- advising that copies of the local law may be inspected or obtained from the local government's office.

Once the local law has appeared in the Government Gazette, the local government is also required to send an explanatory memorandum and copies of the local law to the Joint Standing Committee on Delegated Legislation.

**PUBLIC CONSULTATION/COMMUNICATION****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

As required under s. 3.12(3) of the *Local Government Act 1995*, the City of Melville advertised the proposed local law in the West Australian and the Melville Times.

No requests were made by members of the public for copies of the proposed local law and no submissions have been received.

**II. OTHER AGENCIES / CONSULTANTS**

The proposed amendment was sent to the Minister for Local Government on 25 August 2014 and the Minister for Health, Training & Workforce Development on the 26 August 2014.

**STATUTORY AND LEGAL IMPLICATIONS**

S. 3.12(4), (5), (6) and (7) of the *Local Government Act 1995* (WA).

**M14/5389 – ADOPTION OF THE PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (AMREC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

Advertisement costs for the adoption notice and the gazettal fee for the proposed *Local Government Property Local Law*.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The adoption of the proposed Local Law will have implications for the City. Adequate local laws allow for protection of members of the community through the regulation of activities in controlled parameters. It is therefore a requirement, that local laws are relevant, easy to understand and adequate.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The conduct of competing and contrary activities on local government Thoroughfares, Public Places and Trading or unregulated behaviour.	The likelihood is possible with a minor consequence resulting in a <b>Medium</b> risk.	Development of a local law to regulate Activities in Thoroughfares, Public Places and Trading.

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council has resolved to accept this local law. Should the Council not adopt this local law, the existing local laws will continue to apply.

**CONCLUSION**

The proposed local law will, if the Council resolves to adopt it, be gazetted in the Government Gazette and become law 14 days therefrom.

**M14/5389 – ADOPTION OF THE PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5389)**

**ABSOLUTE MAJORITY**

At 7.12pm Cr Willis moved, seconded Cr Reynolds –

**That the Council:**

1. **Adopts by an absolute majority in accordance with section 3.12(4) of the *Local Government Act 1995*, the *City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014* as amended and contained in [5389 Activities in Thoroughfares PublicPlaces and Trading Local Law 2014](#) and affixes the Common Seal.**
2. **Approves the progression of the remaining actions to finalise the publication of the Local Law in accordance with sections 3.12 and 3.15 of the *Local Government Act 1995*.**

At 7.12pm the Mayor submitted the motion, which was declared

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

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: City of Melville Annual Report
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	: M13/5330 - City of Melville Annual Report 2012-2013: Ordinary Meeting of Council 19 November 2013
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officers	: Kylie Johnson Executive Manager Organisational Development

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the 2013-2014 Community Annual Report for Council's acceptance.
- The Community Annual Report includes the following aspects required by the *Local Government Act 1995*; reports from the Mayor and Chief Executive Officer (CEO); overview of future plans including major initiatives; financial report for the financial year; prescribed information in relation to the payments made to employees; the auditor's report for the financial year; a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and details of entries made under section 5.121 regarding complaints against Council Members.
- Elected Members were provided with an initial draft design copy in September, and feedback was received at the EMIS on 30 September 2014.
- In accordance with the *Local Government Act 1995* section 5.54, the Community Annual Report is to be accepted by absolute majority decision.

**BACKGROUND**

In accordance with Section 5.53(1) of the *Local Government Act 1995* (the Act), a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report be accepted by the Local Government no later than 31 December after that financial year, and is to be by absolute majority decision.

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

Like the 2012-2013 Annual Report, this year's report takes the form of a 'Community Annual Report' which features a full summary attached, City of Melville Community Annual Report 2013-2014 and an abridged set of Financial Statements. The full set of Financial Statements will be available to ratepayers on request.

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)****DETAIL**

Section 5.53 of the Act requires the Annual Report to contain the following:

- a report from the Mayor;
- a report from the CEO;
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
- details of entries made under section 5.121 regarding complaints against Council Members;
- details of FOI applications made under Freedom of Information Act 1992
- such other information as may be prescribed. (Inc Regulations 19CA requiring information about modifications made during the year to the Strategic Community Plan and Corporate Business Plan).

The 2013-2014 Community Annual Report has been prepared and meets the requirements of the Act .It is designed to report directly on the goals and strategies detailed in the document "The City of Melville Corporate Plan 2012 – 2016". It also references and reinforces the importance of the Strategic Community Plan, which aligns with the Department of Local Government and Communities Integrated Planning Framework.

The text of this Annual Report was developed from information gathered from all areas of the organisation from end-of-year reports, information requested directly from employees and various corporate documents. This text was reviewed by the Operational Management Team (OMT) and the Executive Management Team (EMT). The Governance and Compliance Program Manager completes an audit of the updated designed version of the Annual Report, inclusive of the abridged financials, prior to going to the Ordinary Meeting of Council, against the specific legislative requirements to confirm relevant requirements have been addressed.

Elected Members were provided with an initial draft design copy in September, and feedback was received at the EMIS on 30 September 2014.

It is of relevance that the abridged and complete Financial Statements are reviewed and adopted by the Financial Management, Audit, Risk and Compliance Committee on 10 November 2014, which incorporates questions of and discussion with the external Auditors. The abridged Financial Statement is reflected in the Community Annual Report, and the full Financial Statement is available on request. The adopted abridged Financial Statements are then included into the final designed version of the Annual Report which is presented in its entirety for adoption by Council at the Ordinary Meeting of Council in November 2014.

