



MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY, 19 FEBRUARY 2019

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm. Mr J Clark, Governance and Compliance Advisor, read aloud the Disclaimer that is on the front page of these Minutes and then the 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 Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr T Barling (Deputy Mayor)
Cr N Robins
Cr M Woodall Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr G Wieland, Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr M McCarthy
Ms K Johnson
Mr L Hitchcock

Mr J Rae (*until 10:53pm*)
Mr G Ponton (*until 7:15pm*)
Mr J Clark
Ms C Newman
Ms T Wright (*until 10:02pm*)

Chief Executive Officer
Director Community Development
Director Urban Planning
Director Technical Services
A/Director Corporate Services
Executive Manager Governance and Legal Services
Strategic Land and Property Executive
Manager Strategic Urban Planning
Governance and Compliance Advisor
Governance Coordinator
Governance Officer

At the commencement of the meeting there were approximately 23 members of the public and 2 representative from the Press 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.**

Cr Barling advised that he had not read the late information presented to the meeting.

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

Nil.

6. QUESTION TIME**6.1 Questions Received with Notice****6.1.1 Mr G Gear, Alfred Cove**Question 1

In the period since the elections 4 years ago how many ratepayer initiated meetings have been held?

Response

Ten Special Meeting of Electors have been requested and held.

Question 2

How many motions have been passed at these meetings?

Response

There have been 20 motions for Council consideration.

Question 3

How many of the motions in question 2 has the executive recommended to council that these motions be "noted"?

Response

The term "noted" acknowledges that the Council has received and considered the motion as it is required to do by the *Local Government Act 1995*. All motions from the Special Meetings since October 2015 have been noted. In addition there have been 15 additional actions as an outcome of the motions by the City in relation to the matters raised in the motions. The additional actions have ranged from a request for a report on the matters raised, the Council resolving to consider the matters raised when debating a future report, to direction to the Chief Executive Officer to undertake specified actions.

6.2 Questions Received Without Notice**6.2.1 Ms J Edinger, Melville.**Question 1

Given the Council has maintained that the June 2016 approach by Wave Park Group was "unsolicited", can the Mayor please explain his response of "I'm on to it Sol!" after being clearly tagged (as Mayor Russell Aubrey) by Glenn Solomon on 7 April 2016 in a post about Urbnsurf's proposed Melbourne wave park?

Response

Urbnsurf had approached the City to discuss a site at John Creaney Park prior to eventually submitting a proposal for use of part of Tompkins Park. I was aware of Urbnsurf's interest in finding a site in the City however at the time of commenting, no proposal had been received by the City.

6.2.2 Mr E Nielsen, Booragoon

Summary of Preamble – Mr Nielsen made reference the minutes of the Ordinary Meeting of Council held 20 June 2017, page 36, and the Melville Fact Check WebPage, Melville and Mount Pleasant Bowling Club as of February 2019.

Question 1

Has the CEO (City) submitted development applications to the relevant agencies for the redevelopment of Tompkins Park and if so to whom have these been submitted and what has the City received in response?

Response

The City made an Application for Development Approval to the Western Australian Planning Commission in 2017. The Planning Commission referred the application to the Bio-Department of Diversity, Conservation & Attractions as the principal advice giving agency. The City has engaged an Architectural Design team and specialist environmental and statutory planning consultants to prepare the design for the Tompkins Park Redevelopment Project and prepare reports and investigations to support the application for development approval.

The City envisages providing its submission to support the Application for Development Approval to the Western Australian Planning Commission through the Department of Planning, Lands & Heritage in March 2019. The application and submission will be referred to the April board meeting of the Swan River Trust and it is expected that the recommendations from that meeting will be made to the May board meeting of the Western Australia Planning Commission. The City expects to receive approval for the Application for Development Approval subject to conditions in June or July.

6. *Question Time Continued, Mr Nielsen*

Question 2

Has the CEO reported back to the Elected Members any details on the design phase for Tompkins Park and if so what has been provided?

Response

Officers have informed Elected Members on the design development phase for the Tompkins Park Redevelopment Project on two previous occasions.

The first update included a presentation in September 2018 to an Elected Members Information Session (EMIS). The presentation included providing an update on the progress of the design development process and engagement with the various sporting clubs associated with the Tompkins Park project. An update on the total project cost was also provided.

Officers presented to the EMIS a description and images of the proposed refurbishment for the existing Tompkins Park facility, the new synthetic lawn bowls greens and shade structure and other new parkland infrastructure including the new children playground and sporting ovals.

The second update on the Tompkins Park Redevelopment Project was made to a Special Meeting of Council on 18 December 2018. Council accepted two tenders which included:

1. A tender for the design of two synthetic lawn bowls greens and the nomination of a sub-contractor for the construction of the lawn bowls greens in a future tender for the construction of the Tompkins Park Redevelopment Project.
2. A tender for the design of a shade structure incorporating sports field lighting for one lawn bowls green and the nomination of a sub-contractor for the construction of the shade structure and lighting in a future tender for the construction of the Tompkins Park Redevelopment Project

Question 3

Considering Mt Pleasant Bowling Club to be considered 'safe' i.e. staying until the new facility is ready (2nd bullet point, item B above) and the Melville Bowling Club in the process of being evicted (1 June 2019 I believe) what is the City's Plan B for the Melville Bowling Club (MBC) if neither the Wave Park project nor the Tompkins Park redevelopment get the various approvals from the relevant agencies and the City has evicted the MBC and even worse still, demolished the building?

Response

The City is following Council resolutions that include the lease agreement upon the land currently occupied by the Melville Bowls Club which needs to be provided to the Lessee by February 2020 at the latest. Melville Bowling Club members will be encouraged to join the Mt Pleasant Bowling Club when they are required to vacate their current site.

The Lawn Bowls Strategy also endorsed by the Council, cites one Bowls Club in the northern area of the City to be located at Tompkins Park. Officers are implementing this action.

6. *Question Time Continued*

6.2.3 Ms M Sandford

Question 1

If the City's lease to Urbnsurf (Perth) Pty Ltd (Urbnsurf) were to be terminated in the next month or so by the Council for reasons apart from Urbnsurf's failure to meet all conditions by the Sunset Date, how much money might the City of Melville be liable to pay Urbnsurf, due to the fact that the City agreed to a lease which provides that Urbnsurf can terminate the lease at any time without cause and without penalty, while the City failed to include the same legal protections for itself?

Response

The City has answered this question previously in the public forum and confirms that it is not able to quantify what loss the lessee would face in the event of a cancellation of the lease, which it is presumed is meant, without cause. Moreover, Urbnsurf cannot terminate the lease at any time without cause.

Question 2

Prior to the decision to grant the lease to Urbnsurf, did the City's administration inform or advise the then-Councillors that they would be exposing both the City and themselves personally to the above financial risk by entering into a lease agreement with Urbnsurf (Perth) Pty Ltd, and if not, why not?

Response

The Elected Members have always known that terminating the lease agreement without cause would probably invoke the risk of damages, which is a usual consequence of any cancellation of any lease or agreement without cause.

Question 3

Why did the City, and those Councillors who voted in favour of the lease to Urbnsurf, fail to ensure that the lease excluded individual councillors from personal liability from claims by Urbnsurf, which was the reason put forward by Mayor Aubrey as to why the Council should extend the date to vacate the Melville Bowling Club from October 2018 to October 2019.

Response

The potential for acting in "bad faith" when cancelling a lease agreement without cause is a potential trigger for attracting individual liability.

6. *Question Time Continued, Mr Nielsen*

6.3 Questions Taken on Notice at Previous Meetings

20 November 2018 Ordinary Meeting of Council

6.3.1 City of Melville Residents and Ratepayers Association. Inc. (6.1.1)

Urban planning - 4 September 2018 DAU - 30 Portree Way Ardross - Mayor Aubrey and City fail on Urban planning

Question 1

Summary of Preamble - The City of Melville Residents and Ratepayers Association. Inc. referred to a request by Cr Mair to “call up” a development application for review that was refused.

Question 1.1

Exactly why did the City’s Administration refuse Cr Mair’s ‘call up’ request?

Response

The City of Melville Local Planning Policy LPP1.1 “Planning Process and Decision Making” outlines the process to be followed by an Elected Member when proposing the call up of a Development Application to Council.

In the subject case, the call up request was not received until after the planning approval for the development was issued. An email response from the Director Urban Planning to Cr Mair provided a full explanation as to why the call up request did not occur in this case. Cr Mair is now fully aware of the reasons and future actions that will be taken to avoid a reoccurrence of this situation.

Question 1.2

Who are the shareholders and management of Clockforce Pty Ltd, the Attadale based entity behind this proposed development, and the Applicant, Property Projex, a registered business name of CAJJ Holdings Pty Ltd. Which of the identified individuals have had previous dealings with the City?

Response

The information requested is best sourced from the Australian Securities and Investments Commission and is subject to a fee.

Question 1.3

Please confirm which Councillors and/or City officers have had any form of previous and/or personal relationships and/or association with the owners of Clockforce and Property Projex?

6. *Question Time Cont'd, City of Melville Residents and Ratepayers Association. Inc.*

Response

The City has not received a disclosure in relation to the companies from either Councillors or employees.

Question 1.4

Please explain exactly how Council and the Administration assess any possible real or perceived conflicts of interest with the planning/development application if the detail presented to the DAU does not include the names of the directors, material shareholders and/or management of Clockforce and/or CAJJ Holdings?

Response

The Local Government Act, the Local Government (Administration) Regulations and the City's Code of Conduct places the onus of responsibility on Elected Members, Members of Committees and officers, as the case may be, to ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their duties and to make appropriate disclosures regarding relevant matters.