The most recent version of the 2013-2014 Community Annual Report and the abridged Financial Statements are attached. [City of Melville Community Annual Report 2013-2014](#) and [Community Annual Report 2013-2014](#)

It should be noted that the final document is being prepared for publication by the City's graphic designers and the completed document may contain minor design changes, but no changes to content.

---

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

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

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.27 of the Act specifies that a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the Annual Report for the previous financial year.

Section 5.53 of the Act specifies requirements for information to be included in the Annual Report as noted previously.

Regulations 19B and 19CA of the Local Government (Administration) Regulations 1996 require additional information to be included in the Annual Report.

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

Section 5.55 of the Act specifies that the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the local government.

**FINANCIAL IMPLICATIONS**

Funds have been provided in the 2014-2015 budget to enable graphic design, publication, promotion and distribution of the Annual Report. As per the previous year, minimal hard copy Annual Reports will be published, and more environmentally responsible distribution methods such as through CD Rom and access via the City of Melville website will be utilised.

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Not publishing an Annual Report in accordance with all relevant legal requirements and accounting standards would result in non-compliance with required legislative and regulatory requirements.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Ensure the Annual Report conforms to all requirements through assessment by the Governance and Compliance Program Manager of the updated version of the Report, inclusive of the abridged Financial Statements, prior to going to the Ordinary Meeting of Council in November 2014.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternate options as the production of an Annual Report is a legislative requirement.

**CONCLUSION**

This Annual Report is a succinct and accurate reflection of the activities undertaken by the City of Melville in 2013-2014, and has been prepared in accordance with legislative and regulatory requirements.

Following Council adoption, this document will be finalised and made available in various formats, including CD Rom, the City of Melville's website and hard copy, for all stakeholders.

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION (5391)****ABSOLUTE MAJORITY**

At 7:13pm Cr Schuster moved, seconded Cr Robartson –

**That the Council, by Absolute Majority Decision, accepts the City of Melville 2013-2014 Community Annual Report. . City of Melville Community Annual Report 2013-2014 and Community Annual Report 2013-2014**

Amendment

***That the City of Melville Community Annual Report 2013-2014 be amended by replacement of page 15 and pages 40-51 inclusive.***

Reasons for Amendment

An error in the Elected Member meeting attendance table was identified after the Agenda Briefing Forum held on 4 November 2014, and financial data was refined following the end of financial year process, and external audit report.

At the Financial Management, Audit, Risk and Compliance Committee meeting held on the 10 November 2014, members were given a revised copy of the Annual Financial Statements as a result of officers receiving audited financial statements from the SMRC. These changes were highlighted in a separate attachment that was distributed on the night and the financial figures have been updated for the Annual Report. This change had no effect on the closing surplus for the 2013/2014 financial year.

**At 7.13pm Cr Schuster, with agreement of the seconder Cr Robartson, agreed to incorporate the amendment into the recommendation.**

**COUNCIL RESOLUTION (5391)****ABSOLUTE MAJORITY**

***That the City of Melville Community Annual Report 2013-2014 be amended by replacement of page 15 and pages 40-51 inclusive.***

**That the Council, by Absolute Majority Decision, accepts the City of Melville 2013-2014 Community Annual Report. . City of Melville Community Annual Report 2013-2014 and Community Annual Report 2013-2014 as amended**

At 7.18pm the Mayor declared the motion

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

**M14/5391 - CITY OF MELVILLE ANNUAL REPORT 2013-2014 (AMREC) (ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**M14/5000 – COMMON SEAL REGISTER (REC)**

Disclosure of Interest

Item No.	M14/5000
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	A social Member of the Mount Pleasant Bowling Club
Decision of Council	Not Applicable

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**

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

**M14/5000 – COMMON SEAL REGISTER (REC)**

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 26 September 2014 up to and including 23 October 2014 and recommends that the information be noted and endorsed.

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>ECM Reference</b>
901	The City of Melville and The Scout Association of Australia, WA Branch 1st Willagee	Deed of Lease for five years commencing on the 1 July 2014 and expiring on the 30 June 2019	3232406
912	The City of Melville and The St John Ambulance Association	Deed of Lease for five years commencing on the 1 September 2014 and expiring on the 31 August 2019	3249988
933	The City of Melville and Water Corporation	Deed of Easement at Shirley Strickland Reserve	3297444
951	The City of Melville and West Australian VHF Group	Deed of Variation to the Lease Agreement The parties have agreed to vary the Lease by amending Clause 5.9 Insurance	3353634

**M14/5000 – COMMON SEAL REGISTER (REC)**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>ECM Reference</b>
962	The City of Melville and Capital Community Radio Inc	Deed of Management Licence Renewal for lease for a further five year period from 21 November 2014 to 20 November 2019	3364758
963	The City of Melville and The Mount Pleasant Bowling Club	Deed of Lease for a five year period commencing on the 1 July 2014 and expiring on the 30 June 2019	3250221
974	The City of Melville and Landgate	Shared Location Information Platform (SLIP) Operating Agreement for General Custodians 14 September 2014	3397145
979	The City of Melville and the owners of 56A and 56B Warragon Crescent Attadale	Discharge of Easements - 56A and 56B Warragon Crescent Attadale	3400718

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**M14/5000 – COMMON SEAL REGISTER (REC)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

(a) *the mayor or president; and*

(b) *the chief executive officer or a senior employee*

*authorised by the chief executive officer,*

*each of whom is to sign the document to attest that the common seal was so affixed.*

**FINANCIAL IMPLICATIONS**

Individual leases and agreements may provide a financial benefit to the City.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**M14/5000 – COMMON SEAL REGISTER (REC)****CONCLUSION**

This is a standard report for Elected Members' information.

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

**That 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 26 September 2014 up to and including 23 October 2014, be noted.**

At 7.19pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14) (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Tenders  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not Applicable  
 Works Programme : Not Applicable  
 Funding : 2014/2015  
 Responsible Officer : Paul Kellick  
 Manager Asset Management

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- To recommend the acceptance of tenders from Devco Holdings t/as Devco Builders (Devco), Crabclaw Holdings Pty Ltd ATF the EMSO Investment Trust t/as EMSO Maintenance (EMSO), Calibre Holdings Pty Ltd (Calibre) and RWE Robinson & Sons ATF the RWE Robinson Unit Trust t/as Robinson Buildtech (Robinson Buildtech) for the supply of construction, building project management, carpentry and painting services for a three year period as apportioned in the recommendation.

**BACKGROUND**

Tenders were invited by advertisement in the West Australian newspaper on Wednesday 9 July 2014 and closed on Thursday 24 July 2014. The tenders received have been evaluated by the Evaluation Panel and the recommendation of shortlisted tenderers to be accepted was tabled at the Contract and Tender Advisory Unit (CTAU) meeting held on Friday 24 October 2014.

The tender was sought due to expenditure for construction, building project management, carpentry and painting services being in excess of \$100,000 per annum which requires a tender to be conducted.

The existing contract for trade services has been on extension since December 2013. A previous tender process for the whole of trade services was conducted in September 2013 which failed to appoint a panel due to the number of submissions received and the resulting delay in processing. As a result the tender was redeveloped and split into six tenders. This tender is for the services of construction, building project management, carpentry and painting, with tenderers able to tender on either service provision depending on their expertise.

**Price Schedule**

The Price Schedule was forwarded to Elected Members on Friday 31 October 2014 under confidential cover.

**Tender Evaluation Process**

All tenders were evaluated using a non-price weighted attribute method with submissions being scored a possible 80% qualitatively in Stage 1. Qualitative scores were achieved by joint agreement of the panel members at the evaluation meeting after each panel member had scored the submissions individually. The Evaluation Panel agreed that the percentage required for tenderers to pass to the second stage was 60% (Equates to a weighted score of 48 or above). The tenderers who have achieved the highest score have been recommended.

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)**

The Evaluation Sheet was forwarded to Elected Members on Friday 31 October 2014 under confidential cover.

The Evaluation Committee held two evaluation meetings on Wednesday 3 September 2014 and Monday 6 October 2014. The panel consisted of the Purchasing & Contracts Coordinator, the Facilities & Assets Coordinator and the Projects Coordinator.

The criteria for this tender were based on the following specific attributes:

**Stage 1**

1. Relevant Experience
2. Capacity to Deliver
3. Methodology

**Stage 2**

4. Non-price weighted assessment

**Stage 3**

5. References/Performance Reporting

**DETAIL**

Tender documents issued	34
Addendums issued	Nil
Tenders received at close of tender	14
Late tenders received	Nil

<b>Tenders received</b>
The Arden Group (Arden)
MCL Commercial
Perrott Painting Maintenance (Perrott)
CPD Group (CPD)
Access without Barriers
Devco Holdings t/as Devco Builders (Devco)
RWE Robinson & Sons ATF the RWE Robinson Unit Trust t/as Robinson Buildtech (Robinson Buildtech)
Workzone Pty Ltd (Workzone)
Protek Total Facility Management (Protek)
Calibre Holdings Pty Ltd (Calibre)
Pianda Maintenance (Pianda)
Crabclaw Holdings Pty Ltd ATF the EMSO Investment Trust t/as EMSO Maintenance (EMSO)
Supalux Pty Ltd (Supalux)
Woodbridge Painting and Maintenance Pty Ltd ATF Riley Trust (Woodbridge)

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)**

The evaluation methodology is outlined under the heading Tender Evaluation Process. All tenderers were compliant with tendering conditions with only one clarification sought. Details of which are contained in the Confidential Attachment – CTAU Minutes – Friday 24 October 2014.

**Evaluation Summary**

The individual tenders were assessed against the responses to the qualitative criteria and a summary of which was distributed to members of the CTAU. A summary of the results are below. Further details are contained in the Confidential Attachment – CTAU Minutes – Friday 24 October 2014.

**Stage 1 – Qualitative Assessment**

<b>Tenderers not shortlisted</b>
Supalux
Perrott
Pianda
Arden
CPD
MCL Commercial
Access Without Barriers
Protek
Woodbridge
Workzone
<b>Tenderers shortlisted</b>
Devco
EMSO
Calibre
RBT

**Stage 2 – Non- Price Weighted Assessment**

Shortlisted tenderers were assessed using the non-price weighted method which was described in the tender document as follows:

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)**

“The non-weighted cost method is used where functional considerations such as capacity, quality and adaptability are seen to be crucial to the outcome of the Contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the requirements and the qualitative ranking of each Tenderer will be considered.”

The Confidential Attachment - Pricing Schedule details the hourly rates proposed, number of staff included, mark up on cost of goods sold and any additional services provided.

Details of the non-weighted assessment are contained in the Confidential Attachment – CTAU Minutes – Friday 24 October 2014.

In summary the following recommendations for appointment have been made.