The Local Government Act, the Regulations and the City's Code of Conduct define "interest" as an interest that could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

The Act, Regulations and City Code of Conduct excuse a person from the requirement to make a disclosure if a person's failure to disclose occurs because the person did not know he or she had an interest in the matter.

Question 1.5

Since 1 July 2016:

a) How many completed buildings and/or developments have been identified as not complying with the relevant planning/development approvals;

- Exactly where are they,*
- How did the City become aware of each if non-compliances; eg community complaints or via its own inspections.*
- Was Council, or the relevant ward Councillors made aware of all of the non-compliances, and*
- What actions were taken in response to the non-compliant structures, and which remain noncompliant?*

6. *Question Time Cont'd, City of Melville Residents and Ratepayers Association. Inc.*

Response

The broad nature of this question makes it a resource intensive exercise to provide a response on the points requested. If the questioner is aware of a specific non compliance, the questioner is invited to advise the City and provide details of the matter.

The onus is on applicants/developers to construct developments in accordance with approved plans. When inconsistencies are brought to the attention of the City, a compliance investigation is initiated to determine whether:

- There is such an inconsistency
- The precise nature of the inconsistency
- Consideration of the impacts of the inconsistency, and
- The way forward in terms of achieving planning compliance. This may be an amended development application, or a requirement that the inconsistency be rectified to the City's satisfaction. Prosecution may result.

Question 1.6

b) How many non-compliant planning/development applications, such as 30 Portree Way, have been approved prior to the building work commencing and how many of those were not "called-up" to Council for approval?

Response

The recent DAU report relating to the development application for 30 Portree Way published to the City's website confirms that the proposed development in this case sought approval against both the deemed to comply and the design principles of the R Codes, in that certain aspects of the proposal complied with the stated deemed to comply provisions and others did not. As can be seen in the table provided within the DAU report, those matters that sought a design principle assessment were fully considered, and were assessed as meeting the associated design principles, or were brought within the deemed to comply provisions via the imposition of conditions of planning approval. For this reason, and in the context of Clause 3.5.4 (a) (i) of Local Planning Policy 1.1, it is unlikely that an argument could have been advanced that was accepted to support the call up of the item to a meeting of the Council, as all matters were addressed by the DAU report.

For the purposes of this response the reference to non compliant development is understood to mean development for which the City is the decision maker, and which involves departures from the requirements of the Local Planning Scheme, the deemed to comply provisions of the R Codes, and Local Planning Policies.

The data requested is not available given the open ended nature of the information request. It is noted however that decisions on planning applications where the City is decision maker are governed by the requirements of delegation arrangements, which specify the level at which decisions are to be taken. (Delegation DA-20 refers) All planning approvals for which the City is the decision maker follow these delegation requirements. In the financial year 2017-2018, all development applications for which the City was decision maker, were determined under delegation to the CEO.

6. *Question Time Cont'd, City of Melville Residents and Ratepayers Association. Inc.*

Question 1.7

c) How many non-compliant planning/development applications have been approved subsequent to the building work being completed and how many of those were taken to Council for approval. What were the addresses of the development that were completed without the required planning approval?

Response

The research required to respond to these questions would be an unreasonable use of the City's resources. Suffice to say that the City has an adopted Council Planning Policy to deal with all such situations. See the response to 1.9 below.

Question 1.8

d) Where (sic) all adjoining property owners, and other adversely affected people, fully consulted for the developments and /or structures mentioned in b) and c) above. If not, exactly which developments/structures were approved without affected people consultation and why?

Response

The requirements for public consultation in respect of residential development covered by the Residential Design Codes, is outlined by Part 4 of the R Codes. In addition, the City's Local Planning Policy LPP 1.1 outlines the consultation requirements in respect of all other planning related development proposals. These consultation requirements are followed by the administration as a matter of course.

Question 1.9

When will Council ensure all non-compliant development planning/development applications, and all planning/development application issued subsequent to the building working work being illegally completed, are brought to Council for approval?

Response

There are no such plans to require this. It is considered that suitable processes and procedures are in place to ensure decision making is taken in the interests of the community. In that context the questioner is directed to the City's website where the details of Delegated Authority CEO DA-20 "Planning and Related Matters" can be viewed. This document includes a matrix which outlines the level at which decisions on planning related matters are taken at the City. Where a DA involves departures from the requirements of the Local Planning Scheme, the deemed to comply provisions of the R Codes, and Local Planning Policies, and where no relevant planning concerns are raised by 3rd parties after a period of public consultation, the DA will be determined at the officer level. Where such a DA is the subject of relevant planning concerns, the City's Development Advisory Unit (DAU) has the delegation to consider and determine the DA subject to the DAU process as outlined in LPP1.1 being followed.

6. *Question Time Cont'd, City of Melville Residents and Ratepayers Association. Inc.*

When an application is delegated to the DAU, the DAU process includes the opportunity for an Elected Member to call up the final decision on the DA to a meeting of the Council. The call up process is also documented in LPP1.1.

The process followed by the City essentially allows the determination of development applications under delegation to officers provided there are no relevant planning concerns raised. Where such relevant planning concerns are raised, the application is unlikely to be determined by officers under delegation, and will be determined by the DAU, or Council, subject to a call up request from an Elected Member being initiated and agreed.

Question 2

Summary of Preamble - The City of Melville Residents and Ratepayers Association. Inc. referred to a series of emails from the Association to Mayor Aubrey and Deputy Mayor Barling.

Question 2.1

Given our statements outlined in the Emails, including about responses to Mr Gary Crawford's question about Mr Darren Monument and Mr Todd Cahoon, why does Council consider their incomplete, (words removed) responses to public questions as "sufficient", as Mr Hitchcock put it?

Response

This question makes reference to a prior question from Mr Crawford that was answered in detail at the Ordinary Meeting of Council on 16 October 2018. Subsequently it was alleged that "A Balanced View" may not be a legal entity. A search of ASIC's website identified that A.B.V. Leisure Consultancy Services is a registered entity and one that the City has engaged for services.

A subsequent question in an email relating to the City's response to a question from Mr Crawford to the 16 October 2018 Ordinary Meeting of Council has been reviewed and confirmed that the City's response is correct and no further information is required.

Question 2.2

Council, please answer all questions outlined in the Emails, given Mayor Aubrey and deputy Mayor Barling have refused and/or declined to respond to the Emails?

Response

A written response has been sent to the City of Melville Residents and Ratepayers Association Inc.

6. *Question Time Cont'd, City of Melville Residents and Ratepayers Association. Inc.*

Question 3.1

Council, please revisit our question 2 put to the 6 November ABF and provide a clear, concise, honest and forthright response that Council fully agrees with?

Response

The response provided directs the questioner to publicly available information on the value of payments made to McLeods. Subsequent questions asked will require a considerable officer time to research and it is not an appropriate use of the City's resources.

Ordinary Meeting of Council 11 December 2018

6.3.2 Ms J Spanbroek, Bull Creek (6.3.1)

Article published in the Sunday Times at the weekend providing information on which Perth Council's have cancer-preventing shade structures on playgrounds.

The list did not include City of Melville.

I was concerned, therefore, I contacted the journalist and expressed my disappointment. The journalist informed me that the City of Melville were contacted twice and did not respond.

Question 1

Please explain how many playgrounds the City of Melville have and how many have suitable cancer-preventing structures such as shade sails or other?

Response

The City has 11 playgrounds with formal shade shelters over the playground. In addition the City takes advantage of shade from existing mature trees and has actively planted trees in close proximity to playgrounds to provide further shade opportunities.

Question 2

I would also like an explanation, on such an important issue, as to why there was no response to the journalist on two occasions?

Response

Due to competing priorities, the City was unable to provide the requested information within the allocated response time.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 11 DECEMBER 2018
Minutes 11 December 2018****COUNCIL RESOLUTION**

At 6:47pm Cr Wieland moved, seconded Cr Barling –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 11 December 2018, be confirmed as a true and accurate record.

At 6:47pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**8.2 NOTES OF AGENDA BRIEFING FORUM – 5 FEBRUARY 2019
Notes 5 February 2019****COUNCIL RESOLUTION**

At 6:47pm Cr Phelan moved, seconded Cr Wheatland–

That the Notes of Agenda Briefing Forum held on Tuesday, 5 February 2019, be received.

At 6:47pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**8.3 SPECIAL MEETING OF THE COUNCIL – 18 DECEMBER 2018
Minutes SMC 18 December 2018****COUNCIL RESOLUTION**

At 6:47pm Cr Macphail moved, seconded Cr Robartson–

That the Minutes of the Special Meeting of the Council held on Tuesday, 18 December 2018, be confirmed as a true and accurate record.

At 6:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**8.4 ANNUAL GENERAL MEETING OF ELECTORS – 5 DECEMBER 2018
Minutes AGM 5 December 2018****COUNCIL RESOLUTION**

At 6:48pm Cr Barton moved, seconded Cr Robartson–

That the Minutes of the Annual General Meeting of Electors held on Wednesday, 5 December 2018, be confirmed as a true and accurate record.

At 6:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- Cr Barton M19/5663 - General Meeting of Electors – 5 December 2018, Motions Carried (Motion 1).

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Mr M Tieleman – Item M19/5000 – Common Seal Report.
- Mayor Aubrey – Item P19/3795 John Connell Reserve Redevelopment Project Partnering Opportunity with LandCorp – Memorandum of Understanding.
- Cr D Macphail – Item M19/5663 – General Meeting of Electors - 5 December 2018, Motions Carried.
- Cr D Macphail – Item 19/5000 – Common Seal Register.
- Mayor Aubrey - M19/5663 – General Meeting of Electors – 5 December 2018, Motions Carried.
- Cr Wheatland M19/5663 - General Meeting of Electors – 5 December 2018, Motions Carried (Motion 1).