Devco	Construction Carpentry – including general maintenance Painting – performed as part of a quoted project only
EMSO	Construction Carpentry – including general maintenance
Calibre	Painting – for routine maintenance program and painting specific projects
RBT	Construction Building Project Management Carpentry – including general maintenance Painting – performed as part of a quoted project only

It is the recommendation of the CTAU that the tenderers identified in the above table are awarded the contracts for the construction, building project management, carpentry and painting having achieved the highest qualitative scores following the evaluation process.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

No external engagement with the community was required for this tender.

**II. OTHER AGENCIES / CONSULTANTS**

No agencies or consultants were consulted for this tender.

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Section 3.57 of the Local Government Act 1995 states “A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

**FINANCIAL IMPLICATIONS**

The combined amount of \$913,700 has been provided in the 2014/2015 capital and operating budgets to carry out construction and painting works.

Account Number	Budget	Description
Individual Capital budgets for specified building renewal works.	\$345,000.	Identified building renewal projects.
Individual Operating budgets for each building maintenance works.	\$280,700.	Reactive building maintenance and minor capital renewal works.
Individual Capital budgets for specified building painting works.	\$288,000.	Identified planned painting works.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Accident or injury resulting from poor condition of buildings or structures.	Catastrophic consequences which are unlikely, resulting in a <b>High</b> level of risk	Regular condition assessment, maintenance requests from users, upgrade and renewal programs.
Accident, injury, illness or damage to reputation caused by deterioration of building elements due to failure of coating systems such as paint..	Major consequences which are possible, resulting in a <b>High</b> level of risk	Regular condition assessment, maintenance requests from users, upgrade and renewal programs.

**POLICY IMPLICATIONS**

This report conforms to Council Policy Procurement of Goods or Services CP-023.

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The use of WALGA and State Government preferred supplier panels do not cover the supply of these services, so could not be used. With current contracts expiring there is no alternative other than to call for tenders for the supply of construction, building project management, carpentry and painting services due to the expenditure being above \$100,000. A panel supply is essential for construction and carpentry services to maintain service provision.

**CONCLUSION**

The Evaluation Committee has reviewed and evaluated all tenders and presented a recommendation to the CTAU to appoint the panel of contractors to complete the required works. The Council is now required to consider this tender and the recommendation from the Contract and Tender Advisory Unit because the value of the contract exceeds the \$500,000 limit delegated to the Chief Executive Officer under Delegated Authority DA-027.

**C14/6074 - SUPPLY OF CONSTRUCTION, BUILDING PROJECT MANAGEMENT, CARPENTRY AND PAINTING SERVICES FOR A THREE YEAR PERIOD (CO18/14)  
(REC) (CONFIDENTIAL ATTACHMENT)****COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (6074)****APPROVAL**

That the Council accepts:

1. The tender submitted by RWE Robinson & Sons ATF the RWE Robinson Unit Trust t/as Robinson Buildtech (ABN 31 027 257 128) for the supply of construction, building project management, carpentry – including general maintenance and project specific painting services for a three year period, for the schedule of rates specified.
2. The tender submitted by Crabclaw Holdings Pty Ltd ATF the EMSO Investment Trust T/A EMSO Maintenance (ABN 86 429 376 448) for the supply of construction and carpentry services – including general maintenance for a three year period, for the schedule of rates specified, be also accepted.
3. The tender submitted by Devco Holdings Pty Ltd as trustee for the Devereux Family Trust trading as Devco Builders (ABN 27 992 937 955) for the supply of construction, carpentry – including general maintenance and project specific painting services for a three year period, for the schedule of rates specified, be also accepted.
4. The tender submitted by The Trustee for the KIS Trust t/as Calibre Coatings (ABN 87 331 910 843) for the supply of painting services for a three year period, for the schedule of rates specified, be also accepted.
5. That the selection criteria from the panel for allocation of works be based on the type of service required on any given occasion, availability within the time frame required and best value for money.

At 7.19pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (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**

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

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 30 September 2014 for the Council's information and noting.

The City's last remaining Collateralised Debt Obligation (CDO) investment (MAS Parkes 1A Face Value of \$1.05m), suffered its final Credit Event and its book value of \$1 was written off in September 2014.

**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (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 30 September 2014 are shown in the tables below.

<b>CITY OF MELVILLE</b>	
<b>SUMMARY STATEMENT OF INVESTMENTS</b>	
<b>FOR THE PERIOD ENDING 30 SEPTEMBER 2014</b>	
<b>SUMMARY BY FUND</b>	
	<b>AMOUNT</b>
	<b>\$</b>
MUNICIPAL	\$ 62,348,733
RESERVE	\$ 77,370,240
TRUST	\$ 272,939
CITIZEN RELIEF	\$ 204,517
	<b>\$ 140,196,429</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	
	<b>AMOUNT</b>
	<b>\$</b>
11AM	\$ 4,806,063
TERM DEPOSIT	\$ 130,159,721
BOND	\$ 2,000,000
FRTD	\$ 3,000,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 140,196,429</b>
<b>SUMMARY BY CREDIT RATING</b>	
	<b>AMOUNT</b>
	<b>\$</b>
AA	\$ 6,000,000
AA-	\$ 84,765,784
A+	\$ 12,000,000
A	\$ 3,900,000
A-	\$ 33,300,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 140,196,429</b>

**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (REC)**

The following statements detail the investments held by the City for the period ending 30 September 2014.

SUMMARY STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$3,000,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$303,017	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,503,046	On call
					<b>\$4,806,063</b>	
ANZ BANK (TERM)	Very Low	TERM	Various	AA-	\$5,000,000	Various
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$2,000,000	Various
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$5,000,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$8,000,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$21,968,937	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$10,000,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$20,300,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$26,290,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$4,000,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$4,100,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$2,000,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$17,600,000	Various
					<b>\$130,159,721</b>	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	\$3,000,000	Various
					<b>\$3,000,000</b>	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.76%	AA	\$2,000,000	20-Dec-15
					<b>\$2,000,000</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
					<b>\$140,196,429</b>	

**CREDIT RISK COMPARISON**

CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$6,000,000	4%	80%	
AA-	\$84,765,784	60%	80%	
A+	\$12,000,000	9%	50%	
A	\$3,900,000	3%	50%	
A-	\$33,300,000	24%	50%	
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%		
<b>TOTAL</b>	<b>140,196,429</b>	<b>100%</b>		

**DIVERSIFICATION RISK**

INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	5,000,000	3.57%	3.57%	20%	
AMP BANK (TERM)	TERM	A+	10,000,000	7.13%	7.13%	15%	
BANKWEST (TERM)	TERM	AA-	2,000,000	1.43%	1.43%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	5,000,000	3.57%	3.57%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	8,000,000	5.71%	5.71%	15%	
CITIBANK (TERM)	TERM	AA-	21,968,937	15.67%	15.67%	20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.43%	1.43%	20%	
ING BANK (TERM)	TERM	A-	20,300,000	14.48%	14.48%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	2.78%	2.78%	15%	
NAB (TERM)	TERM	AA-	26,290,784	18.75%	18.75%	20%	
RABODIRECT (TERM)	TERM	AA	4,000,000	2.85%	2.85%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	4,100,000	2.92%	2.92%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	2,000,000	1.43%	1.43%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	303,017	0.22%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,503,046	1.07%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	3,000,000	2.14%		20%	
WESTPAC (FRTD)	FRTD	AA-	3,000,000	2.14%		20%	
WESTPAC (TERM)	TERM	AA-	17,600,000	12.55%	18.12%	20%	
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.16%	0.16%		
<b>TOTAL</b>			<b>140,196,429</b>	<b>100%</b>	<b>100%</b>		

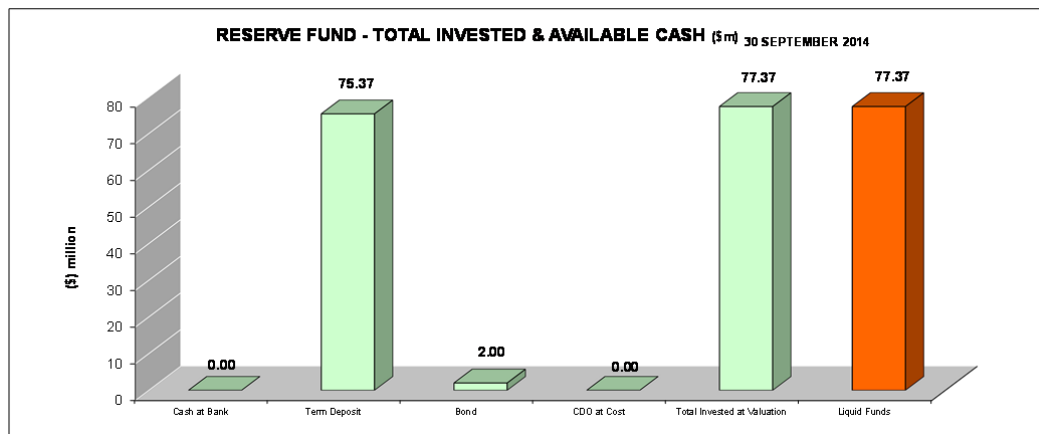
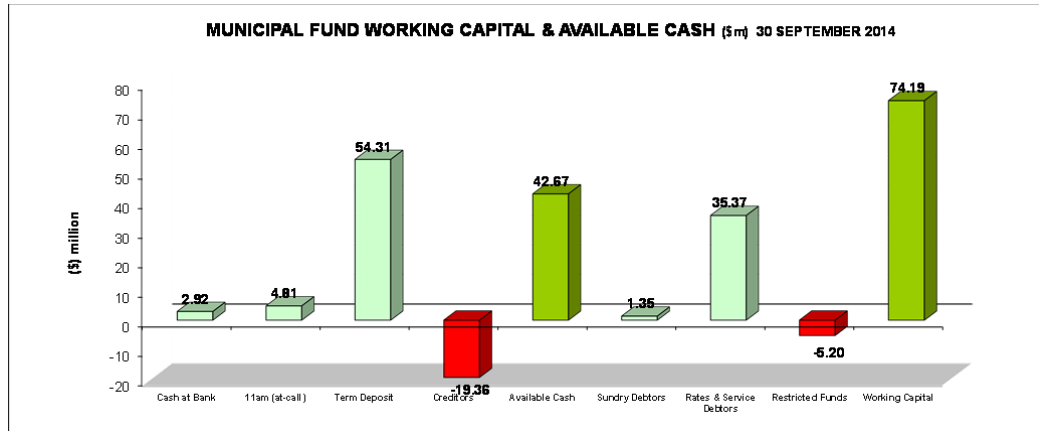
**MATURITY COMPARISON**

TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	62,391,027	100%	100%	
	<b>62,391,027</b>	<b>100%</b>		
RESERVE FUNDS				
< 1 year	75,370,240	97%	100%	
< 2 years	2,000,000	3%	80%	Purchased Prior To Policy
	<b>77,370,240</b>	<b>100%</b>		

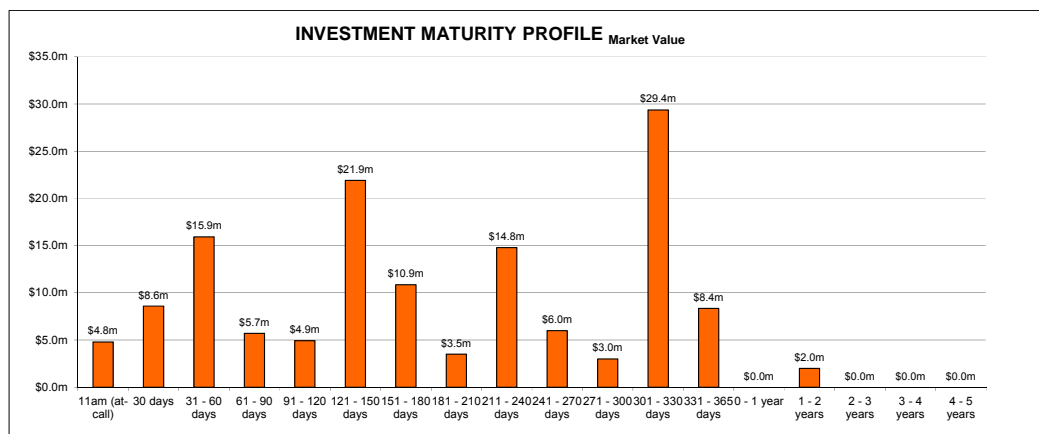
**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (REC)**

**Net Funds Held**

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 30 September 2014.



The graph below summarise the maturity profile of the City's investments at market value as at 30 September 2014.



**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (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**

Not applicable.

**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)

In conjunction with approximately 71 local government authorities, charities and other entities, (The Applicants) the City of Melville engaged litigation funder IMF (Australia) Ltd. to seek recovery of losses arising out of the CDO investments from Lehman Brothers Australia (LBA) in the Supreme Court of Australia.

On 21 September 2012, Federal Court of Australia Justice Rares delivered his findings. In summary, "His Honour found that LBA, in selling and advising on sales of certain investment products to the Applicants, acted in breach of contracts it had with the Applicants, engaged in misleading or deceptive conduct, was negligent and was in breach of its fiduciary duties as a financial adviser to the Applicants". For these reasons, LBA was found to be liable to compensate the Applicants for their losses incurred as a result of their investments.

On 3 and 21 December 2012 and 25 March 2013, Justice Rares made the Common Issues Orders (which determine a number of common questions and answers binding on the Applicants, LBA and Group Members). On 25 March 2013, Justice Rares granted the Declaratory Relief declaring, amongst other things, the amounts for which the Applicants are entitled to be admitted to prove in the liquidation of LBA.

Whilst the decisions taken by the various courts have been positive for the litigants, the legal process is lengthy.

Piper Alderman has prepared the City of Melville's final Proof of Debt claim which was lodged with the liquidators in February 2014. No accurate estimates of the distribution amounts that will eventually be made to the City can be made at this time.

The City's last remaining Collateralised Debt Obligation (CDO) investment (MAS Parkes 1A Face Value of \$1.05m), which had a final maturity date of 20 June 2015, has suffered its final Credit Event and was written off in September 2014.

The City has earned approximately \$5.12 million from CDO investments since 1 July 2007.

**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (REC)****FINANCIAL IMPLICATIONS**

For the period ending 30 September 2014:

- Investment earnings on Municipal and Trust Funds were \$328,312 against a budget of \$367,500 representing a \$39,188 negative variance.
- Investment earnings on Reserve accounts were \$754,351 against a budget of \$625,000 representing \$129,351 positive variance.

Due to the continued low 'Cash' rate and the legislative restrictions that have been placed by State Government, the City's revenue earned from investment earnings is expected to remain at current levels in the foreseeable future.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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.

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

**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

Further investment in CDOs is specifically excluded under the City's current Investment Policy.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

---

**C14/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2014 (REC)****CONCLUSION**

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

Future investment earnings are expected to continue to remain lower when compared to previous years as interest rates continue to be low, new restrictions put on banks by the regulators and the legislative restrictions that have been implemented by the State Government limiting term deposits to a maximum term of 12 months, resulting in the City being able to invest in term deposits with the higher interest rates that are available on longer term investments.

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

**That the Investment Report for the month of September 2014 be noted.**

At 7.19pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2014 (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	: 2013/2014 Budget
Responsible Officer	Bruce Taylor – Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the month of September 2014 and recommends that the Schedule of Accounts Paid be noted.

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2014 (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 month ending 30 September 2014 ([6001 September 2014](#)), including Payment Registers numbers, Cheques 423 to 427 and Electronic Funds Transfers batches 345 to 347 was distributed to the Elected Members of Council on 31 October 2014.