At 6:53pm The Mayor made the following statement in relation to his disclosure of interest that may cause a conflict:

“I declare that I will consider this matter on its merits and I will act impartially in the best interest of the City when casting my vote.”

At 6:54pm the Mayor called for any further declarations of interest and drew to the attention of the Elected Members that Item M19/5663 – General Meeting of Electors – 5 December 2018, Motions Carried contains a motion in relation to the Wave Park Lease and that when this matter was considered at the 10 October 2018 Special Meeting of Council five elected members had declared financial interests in the matter.

At 7.01pm Cr Pazolli made the following statement:

“I wish to declare that I vote with good faith considering all aspects of the motion and therefore I act in good faith”.

9.2 *Disclosure of Interest that May Cause a Conflict Continued*

COUNCIL RESOLUTION

At 7:02pm Cr Barton moved, seconded Cr Kepert –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with sections 5.23 and 5.41 the *Local Government Act 1995*, to be discussed behind closed doors.

At 7:02pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

Vote Result Summary	
Yes	8
No	5

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Mayor	Yes
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Cr Woodall	No

Discussion continued on which items would need to be discussed behind closed doors, the meeting was not closed and the public were not asked to leave.

COUNCIL RESOLUTION

At 7.05pm Cr Barling moved, seconded Cr Woodall

That the meeting come out from behind closed doors.

At 7:03pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

10. DEPUTATIONS

- 10.1 Ms A De Souza and Ms M Mawer, Representing the Friends of Bert Jeffery.**
Item M19/5663 – General Meeting of Electors held 5 December 2018,
Motions Carried.

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

At 7:06pm Cr Barling moved, seconded Cr Robins –

**That the application for new leaves of absence submitted by Cr Robartson on
19 February 2019 be granted.**

At 7:06pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

At 7.06pm Ms De Souza, Ms Mawer and Mr McLerie entered the chamber for the purpose of making a deputation.

Cr Wheatland left the meeting at 7.06pm and returned at 7.08pm

*At 7.08pm the Mayor requested Mr McLerie leave the meeting for disrespectful behaviour.
At 7:09pm Mr McLerie left the chamber and remained in the public gallery.
At 7:09pm the Mayor again requested the Mr McLerie leave the meeting.
At 7.10pm Mr McLerie left the meeting.*

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- M19/5663 – General Meeting of Electors Held 5 December 2018, Motions Carried.

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with sections 5.23 and 5.41 the *Local Government Act 1995*, to be discussed behind closed doors.

13. PETITIONS

Petition – Request to Deregister the City of Melville Residents and Ratepayers Association (Inc.) Reg A0720053W (MRRA)

Petitions from six individual Lead Petitioners signed by a total of 307 residents have been received by the City of Melville.

The petitions read as follows –

“We the undersigned, all being electors of the City of Melville respectfully request that the Council:

- (1) Engage in discussion with the Department of Local Government, the Minister for Local Government, and the Department for Consumer Protection with the aim to deregister the City of Melville Residents and Ratepayers Association (Inc.) Ref A0720053W (MRRA) on the grounds that the MRRA is operating in name and by action as representative of City of Melville residents and ratepayers generally, when in fact, membership of the MRRA is not available to such residents and ratepayers generally and the views and actions of the MRRA do not represent that of residents and ratepayers generally. We, the undersigned believe that this conduct is misleading and deceptive and action should be taken immediately.
- (2) Request that s5.28 Local Government Act 1995 be amended to increase the number of electors required to call a Special Meeting of Electors from 100 to 500. We the undersigned, believed that the current provisions are being abused and the cost of this abuse is an unfair burden on the City of Melville, its staff, its duly elected members and its ratepayers.”

OFFICER RECOMMENDATION

That the Council;

At 7:12pm Cr Phelan moved, seconded Cr Macphail –

That the Council;

- 1. Directs the Chief Executive Officer to research the allegations in item 1 and identify any actions that are available to the City and report to the Council at a future time.**
- 2. Directs the Chief Executive Officer to advise the Lead Petitioners that they may provide a submission to the Department of Local Government, Sport and Cultural Industries requesting that the number of electors required to call a Special Meeting of Electors be increased from 100 to 500.**
- 3. Directs the Chief Executive Officer to advise the six Lead Petitioners in writing of the Council’s resolution.**

13. *Petitions Continued.*

*At 7.14pm the Mayor issued Mr Wallace with a warning.
At 7:14pm the Mayor requested that Mr Wallace leave the meeting.
At 7:15pm Mr Clark left the meeting and returned at 7:16pm.
At 7:15pm Mr Hitchcock left the meeting and returned at 7:16pm.
At 7:15pm Mr Ponton left the meeting and did not return.*

Amendment

COUNCIL RESOLUTION

At 7.17pm Cr Robartson moved, seconded Cr Mair

That the officer recommendation be amended by:

Point 1 being deleted and replaced with the words:

“That the petition be received”.

At 7:18pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Kepert	No
Cr Pazolli	No

13. *Petitions Continued.*

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:12pm Cr Phelan moved, seconded Cr Macphail –

That the Council;

1. **That the petition be received.**
2. **Directs the Chief Executive Officer to advise the Lead Petitioners that they may provide a submission to the Department of Local Government, Sport and Cultural Industries requesting that the number of electors required to call a Special Meeting of Electors be increased from 100 to 500.**
3. **Directs the Chief Executive Officer to advise the six Lead Petitioners in writing of the Council's resolution.**

At 7:19pm the Mayor submitted the motion, which was declared

CARRIED (7/6)

Vote Result Summary	
Yes	7
No	6

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barling	No
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Wheatland	No

At 7:18pm Mr Crawford entered the Chamber to speak with Ms De Souza and Ms Mawer, and left the Chamber at 7:18pm.

At 7:18pm Mr Hitchcock left the meeting and returned at 7:21pm.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:22pm Ms De Souza and Ms Mawer commenced presentation in relation to Item M19/5663 – General Meeting of Electors Held 5 December 2018, Motions Carried (Motion 4) and concluded at 7:58pm [Deputation Presentation](#). During the presentation Ms De Souza and Ms Mawer made reference to documents tabled for the information of Elected Members [Friends of Bert Jeffery Deputation Tabled Documents](#).

COUNCIL RESOLUTION

At 7:37pm Cr Wheatland moved, seconded Cr Phelan –

That the Ms De Souza and Ms Mawer be granted a further 10 minutes to speak on this matter.

At 7:37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

During the presentation, the CEO and the Director Community Development provided clarity that the resolution of the Council at its Ordinary Meeting held 18 September 2018 are the actions the City is currently implementing.

COUNCIL RESOLUTION

At 7:54pm Cr Wheatland moved, seconded Cr Barton –

That the Ms De Souza and Ms Mawer be granted a further additional 5 minutes to speak on this matter,

At 7:54pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 8:12pm Ms D'Souza and Ms Mawer left the Chambers.

At 8.14pm Cr Woodall left the meeting and returned at 8:17pm.

At 8.14pm the Mayor brought forward item M19/5663 General Meeting of Electors held 5 December 2018, Motions Carried, for the convenience of the public gallery.

Disclosure of Interest

Member	Mayor Aubrey
Type of Interest	Impartiality Interest
Nature of Interest	Received email containing unsupported allegations from mover of Motion at General Meeting of Electors
Request	Stay and observe
Decision	Stay and observe
Member	Cr Macphail
Type of Interest	Interest under the Code
Nature of Interest	Subject of minor breach complaint made by mover of Motion at General Meeting of Electors
Request	Stay and observe
Decision	Stay and observe

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Council Administration - Annual General Meeting
Customer Index	:	Elected Members
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council 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>

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)****KEY ISSUES / SUMMARY**

- The City of Melville General Meeting of Electors was held Wednesday 5 December 2018, for the community to receive the Community Annual Report 2017-2018 for the year ended 30 June 2018.
- Six motions were presented by the community at the meeting, with five being carried.
- Officers have provided comment on the motions carried at the meeting.
- Recommendations for the five motions that were carried at the meeting are referred for the consideration of the Council.

BACKGROUND

Section 5.27 of the *Local Government Act 1995* requires that:

- “(1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *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.*
- (3) *The matters to be discussed at general electors’ meeting are to be those prescribed.”*

The *Local Government (Administration) Regulations 1996* prescribes:

- “15 *For the purposes of section 5.27(3), the matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.”*

The Community Annual Report 2017-2018 was presented to, and accepted by, the Council at its Ordinary Meeting held 20 November 2018. The General Meeting of Electors was held on Wednesday 5 December 2018 at the Mount Pleasant Baptist Community College, 497 Marmion Avenue, Booragoon.

In addition to the statutory notices required, the General Meeting of Electors was published on the City’s website, and advertisements were placed in the:

- Melville Times on Tuesday, 27 November and Tuesday, 4 December, and
- Fremantle Herald on Saturday, 24 November and Saturday, 1 December.

Further to that eNews/emails were sent to 15,916 resident subscribers, and 2,884 business subscribers. The City also published social media posts and separate Chief Executive Officer and Mayoral video releases inviting the community to attend.

DETAIL

The General Meeting of Electors was attended by 305 electors and 15 non-electors.

Six motions were presented to the meeting with five motions being carried at the meeting and these are now for the Council to consider as follows:

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)****MOTION 1**

That the Melville City Council:

- (a) terminate the lease of the proposed wave park site to UrbnSurf (Perth) Pty Ltd (Lease); or
- (b) in the event that the Council elects not to terminate the Lease, and the Lease is terminated for any other reason,

then within 21 days of termination of the Lease representatives of the City of Melville, and Melville City Council, will arrange to meet with representatives of the Alfred Cove Action Group for a briefing in relation to an unsolicited proposal by the Alfred Cove Action Group to establish the Melville Bird Sanctuary and Discovery Centre on part of the proposed wave park site.