Payments in excess of \$25,000 for the month of September 2014 are detailed as follows:

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Asphaltech Pty Ltd	E040661	Road resurfacing at Marcus Avenue	\$211,386.48
AV Trucks Services Pty Ltd	E040650 & E040822	Purchase of 7 Waste Trucks	\$2,944,383.70
Carringtons Traffic Services WA	E040702	Traffic management at various places	\$25,936.24
City of Cockburn	E040501	Tip fees for June and August	\$106,290.27
CPD Group	E040697 & E040864	Refurbishment of Troy Park and Marmion Reserve Clubrooms	\$43,839.95
Crabclaw Holdings Pty Ltd	E040576 & E040768	Building maintenance	\$27,273.31
Dickies Tree Service	E040503 & E040717	Tree lopping services	\$81,156.40
Dowsing Concrete	E040706 & E040870	Concrete works	\$69,681.87
Elexacom	E040594 & E040781	Electrical maintenance various locations and Supply & installation of flood lights at Alan Edwards Reserve	\$278,574.71
Fire & Emergency Services Authority WA	E040825	ESL remittance for April and June	\$244,272.22
Flexi Staff	E040537 & E040843	Temporary employment	\$64,198.62
Forrest Hills Spraying Services	E040837	Verge & kerblin spraying, Weed control	\$50,600.00
Hays Specialised Recruitment	E040660 & E040831	Temporary employment	\$35,572.73
Hydroquip Pumps	E040547 & E040745	Irrigation pumps to Layman Park, Ratcliffe Park, Wireless Hill Park and Somerville Park	\$91,675.10

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2014 (REC)  
(ATTACHMENT)**

JMG Air Conditioning & Electrical Services Pty Ltd	E040651 & E040823	Maintenance to air conditioners	\$44,541.56
Landmark Engineering & Design Pty Ltd T/A Exteria	E040523 & E040731	Park bench Harry Buckley & Melville Reserve	\$27,372.40
Landscape Elements	E040735	Progress claims 1 and 2 for Carrawatha Park	\$297,852.94
LGIS Insurance Broking	E040493	Motor vehicle Insurance	\$180,672.19
LGIS Liability	E040492	Public Liability, Property, Work care 1 <sup>st</sup> Instalment Insurance	\$990,764.36
Local Health Authority Analytical Committee	E040654	Analytical services	\$26,757.49
MMM WA Pty Ltd	E040609	Drainage upgrades, limestone retaining wall at Burke Drive and remedial works to Majestic Boardwalk	\$244,382.38
Natural Area Management & Services	E040695 & E040863	Herbicide treatment	\$75,153.10
Playmaster Pty Ltd	E040772	Playground equipment for Melville Reserve and Ross Park	\$44,220.00
Robinson Buildtech	E040519 & E040727	Building maintenance	\$59,632.16
South West Group	E040558	Member council contributions	\$38,000.00
Southern Metropolitan Regional Council	E040592	Annual contributions for 2014/2015, MSW gate fees for August, RRRRC loan repayment to September, recyclable gate fees for August and greenwaste gate fees for August	\$1,556,458.37
Synergy	E040536 & E040739	Electricity charges	\$274,717.77
TJS Cleaning Services Perth Pty Ltd	E040676	Cleaning of LeisureFit Booragoon and LeisureFit Melville for August	\$25,199.99
Triton Electrical Contractors Pty Ltd	E040656 & E040828	Electrical services	\$53,708.84
Turfmaster	E040530	Herbicide treatments, mowing and broadacre spraying of reserves	\$40,658.75
Water Corporation	CHQ 059260 & 059468	Water Usage	\$28,097.18
Western Educting Services	E040569 & E040763	Jetting & educting services	\$27,060.00

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2014 (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.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Not applicable

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a regular monthly report for Elected Members' information.

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

**That the Council note the Schedule of Accounts paid for the month ending 30 September 2014 as approved by the Director Corporate Services in accordance with Delegated Authority DA-035, and detailed in attachment [6001 September 2014](#)**

At 7.19pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (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**

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

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity for the period ending 30 September 2014 and recommends that they be noted by the Council.
- Budget amendments for the period ending 30 September 2014 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of September 2014 and recommends that they be noted by the Council.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (AMREC)  
(ATTACHMENTS)**
**BACKGROUND**

The Statements of Financial Activity for the period ending 30 September 2014 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.

For the period ending 30 September 2014, net operating positive variances of \$4.77m and net capital positive variances of \$201K were recorded.

**Variations**

A summary of variances and comments are provided in attachment [6002H September 2014](#).

	September Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Committ. \$
<b>Revenues</b>								
General Purpose Funding	474,091	6,250,841	6,489,389	238,548	4%	12,112,400	12,112,400	-
Recreation and Culture	796,118	2,551,831	2,423,997	(127,834)	-5%	10,147,119	10,147,119	-
Transport	904,577	2,623,762	2,330,563	(293,199)	-11%	4,231,564	5,477,478	(85)
Other Property and Services	65,025	152,212	240,162	87,951	58%	395,143	395,143	13,636
	2,519,796	15,390,412	15,307,924	(82,488)	-1%	37,998,637	39,275,502	13,551
<b>Expenses</b>								
Governance	(1,585,836)	(3,526,052)	(2,898,138)	627,915	-18%	(16,642,685)	(16,412,682)	(421,269)
Law, Order, Public Safety	(321,609)	(988,137)	(860,620)	127,517	-13%	(4,105,440)	(4,103,940)	(81,391)
Education & Welfare	(401,821)	(1,386,792)	(1,154,094)	232,698	-17%	(5,637,590)	(5,647,777)	(69,917)
Community Amenities	(2,101,073)	(5,803,947)	(4,868,785)	935,162	-16%	(21,193,172)	(21,613,671)	(153,037)
Recreation and Culture	(2,384,242)	(7,516,430)	(6,546,855)	969,575	-13%	(29,964,882)	(30,134,801)	(1,521,127)
Transport	(863,573)	(2,726,974)	(2,186,295)	540,680	-20%	(11,348,408)	(11,361,985)	(382,682)
Other Property and Services	(651,271)	(2,383,656)	(1,998,315)	385,341	-16%	(8,524,746)	(8,658,765)	(212,432)
	(8,486,025)	(24,935,085)	(21,110,739)	3,824,346	-15%	(103,021,227)	(103,537,925)	(2,928,554)
<b>Adjustments for Cash Budget Requirements</b>								
<b>Non-Cash Revenue &amp; Expenditure</b>								
(Profit)/Loss on Asset Disposals	(113,077)	-	(147,929)	(147,929)	0%	-	-	(13,636)
Depreciation on Assets	1,214,250	3,600,627	3,642,751	42,124	1%	14,256,544	14,256,544	-
Plant Capital Charge	23,984	71,953	71,953	-	0%	287,811	287,811	-
Movement in Deferred Rates	739	-	16,369	16,369	100%	-	-	-
	1,125,896	3,672,580	3,583,144	(47,313)	-2%	14,544,355	14,544,355	(13,636)
<b>Capital Revenue &amp; Expenditure</b>								
Purchase of Furniture & Equipment	(40,821)	(779,624)	(69,944)	709,680	-91%	(1,593,524)	(2,023,585)	(275,966)
Purchase of Plant & Equipment	(2,721,986)	(2,010,711)	(2,791,762)	(781,052)	39%	(4,702,747)	(8,016,944)	(1,148,539)
Purchase of Land & Buildings	(65,623)	(716,437)	(370,551)	345,886	-48%	(2,034,000)	(3,898,632)	(46,698)
Purchase of Infrastructure Assets	(1,552,221)	(2,289,624)	(2,010,786)	278,838	-12%	(16,125,081)	(21,330,059)	(27,839)

**Revenue**

\$77.65m in Rates was raised to 30 September 2014. This is compared with a year to date budget of \$76.78m, resulting in a positive variance of \$870K.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (AMREC)  
(ATTACHMENTS)**

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

Not applicable for September 2014

**Budget Amendments**

Details of Budget Amendments requested for the month of September 2014 are shown in attachment [6002J September 2014](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

**Rates Collections and Debtors**

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$4.32m were collected over the course of the month. Rates collection progress for the month of September was 0.2% below target. As at 30 September 2014, 64.8% of 2014/2015 rates had been collected. This is 0.2% less than collected for the same time last year.

Total sundry debtor balances decreased by \$115K over the course of the month. The 90+ day's debtor balance decreased by \$5K.

**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 September 2014.

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

DESCRIPTION	LINK
Rate Setting Statement September 2014	<a href="#">6002A September 2014</a>
Statement of Financial Activity – September 2014	<a href="#">6002B September 2014</a>
Representation of Net Working Capital – September 2014	<a href="#">6002E September 2014</a>
Reconciliation of Net Working Capital – September 2014	<a href="#">6002F September 2014</a>
Notes on Rate Setting Statement reporting on variances of 10% or greater – September 2014	<a href="#">6002H September 2014</a>
Details of Budget Amendments requested – September 2014	<a href="#">6002J September 2014</a>
Summary of Rates Debtors – September 2014	<a href="#">6002L September 2014</a>
Graph Showing Rates Collections – September 2014	<a href="#">6002M September 2014</a>
Summary of General Debtors aged 90 Days Old or Greater – September 2014	<a href="#">6002N September 2014</a>

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (AMREC)  
(ATTACHMENTS)****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**

(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

(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.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (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 September 2014](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no identifiable strategic, risk and 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 30 September 2014.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (AMREC)  
(ATTACHMENTS)**

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

At 7.19pm Cr Macphail moved, seconded Cr Willis –

**That the Council:**

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 30 September 2014 as detailed in the following attachments:**

<b>DESCRIPTION</b>	<b>LINK</b>
Rate Setting Statement September 2014	<a href="#">6002A September 2014</a>
Statement of Financial Activity – September 2014	<a href="#">6002B September 2014</a>
Representation of Net Working Capital – September 2014	<a href="#">6002E September 2014</a>
Reconciliation of Net Working Capital – September 2014	<a href="#">6002F September 2014</a>
Notes on Rate Setting Statement reporting on variances of 10% or greater – September 2014	<a href="#">6002H September 2014</a>
Details of Budget Amendments requested – September 2014	<a href="#">6002J September 2014</a>
Summary of Rates Debtors – September 2014	<a href="#">6002L September 2014</a>
Graph Showing Rates Collections – September 2014	<a href="#">6002M September 2014</a>
Summary of General Debtors aged 90 Days Old or Greater – September 2014	<a href="#">6002N September 2014</a>

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2014 (AMREC)  
(ATTACHMENTS)**

- 2. By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for September 2014, as detailed in attachment [6002J September 2014](#).**

At 7.19pm the Mayor submitted the motion, which was declared

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

<b>Vote Result Summary</b>	
Yes	13
No	0

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

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

Nil

**17. EN BLOC ITEMS**

At 7.22pm Cr Foxtton moved, seconded Cr Reynolds –

**That the recommendations for items M14/5393, M14/5394, M14/5397, M14/5399, P14/3566, P14/3568, M14/5000, C14/6074, C14/6000 and C14/6001 be carried En Bloc.**

At 7.23pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

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

Nil

**19. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 7.25pm.