Officer Comment

The City of Melville (the Lessor) is legally bound by the terms of its existing ground lease agreement with Urbnsurf (Perth) Pty Ltd (the Lessee). The City has no grounds, currently, for terminating the lease and any action on the part of the City to terminate would expose the City to an action by the Lessee against the City for all losses and damages that the lessee would suffer as a result of the unlawful termination of the lease.

Further, on the basis of this information provided to the Council by the officers that a decision to terminate would be unlawful, a decision to terminate would probably present insurmountable difficulties if claimed that it is made in good faith, and could potentially also expose individual Council members.

It is noted that the process adopted by the City in dealing with the unsolicited bid that resulted in the ground lease with Urbnsurf (Perth) Pty Ltd, was unsuccessfully challenged in the Supreme Court. However, in listening to comments from the community that the unsolicited bid process was confusing at best, the City's view is that, should the Wave Park not come to fruition, any future use of the land on which the Melville Bowling Club is currently situated would be determined through a process that will include a request for proposals or expressions of interest at the outset.

Officers recommend that motion 1 of the General Meeting of Electors held 5 December 2018, not be supported by the Council.

MOTION 2

That the Council of the City of Melville resolves that the City of Melville make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.

- (i) Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Melville to the West Australia Local Government Association in the applicable year; and
- (ii) The Council directs the CEO to immediately implement this resolution.

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)**Officer Comment

The West Australian Ratepayers and Residents Association Incorporated (WARRA), was incorporated on 7 December 2019, two days after the Annual Meeting of Electors.

The WARRA's address is registered to a Mr Clive Ross and it is noted that, Mr Clive Ross was also the mover of the motion. This conflict of interest was not disclosed at the meeting by the mover of the motion.

The "Application for incorporation of an association" form describes the objects or purposes of an association as follows:

"The objects or purposes of the Association are to facilitate and promote community consultation, participation and co-operation between ratepayers and residents and Local Government Authorities so as to ensure full compliance by the Local Government Authorities and Elected Members with the Local Government Act, Planning provisions and associated requirements and ensure transparency and accountability by Local Government Authorities and Elected Members." The association's main objects are stated to be as "Promotion of the interests of a local community."

The Electors Motion links the fee to be paid to WARRA, to the level of fee paid to the West Australian Local Government Association (WALGA). WALGA is established under the auspices of the *Local Government Act 1995* (Section 9.58). WALGA has the objects and functions as set out in its constitution which cannot be changed without approval of the Minister. WALGA provides a broad range of services to Local Government in return for the \$53,712 net of GST fee paid in 2018-2019. WALGA also operates across the State and not just in one local government area. No justification for the level of fee required by the motion was or has been provided by the mover.

It is noted that the objects and purposes of WARRA duplicate the roles already undertaken by the Mayor and Councillors, the Minister or Departmental CEO as designated in *the Local Government Act 1995* and those of other oversight State Government agencies.

Payment of an annual fee to this newly established association to undertake services already undertaken by democratically elected or authorised representatives and agencies, with powers conferred by legislation would be an unnecessary and irresponsible expenditure of funds. It is also outside the powers of the Council to commit to a payment in perpetuity.

Officers recommend that motion 2 of the General Meeting of Electors held 5 December 2018, not be supported by the Council.

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)****MOTION 3**

Motion 3 related to the proposed Outer Harbour in Kwinana and was not supported by the meeting.

MOTION 4

The Friends of Bert Jeffery Park call on the City of Melville to abandon plans for any building at Bert Jeffery Park.

Officer Comment

Reserves used for sporting activities are supported by infrastructure to facilitate the activity. This ranges from sports equipment like goal posts and cricket pitches, to amenities like toilets, storage, change rooms and club rooms. These facilities play an important role in helping people to become and stay active as well as improving the use and viability of the playing field for sport and other activities.

For the level of use planned for Bert Jeffery Park, there is a requirement for a small amenities building consisting of two change rooms, universal access toilet, kitchenette and storage. There is no requirement for club room/social facilities as Bert Jeffery Park is a secondary sports field and these facilities are provided at other reserves for the clubs.

The location of the amenities building was endorsed by Council at the 18 September 2018 meeting, item CD18/8107 Development of Amenities Building at Bert Jeffery Park, and funding for the construction will be submitted for approval in the 2019-2020 Budget.

Officers recommend that motion 4 of the General Meeting of Electors held 5 December 2018, not be supported by the Council.

MOTION 5

That the Council considers in the allocation of resources and funding in 2019-2020 budget deliberations to upgrading the sporting facilities at Winnacott Reserve and Webber Reserve in Willagee and Marmion Reserve, Myaree.

Officer Comment

In 2018, the City allocated funding for the renewal and upgrade of change room facilities at sporting reserves.

An initial condition audit has been conducted to prioritise the next two years of works, with Webber Reserve being listed as a priority for upgrade.

As such, funds have already been allocated in the current financial year for the upgrade of Webber Reserve. For 2019-2020 the priority for works are Windelya Sports Association (Morris Buzacott Reserve) and the change rooms at Bill Ellson Reserve. This priority at Morris Buzacott Reserve was identified as part of the *Agenda item CD/18109 Community Sporting and Recreation Facility Funding* adopted at the October 2018 Ordinary Meeting of Council.

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)**

The City has recently engaged a Leisure consultant to review the previous active reserves strategic plan (SPARS 2011) and expand on this previous work to develop an overarching Active Reserves Infrastructure Strategy. It is envisaged that the Active Reserves Infrastructure Strategy will be completed towards the end of 2019 and will assist in guiding the allocation of funds for upgrades to Active Reserves Infrastructure over the next 20 years.

In September 2018, officers from Technical Services and Recreation Development conducted audits of all the City of Melville change rooms. One of the key drivers for these audits is the competing demands on current change room facilities for men and for the increasing teams and participation in women's sport. The outcome of these internal facility audits will be assessed along with the outcome of the Active Reserves Infrastructure strategy and its recommendations. A rationale will then be developed to justify the priority for the renewal and upgrade of sporting infrastructure at the City's various sporting reserves.

Officers recommend that motion 5 of the General Meeting of Electors held 5 December 2018, not be supported by the Council noting however that funding has already been set aside for Webber Reserve in the 2018-2019 Budget.

MOTION 6

That the Council provide alternative accommodation for the volunteers currently located at the Community Information Centre at Garden City, where they can continue to provide their valued services to the City.

Officer Comment

Since 1997 the Community Information Centre and Justice of the Peace (JP) service located on the outskirts of Garden City has been providing advice by long standing volunteers. The Justice of the Peace service was provided through a formal body and the other volunteers were under an umbrella of community policing. This service was enabled by AMP giving the space for no cost and the City of Melville providing furniture and Information and Communication Technology equipment and services. Over the years it has evolved that most of the people that used the services of the Information Centre were people seeking JP services.

With the redevelopment of Garden City, AMP has offered the JP service an area to continue to operate with rooms, technology and people support within the Shopping Centre. AMP informed the City of Melville that Shop 91 of Garden City will be closed on 4 January 2019 and the JPs will be reopening in their new space on 7 January 2019.

The Volunteers of the Community Information Centre originally were under the umbrella of the WA Community Policing Unit and were considered WA Police volunteers. This relationship has weakened over the years and the group is no longer part of any official body.

The volunteers' role to support the JPs, in the contemporary space of online bookings and assistance provided by Garden City, has ceased to exist. Discussions between AMP and the Volunteer group regarding a continuing relationship did not come to fruition. It is to be noted that there have been some very loyal volunteers as some have been there for the whole 20 year life of the Information Centre. Though a number of the volunteers are saddened by the closure most have recognised this change is inevitable.

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)**

City Officers have offered the services and support of the Volunteer Resource Centre to allow the volunteers to find alternative volunteering services.

The Community Information Volunteers finished service on 21 December 2018 and the 20 years of service to community was acknowledged by an afternoon tea supplied by AMP with the Mayor in attendance to recognise the contribution of the volunteers and JP service.

Officers recommend that motion 6 of the General Meeting of Electors held 5 December 2018, be noted and that the mover be advised in writing of the progress of this matter to date.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The date, time, location and purpose of the General Meeting of Electors was advertised in the local and state newspapers, on the City of Melville website and on City of Melville noticeboards at the Civic Centre, Libraries and Recreation Centres in accordance with the requirements of the Local Government Act.

Significant additional advertising including social media posts, eNews/emails directly to resident and business subscribers and separate Chief Executive Officer and Mayor video releases inviting the community to the General Meeting of Electors.

The advertising and holding of the General Meeting of Electors gave interested members of the community the opportunity to participate in the discussion, question time and voting on the motions.

II. OTHER AGENCIES / CONSULTANTS

No consultation has taken place with other Agencies/Consultants on these motions, however, consultation has taken place previously where applicable.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* requires that any decisions from an electors meeting are considered at the next Council or subsequent Council meeting as detailed below:

“5.33 Decisions made at elector’s meetings

(1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable –

(a) at the first ordinary council meeting after that meeting, or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)****FINANCIAL IMPLICATIONS**

There may be significant financial implications relating to these motions if passed.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There may be significant strategic, risk and environmental management implications associated with the motions carried at the General Meeting of Electors held 5 December 2018. These would need to be addressed in detail in any specific follow up reports, if required.

POLICY IMPLICATIONS

There may be policy implications associated with the matters addressed in these motions. These matters would be further addressed in any specific follow up reports, if required.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

Officers have provided comments on individual motions carried at the General Meeting of Electors held 5 December 2018. This report recommends that the associated officer comments be considered.

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

Motion 1 of the General Meeting of Electors held 5 December 2018, was deferred to the end of the meeting to allow information associated with legal advice obtained to be discussed, if required. Refer to page 125.

OFFICER RECOMMENDATION (5663)**APPROVAL**

At 8:13pm Cr Macphail moved, seconded Cr Wieland –

That the Council, in relation to Motion 2 of the General Meeting of Electors held 5 December 2018:

“That the Council of the City of Melville resolves that the City of Melville make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.

- (i) *Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Melville to the West Australia Local Government Local Government Association in the applicable year; and*
 - (ii) *The Council directs the CEO to immediately implement this resolution.”*
1. Notes the intent of the motion.
 2. Notes that the objects and purpose of the West Australian Ratepayers and Residents Association Incorporated duplicate roles already undertaken by Elected Members, State Government Agencies and State legislation.
 3. Resolves not to accept the Electors’ motion to make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.
 4. Directs that the Chief Executive Officer inform the mover of the Motion of the Council’s decision in writing.

At 8:34pm the Mayor requested Cr Kepert to withdraw disrespectful comments directed to him as presiding member.

At 8:35pm Cr Kepert refused to withdraw his comments and the Mayor moved to the next speaker.

At 8:38pm Cr Barton left the meeting and returned at 8:46pm.

At 8:44pm Cr Wheatland left the meeting and returned at 8:46pm.

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

Procedural Motion

At 8:43pm Cr Mair moved, seconded Cr Kepert –

That the item be deferred to April 2019 Ordinary Meeting of Council with a presentation to an Elected Member Information Session prior.

At 8:46pm the Mayor submitted the motion, which was declared

LOST (4/9)

Vote Result Summary	
Yes	4
No	9

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wheatland	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

At 8:47pm Cr Pazolli left the meeting and returned at 8:50pm.

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5663) APPROVAL

At 8:13pm Cr Macphail moved, seconded Cr Wieland –

That the Council, in relation to Motion 2 of the General Meeting of Electors held 5 December 2018:

“That the Council of the City of Melville resolves that the City of Melville make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.

- (i) *Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Melville to the West Australia Local Government Local Government Association in the applicable year; and*
- (ii) *The Council directs the CEO to immediately implement this resolution.”*

1. **Notes the intent of the motion.**
2. **Notes that the objects and purpose of the West Australian Ratepayers and Residents Association Incorporated duplicate roles already undertaken by Elected Members, State Government Agencies and State legislation.**
3. **Resolves not to accept the Electors’ motion to make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.**
4. **Directs that the Chief Executive Officer inform the mover of the Motion of the Council’s decision in writing.**

At 8:51pm the Mayor submitted the motion, which was declared

CARRIED (9/4)

Vote Result Summary	
Yes	9
No	4

Vote Result Detailed	
Cr Barling	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5663) APPROVAL

At 8:53pm Cr Robins moved, seconded Cr Wieland –

That the Council, in relation to Motion 4 of the General Meeting of Electors held 5 December 2018:

“The Friends of Bert Jeffery Park call on the City of Melville to abandon plans for any building at Bert Jeffery Park.”

1. Notes the intent of the motion.
2. Notes that the location of the amenities building was endorsed by the Council at the September 2018 meeting and funding for the construction will be submitted for consideration in the 2019-2020 Budget.
3. Resolves not to accept the Electors’ motion to abandon plans for any buildings at Bert Jeffery Park.
4. Directs that the Chief Executive Officer inform the mover of the Motion of the Council’s decision in writing.

At 9:15pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

Vote Result Summary	
Yes	8
No	5

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barling	No
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

At 8:53pm Cr Phelan left the meeting and returned at 8:54pm.

At 9:05pm Cr Barling left the meeting and returned at 9:08pm.

Disclosure of Interest

Member	Mayor Aubrey
Type of Interest	Interest under the Code
Nature of Interest	Patron of Melville Glades Golf Club, by nature of position of Mayor
Request	Stay and observe
Decision	Stay and observe

P19/3795 – JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC) (CONFIDENTIAL ATTACHMENT)

Ward	: Bull Creek – Leeming
Category	: Strategic
Application Number	: Not Applicable
Property	: Reserve 28600 Beasley Road, Leeming and Reserve 24826 Dimond Court, Leeming
Proposal	: Consideration of partnering with LandCorp for the John Connell Reserve and Melville Glades Golf Course Redevelopment Project
Applicant	: City of Melville
Owner	: State Government of Western Australia, properties vested in the City of Melville for the care, control and management.
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P11/3185 : Melville Glades Golf Club (Inc.) – Memorandum of Understanding Ordinary Council Meeting February 2011 P13/3884 ; Master Planning Outcomes – Melville Glades Golf Course and John Connell Reserve Ordinary Council Meeting April 2013 P14/3519 – Master Planning Outcomes – Consideration of Community Engagement Process – Melville Glade Golf Course and John Connell Reserve Ordinary Council Meeting 15 July 2014
Responsible Officer	: Jeremy Rae Strategic Property Executive

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

- The proposed John Connell Reserve Redevelopment Project, (the 'project') represents a long standing aspiration of the City and the Council to enhance the precinct and address the environmental legacy impacts within Reserve 24826
- Due to the scale and complexities of the project, the City has explored prospective project cooperative/partnership arrangements
- At the City's invitation, LandCorp has completed comprehensive due diligence and have indicated support to be involved in the project.
- LandCorp presented the results, concepts and options to Elected Members at an Elected Member Information Session (EMIS) in December 2017
- LandCorp have proposed a cooperative arrangement under a non-legally binding Memorandum of Understanding (MOU)
- This report seeks Council support to enter into a MOU with LandCorp to enable the commencement of further detailed due diligence, concept planning and design, community engagement and feasibility analysis necessary to inform a final decision for the project development phase
- Further formal Council approval would be required should it be determined in the future to enter into a legally binding development partnership between LandCorp and the City of Melville.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING
OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

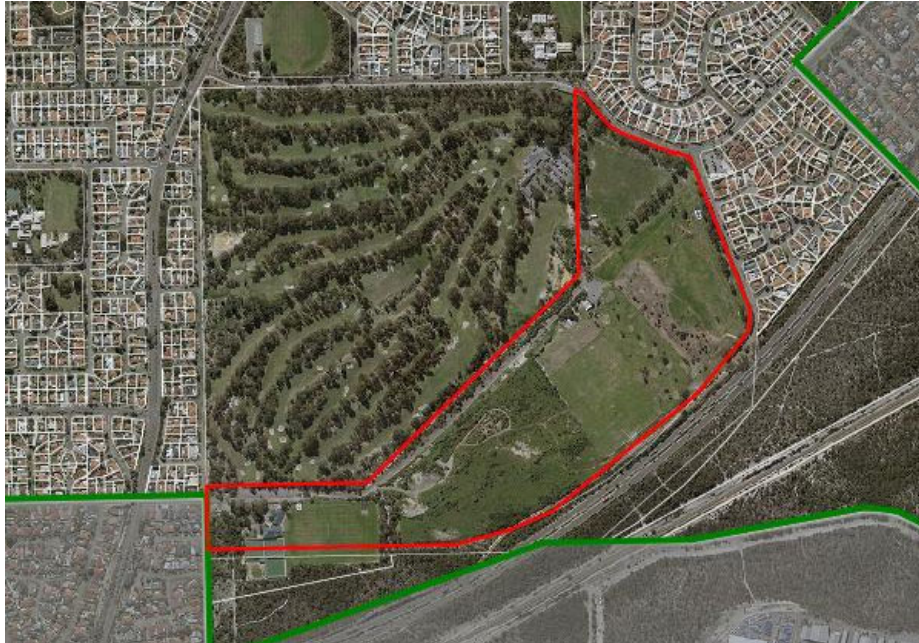


Aerial 1 - General study area – comprising Reserves 28600 and 24826



Aerial 2 – Reserve 28600 – Melville Glades Golf Club

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**



Aerial 3 – Reserve 24826 – John Connell Reserve

BACKGROUND

As per previous Council resolutions and directives, the City has been exploring ways to enhance the John Connell Reserve / Melville Glades Golf Course (MGGC) precinct. The previous use of John Connell Reserve as a land fill site presents a range of challenges, given that the site is contaminated and requires remediation. The City undertook various studies on the site and explored the possibility of introducing housing into parts of the precinct to fund the cost of remediation of the former land fill site and to provide for significant enhancement of community facilities and amenities.

Due to the scale and complexities of the project, as well as the substantial upfront investment presenting a high financial exposure and risk to the City; suitable partners for the proposed project were considered. LandCorp was invited to consider involvement as a partner in the project due to its extensive experience in dealing with land remediation and its relationships with State Government Agencies to assist in the land assembly of Crown land. LandCorp completed 12 months of due diligence work at its own cost before proposing three potential project redevelopment options for a proposed partnership arrangement under a Memorandum of Understanding (MOU).

Remediation Requirements – John Connell Reserve

Department of Water and Environmental Regulation (DWER), in consultation with WA Department of Health (DoH), classified the former landfill areas of John Connell Reserve as “Contaminated – Remediation required”.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
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In response to the classification the City commissioned GHD consultants to prepare a Site Management Plan for John Connell Reserve. The Site Management Plan reviewed contamination characteristics together with the DWER/DoH suggested response and arrived at a recommended approach to remediation. This has been communicated to DWER/DoH with a view to clarifying required actions. Further the DWER/DoH has been requested to consider the required timing of remediation works given that the remediation measures may be able to be incorporated into the proposed redevelopment of the precinct.

Scheme Provisions

MRS Zoning	:	Parks and Recreation
LPS Zoning	:	Parks and Recreation
R-Code	:	Not applicable

Site Details

Lot Area	:	677,630 m ² - Reserve 28600 454,645 m ² - Reserve 24826
Existing Vegetation	:	Significant vegetation on Reserve 28600
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Reserve 28600 – Lots 453, 492 & 3371 on Deposited Plan 186242, 51 Beasley Rd, Leeming Reserve 24826 – Lot 753 on Plan 220336, 11 Dimond Court, Leeming

DETAIL

The City's officers met with senior officers of the Department of Planning Lands and Heritage (DPLH) in 2016 to discuss broadly the principle of the City involving a partner to deliver the project. DPLH advised that it was considered unlikely that the Minister for Lands and State Government would agree to permit the land assembly to proceed on the basis of the City partnering with a private partner. Instead LandCorp was discussed as a potential partner. LandCorp is a Government Trading Enterprise (GTE) which ~~resorts~~ resides under the jurisdiction of the Minister for Lands and is the State's land development arm. LandCorp has extensive experience in delivering complex land development projects associated with contamination constraints and remediation requirements in which it employs a triple bottom line approach to land development, a point of potential alignment with the City.

City officers met with representatives from LandCorp in July 2016 to discuss potential land projects. Development options for John Connell Reserve/MGGC formed part of this discussion. A project partner such as LandCorp would assist in mitigating project financial risk and offer efficiencies in terms of achieving required approvals with respect to transfer of land tenure. As a result of that meeting, a letter was sent to LandCorp seeking an indication of LandCorp's interest in participating in a land project such as the John Connell Reserve Redevelopment.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING
OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

Following briefings provided by LandCorp regarding its proposal for the John Connell Reserve Redevelopment Project, LandCorp wrote to the City outlining potential options for the City and LandCorp to progress the Project, if approved by the Council of the City of Melville and the LandCorp Board.

LandCorp Proposed Potential Partnership OptionsOption A

- The City would lead the consultation process with the public and tenants with LandCorp assisting where needed;
- The City would acquire the site from the Department of Planning, Lands and Heritage under a method of valuation acceptable to LandCorp referenced to the project feasibility and budget;
- The City would hold the land;
- LandCorp would reimburse the City at acquisition value (plus costs) and an agreed rate of return at the end of the project;
- LandCorp would undertake development and disposal of created lots; and
- The potential benefits to the City of Melville from development outcomes, would include:
 1. permanent remediation solution for John Connell Reserve;
 2. upgraded golf course facilities;
 3. increased rate base; and
 4. enhanced public open space through introduction of hard and soft landscaping (new play spaces).

Option B

- The City would lead the consultation process with the public and tenants with LandCorp assisting where needed;
- The City would acquire the site from the Department of Planning, Lands and Heritage under a method of valuation acceptable to LandCorp referenced to the project feasibility and budget;
- LandCorp would fund the acquisition on behalf of the City of Melville;
- The City would hold the land in its name;
- LandCorp would undertake development and disposal of created lots; and
- The City would receive a 'super profit' (a profit over and above an agreed Internal Rate of Return (IRR) for the project) and benefits of development outcomes (as outlined in 'Option A').

Option C

- The City would lead the consultation process with the public and tenants with LandCorp assisting where needed;
- LandCorp would acquire the site from the Department of Planning, Lands and Heritage at its current market value; and
- LandCorp would undertake development and disposal of created lots
- The City would benefit from development outcomes (as outlined in 'Option A').

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

The potential partnering options proposed by LandCorp provide examples of how a partnering arrangement could possibly be structured. At this stage the City is not required to specify its preferred option prior to entering into the MOU. Partnering options would be clarified following detailed due diligence and stakeholder engagement, prior to entering into any Development Agreement.

Proposed Memorandum of Understanding

LandCorp has prepared a draft MOU which establishes the objectives, prospective roles of each party and agreed implementation for the project. The jointly agreed objectives for the project achievable through the MOU include:

- Full engagement of the local community in the visioning, planning and development process;
- Appropriate separation of the City's regulatory role from LandCorp's project delivery responsibilities;
- Desired environmental and social outcomes;
- Positive outcomes for LandCorp that achieve its statutory and operating requirements; and
- Demonstration of market leadership by LandCorp through the planning and delivery of benchmark setting projects.

Attachment 1 – Copy of the Draft Memorandum of Understanding and Attachment 2 – Melville Glades Golf Club / John Connell Reserve Redevelopment Project Risk Assessment Report by NS Projects were distributed to Elected Members on Friday 14 December 2018 under confidential cover.

STAKEHOLDER ENGAGEMENT

Comprehensive community engagement for the project was previously carried out in 2014 based on three concept designs endorsed by Council. The feedback and outcomes from this engagement would be considered in the next detailed community and stakeholder engagement for the next phase of the project. If the project proceeds, a community and stakeholder engagement strategy and implementation plan will be jointly formulated with LandCorp, with the City to lead the community engagement process.

STATUTORY AND LEGAL IMPLICATIONS

At this stage of the project, no statutory or legal implications apply to this project.

Sections 3.58 and 3.59 of the *Local Government Act 1995* will be applicable if Council support the redevelopment with project partner LandCorp; and the project proceeds with a development agreement, including acquisition of portions of Reserve 28600 and 28426 from the State Government.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING
OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)****FINANCIAL IMPLICATIONS**

LandCorp has completed comprehensive preliminary due diligence on the project, and presented to the City's Executive Leadership Team and Elected Members in December 2017. In order to progress to any detailed due diligence, LandCorp has requested that the City enter into a MOU to establish the collaborative benefits and outcomes of the project.

If the City proceeds with this option, it is recommended a cost sharing agreement is also established to detail and cover the detailed due diligence. If required the amount involved would be presented to the Council for adoption as an amendment to the annual budget for 2018-2019.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

NS Projects was appointed by the City in mid-2018 to facilitate a risk assessment of the proposed John Connell Reserve / Melville Glades Golf Course masterplan project prior to entering into a MOU with LandCorp to jointly progress the development in partnership.

The review included a desktop review of the key project background documents and facilitation of risk workshops in July and August 2018.

The project risk assessment was undertaken using the key stages and principles outlined in the ISO 3100:2009 Risk Management standard. A number of key headline risks were identified along with proposed mitigation measures and agreed responsibilities

The risk review has identified the following key actions to be implemented:

1. The City and LandCorp jointly engage with the Department of Planning, Lands and Heritage to seek clarification regarding the application of the Department's draft Lazy Lands Policy to the proposed development;
2. The City and LandCorp continue to progress finalisation and execution of a MOU setting out the objectives and responsibilities of both parties for various aspects of the redevelopment;
3. The City and LandCorp jointly develop a stakeholder engagement strategy to guide consultation with the community and key stakeholders in order to obtain feedback in relation to the project objectives, scope and masterplan; and
4. The City and LandCorp jointly prepare a Project Implementation Plan that clearly defines the agreed vision and objectives, scope, timeframes, budget, governance and general project management processes to be implemented during the project.

POLICY IMPLICATIONS

1. Council Policy CP-005 – Land and Property Retention, Disposal and Acquisition

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative option to proceeding with the John Connell masterplan project to remediate John Connell Reserve is to remediate the Reserve only with all other facilities to remain “as is”.

This option will require further consultation with DWER and subsequently be scoped and costed, with any remediation requirements to be budgeted into the City’s financial plan as approved by the Council.

In summary, the response involves regular inspections of the publicly accessible areas (and removal of any detected asbestos material), maintenance of grass cover to public areas, controls on digging/excavation in the former landfill areas and fencing of the undeveloped portion of the former landfill area. It is noted that these responses have been deployed as an interim measure until such time as a decision is made on whether or not to proceed with the redevelopment project. DWER is aware of the City’s redevelopment proposal for the site and the ability of that proposal to provide a long term remediation solution. Should the project not proceed, minimum remediation costs are estimated as follows:

Basic Remediation Option

Fill to POS and Archery 0.5m (Inc. turf and retic to POS)	\$1,950,000
Fill to Supa Golf/driving range 0.5m (inc turf and retic but not greens or buildings)	\$1,300,000
Enhanced Fencing to John Connell (non - developed section)	\$110,000
Total	\$3.36 million * see comment below

It is noted that this cost involves only improved fencing of the undeveloped portion of the former landfill site. Earthworks, fill, turf laying and retic to this area is likely to be required and is estimated to cost an additional \$4.5 million bringing the total minimum estimated cost for basic remediation to \$7.75 million. These costs may escalate based on findings during remediation works and confirmation of final requirements of DWER. Costs of replacement of buildings, greens and all improvements at the Supa Golf Facility and Archery field are not included in the estimates. Initial options analysis used a figure of \$10 million as likely estimated minimum remediation cost taking into account improvements to the former landfill site, Supa Golf and Archery field buildings and contingencies.

CONCLUSION

The John Connell Reserve Redevelopment Project has been exploring options to enhance the wider precinct and address environmental legacy issues due to the sites previous use of the site for landfill. The project has examined the concept of using portion of the uncontaminated land on the current golf course for development, and relocating portion of the golf course to remediated land at John Connell Reserve. Revenue from the development would be used to fund the cost of remediating the former landfill site and to fund a range of community enhancements in the wider precinct.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING
OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
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Initial financial feasibility investigations have established that the project involves substantial up-front costs (for remediation of the former landfill and relocation of recreational facilities), with a delay of several years before the project generates revenue. Involvement of LandCorp can assist in the management of project costs. LandCorp also have expertise in dealing with contaminated sites and in liaising with State Government agencies to assemble reserved land.

In considering the role of a project partner, such as LandCorp, further review of the project risks has been undertaken. The risk assessment report prepared by NS Projects identified a number of key headline risks and challenges for the project. The risk assessment identifies a series of risk mitigation strategies and it is concluded that the City and LandCorp could achieve a successful partnership to deliver the strategic vision and objectives for the project. The next step to secure a working arrangement with LandCorp is to enter into a Memorandum of Understanding (MOU). The MOU, whilst not a legally binding agreement would provide each party with the confidence to work together to continue to explore project issues and to progress the project on a shared understanding.

In progressing the project, key milestones would be referred to Council for direction and approval. Initial milestones would be the preparation of a stakeholder engagement approach and the seeking of approval to commence community engagement. Later stages requiring decisions by the Council would include review of the results of community engagement, development concept/option selection, business case preparation, land rezoning and land assembly.

ADDENDUM TO REPORT

The addendum to this report outlines the changes to the report and confidential attachment since the Special Meeting of Council on 18 December 2018 at which Council resolved:

“That Item P18/3795 – John Connell Reserve Development Project Partnering Opportunity with Landcorp – Memorandum of Understanding be deferred for consideration at the February 2019 Ordinary Meeting of Council to enable officers to finalise the Memorandum of Understanding and to discuss with Landcorp the possibility of making the document public prior to signing.”

The Report itself has had minor amendments to reflect grammatical changes and the inclusion of this Addendum section. Two confidential attachments have been attached, being the original MOU presented at December Special Council Meeting and the draft final amended MOU approved by the City’s Executive Leadership Team (ELT) and LandCorp’s Executive. Further, LandCorp’s Executive is presenting the final amended MOU to its Board for approval on Tuesday 5 February 2019.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING
OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

OFFICER RECOMMENDATION (3795)

APPROVAL

At 9:18pm Cr Robartson moved, seconded Cr Robins –

That with respect to the proposed John Connell Reserve Redevelopment Project the Council:

- 1. Supports the progression of the proposed John Connell Reserve Redevelopment Project by entering into a Memorandum of Understanding with LandCorp.**
- 2. Authorises the Chief Executive Officer and Mayor to execute the Memorandum of Understanding once finalised and deemed to meet the requirements of the City.**
- 3. Directs the Chief Executive Officer to provide progress reports to the Council in conjunction with key project milestones including but not limited to community engagement, development concept selection, business case preparation, land rezoning and land assembly.**

CONFIDENTIAL ATTACHMENTS

- 1. ORIGINAL DRAFT MEMORANDUM OF UNDERSTANDING (MOU) PRESENTED TO SPECIAL MEETING OF COUNCIL ON 18 DECEMBER 2018**
- 2. FINAL AMENDED MEMORANDUM OF UNDERSTANDING (MOU) FOR APPROVAL**

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

At 9:19pm Councillor Woodall advised that he has some changes to the Amendment circulated earlier, the seconder consented to the changes.

During discussion and debate the Mayor agreed that the clauses within the amendment would be voted on separately.

Amendment**COUNCIL RESOLUTION**

At 9:19pm Cr Woodall moved, seconded Cr Barling –

That the Council amend Officer Recommendation P19/3795 as follows:

- 1. Renumbers existing Recommendation 2 as 2A and inserts a new recommendation 2B:**

“Expresses its intention that the executed Memorandum of Understanding be made public, and directs the Chief Executive Officer to negotiate with Landcorp to that effect.”

At 9:46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 9:19pm Cr Woodall moved, seconded Cr Barling –

- 2. Insert a new recommendation 4A:**

“Expresses its intention that:

A. extensive community consultation regarding the redevelopment project (including but not limited to public meetings) is undertaken prior to any redevelopment plan being finalised;

At 9:46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 9:19pm Cr Woodall moved, seconded Cr Barling –

Insert a new recommendation 4B:

B. the City leads the community engagement processes, regardless of the proposal(s) for development and site remediation eventually advanced for discussion with the community; and

At 9:46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

At 9:19pm Cr Woodall moved, seconded Cr Barling –

Insert a new recommendation 4C:

- C. any proposal accommodates the Bowmen of Melville within the John Connell site or the site currently accommodated by Melville Glades Golf Club Site.”**

At 9:47pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Robins	No
Cr Wieland	No

P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC) (CONFIDENTIAL ATTACHMENT)

At 9:19pm Cr Woodall moved, seconded Cr Barling –

Insert a new recommendation 4D:

- D. in the event that the project proceeds, that any net profit that the City makes from the project be allocated to additional or improved recreational facilities and infrastructure in the Leeming area (in addition to any sums already in the long term budget for the Leeming area)."**

At 9:48pm the Mayor submitted the motion, which was declared

LOST (6/7)

Vote Result Summary	
Yes	6
No	7

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Robartson	Yes
Cr Woodall	Yes
Cr Kepert	No
Cr Pazolli	No
Cr Phelan	No
Cr Robins	No
Cr Wheatland	No
Cr Wieland	No
Mayor	No

Reasons

1. Part 1 simply solidifies the desire by Council for the Memorandum of Understanding to be made public as passed at the Special Meeting of the Council on 18 December 2018.
2. Whilst it is understood that the City of Melville has a robust community consultation process, parts 2A and 2B seek to confirm that this consultation will be undertaken and that it should be done so by the City rather than a third party. Public meetings will also allow for detailed information to be presented to the community, and for the community to ask questions of City officers.
3. Given that any project would be for the purpose of raising funds to cover the cost of remediating the former landfill site at John Connell Reserve, it is appropriate that such funds be used primarily for this purpose as outlined in part 2C. Any profit could also be used to fund upgrades to recreational facilities and infrastructure in the Leeming area to provide for the additional residents, and to offset any potential impact of the project on existing residents.
4. Intention for the City to express its intention to accommodate the Bowmen of Melville on the John Connell Reserve or the Melville Glades Golf Club site.

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

Substantive Motion as Amended

COUNCIL RESOLUTION (3795)**APPROVAL**

At 9:18pm Cr Robartson moved, seconded Cr Robins–

That with respect to the proposed John Connell Reserve Redevelopment Project the Council:

- 1. Supports the progression of the proposed John Connell Reserve Redevelopment Project by entering into a Memorandum of Understanding with LandCorp.**
- 2A. Authorises the Chief Executive Officer and Mayor to execute the Memorandum of Understanding once finalised and deemed to meet the requirements of the City.**
- 2B. Expresses its intention that the executed Memorandum of Understanding be made public, and directs the Chief Executive Officer to negotiate with Landcorp to that effect.**
- 3. Directs the Chief Executive Officer to provide progress reports to the Council in conjunction with key project milestones including but not limited to community engagement, development concept selection, business case preparation, land rezoning and land assembly.**
- 4. Expresses its intention that:**
 - A. extensive community consultation regarding the redevelopment project (including but not limited to public meetings) is undertaken prior to any redevelopment plan being finalised;**
 - B. the City leads the community engagement processes, regardless of the proposal(s) for development and site remediation eventually advanced for discussion with the community; and**
 - C. any proposal accommodates the Bowmen of Melville within the John Connell site or the site currently accommodated by Melville Glades Golf Club Site.”**

CONFIDENTIAL ATTACHMENTS

- 1. ORIGINAL DRAFT MEMORANDUM OF UNDERSTANDING (MOU) PRESENTED TO SPECIAL MEETING OF COUNCIL ON 18 DECEMBER 2018**
- 2. FINAL AMENDED MEMORANDUM OF UNDERSTANDING (MOU) FOR APPROVAL**

At 10:02pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

**P19/3795 - JOHN CONNELL RESERVE REDEVELOPMENT PROJECT PARTNERING OPPORTUNITY WITH LANDCORP – MEMORANDUM OF UNDERSTANDING (REC)
(CONFIDENTIAL ATTACHMENT)**

Vote Result Summary	
Yes	8
No	5

Vote Result Detailed	
Cr Barling	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Woodall	No

*At 10:02pm the Mayor adjourned the meeting
At 10:02pm Ms Wright left the meeting and did not return.*

At 10:11pm the Mayor resumed the meeting

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, BOORAGOON (REC)

Ward	: Central
Category	: Strategic
Application Number	: Not Applicable
Property	: Various
Proposal	: Response to request from 14 owners for a higher density coding at Bolger Place, Booragoon.
Applicant	: Patrick Hall 8 Bolger Place, Booragoon.
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: No Previous Item.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

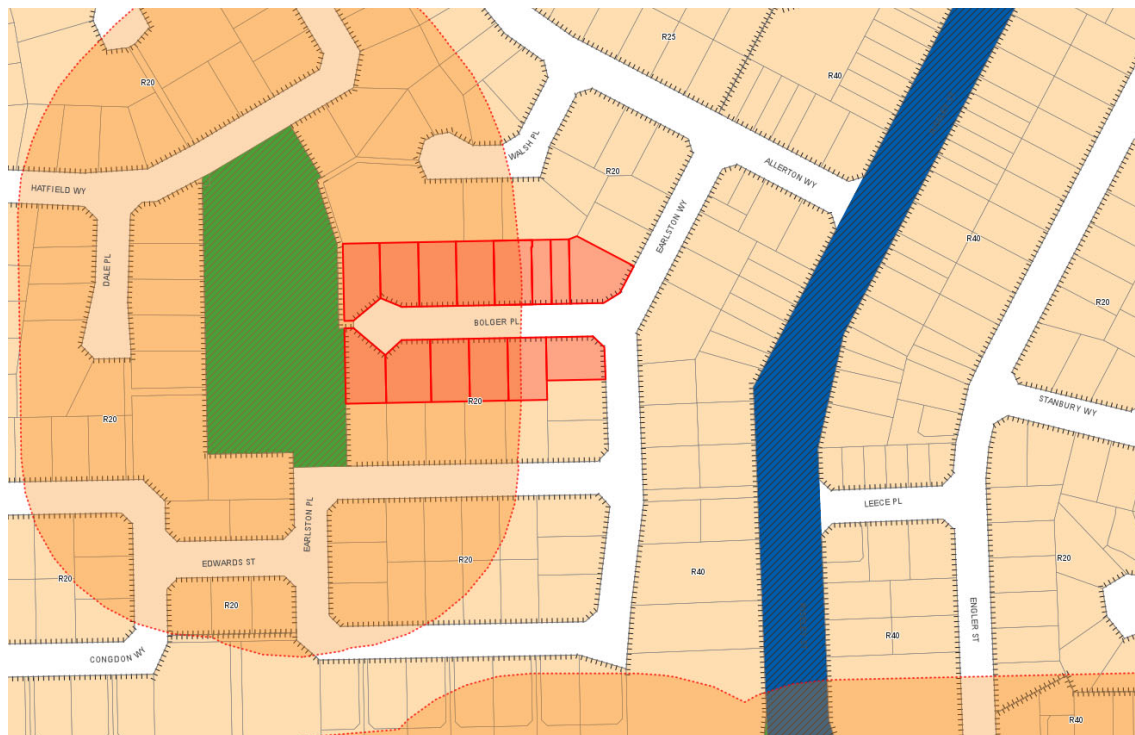
DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input checked="" 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>

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, (REC)

KEY ISSUES / SUMMARY

- Local Planning Scheme 6 (LPS6) was gazetted on 27 May 2016
- The City received a petition signed by fourteen landowners requesting a higher density coding for lots in Bolger Place, Booragoon.
- The subject properties are currently zoned Residential R20 in LPS6. The petition requests that the subject properties be recoded to Residential R25.
- The Street is adjacent to the R40 area along the Riseley Street public transport corridor and 150 metres from the Leach Highway R40 area.
- The Street is within 250 metres of bus stops on Riseley Street and 450 metres of bus stops on Leach Hwy.
- A substantial bushland park Hatfield Park (1.2ha) adjoins the street.
- Melville City Centre is within 750 metres direct or 850 metres walking distance.
- Request not supported at this point in time but should be considered as part of the larger area at the next review of LPS6



P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, (REC)**BACKGROUND**

A petition was received October 2018 requesting rezoning of Bolger Place Booragoon from R20 to R25. The Petition was signed by all 14 owners of properties in the Street.

The petition was presented to the Council's Ordinary Meeting of 16 October 2018, where it resolved:

That the Council acknowledges the petition and directs the Acting Chief Executive Officer to prepare a report on this matter and advise the lead petitioner in writing of the Council resolution.

The supporting letter from the applicant provides the following justification for the requested recoding from R20 to R25:

The landowners believe that the subject properties fit within the strategic direction for development along public transport corridors.

- The landowners believe the properties are suitably located for an increase in density yet still remain low density R25 similar to properties north of Allerton Way.
- Within 200 metres of a high frequency bus route along Riseley Street and Leach Highway. (The landowners have measured this as a direct line not walking distance to bus stops. The walking distance to bus stops at Riseley Street and Leach Hwy is 250 metres and 450 metres respectively)
- Within easy walking distance of the Regional Centre Melville City Centre
- Adjacent to Hatfield Park
- State Government documents such as Directions 2031 and Beyond suggest such areas are appropriate for higher density coding
- Smaller lots and houses would be more affordable for future residents
- This is an unusual situation where all landowners are in support of the recoding.

A change to the density coding from R20 to R25 would require a standard scheme amendment to be prepared, initiated, publicly advertised and considered for approval in accordance with the process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. A scheme amendment would be required to be supported by a report highlighting the strategic merits of the proposal.

When approached about medium density recoding within walking distance of a public transport corridor the Department of Planning Land and Heritage have tended to propose upcoding to R40 minimum.

Scheme Provisions

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

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, (REC)

Site Details

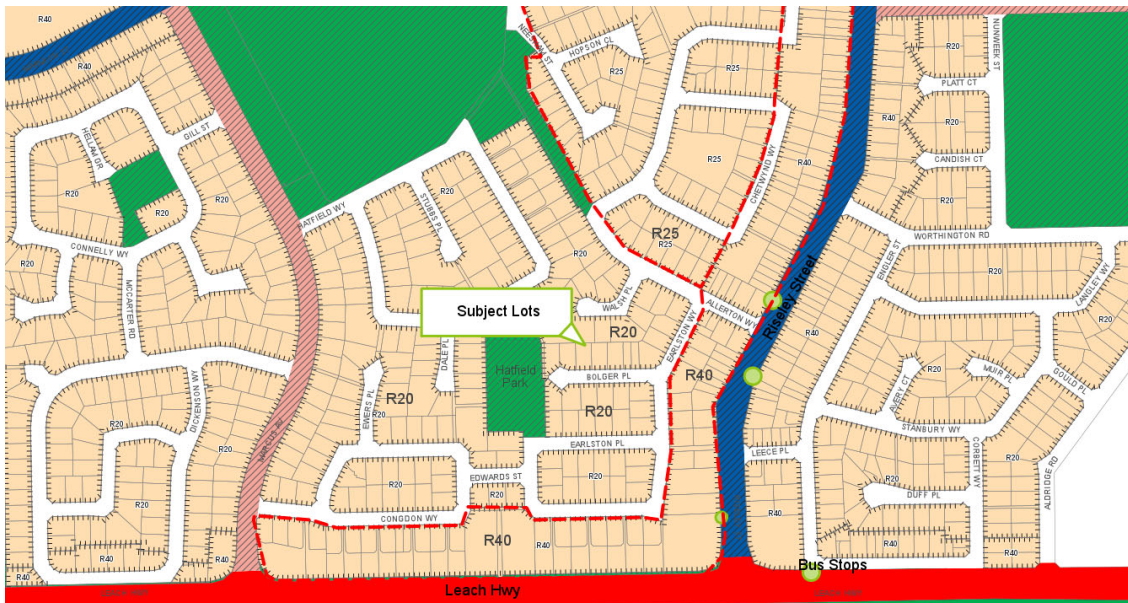
Lot Area	: Not Applicable
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Not Applicable

DETAIL

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

The subject properties are currently zoned Residential R20 in LPS6. The supporting letter from the applicant requests that the properties be recoded to Residential R25. The area around the subject lots has a variety of codings, but the majority of lots to the west, north and south are zoned Residential R20. To the east the lots are coded R40 along the Riseley Street public transport corridor.

The subject lots are coded R20 in LPS6 as they form part of the residential area north of Leach Highway and West of Riseley Street yet were outside the 800 metre walking distance from Melville City Centre. Areas north of Allerton Way were recoded R25 as they were within 800 metres walking distance of Melville City Centre.



It is considered that the requested recoding also requires further strategic consideration, in particular the timing of implementation of the City’s Local Planning Strategy.

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, (REC)**STAKEHOLDER ENGAGEMENT**

Advertising Required: If the Council resolved to initiate a scheme amendment to LPS 6 it would require the completion of a public advertising period. Advertising is not required, or usually undertaken in determining whether or not to initiate a scheme amendment.

I. COMMUNITY

A standard amendment to LPS6 would be required to be advertised for not less than 42 days. Advertising would commence should the amendment be initiated. Formal advertising will involve notification in a local newspaper, information on the City's website and correspondence to affected landowner/occupiers.

II. OTHER AGENCIES / CONSULTANTS

Relevant servicing/government agencies would be consulted as part of the advertising process associated with an amendment to LPS6.

STATUTORY AND LEGAL IMPLICATIONS

An amendment to LPS6 requires a resolution of the Council to initiate the process, including the commencement of advertising. Procedures are specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is noted that once a scheme amendment is initiated it is open for the Minister for Planning to proceed to determine the application or to make modifications to the content of the amendment.

FINANCIAL IMPLICATIONS

Should the Council resolve to proceed with initiation of a scheme amendment; costs will be incurred in terms of items including preparation of supporting planning reports, bushfire risk investigations and advertising. There may be opportunity to recover these costs from the applicants by way of a scheme amendment application fee. There is a possibility that supporting documentation may require strategic planning investigation of a wider precinct (as opposed to 14 lots). These costs may be substantial.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Initiation of an amendment to achieve higher residential density for the subject properties at this time is not considered to be in keeping with the Local Planning Strategy. An amendment would relate to Priority 3 of the Corporate Plan, "Urban development creates changes in amenity (positive and negative) which are not well understood". Changes to the residential density of these properties outside of the normal Local Planning Scheme review process is likely to heighten lack of understanding of rationale for density changes.

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE (REC)**POLICY IMPLICATIONS**

As above, a change to residential development potential of these sites at this point in time is not considered in keeping with the Local Planning Strategy. There are no other specific policy implications with this proposal.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to initiate a scheme amendment to seek Western Australian Planning Commission (WAPC) approval for a R25 code. This option will involve costs associated with preparation of supporting documentation and advertising. Costs may be substantial should the scope of the amendment be required to be expanded beyond the subject lots. Upon initiation the Council would be required to advertise the proposal and forward a recommendation to the WAPC. At that stage the WAPC and Minister for Planning would have ability to determine the application, make modifications to the proposed R-Code or seek to widen the area subject to the proposed upcoding.

COMMENT

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

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

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

- The Local Planning Strategy is proposed to be implemented in a gradual and measured way, focusing initially on the higher priority areas
- The strategic priorities for population growth and development are in key activity centres and along selected sections of public transport corridors
- LPS6 has only recently been implemented and it is considered that it would be premature to facilitate increase in dwellings or development potential without looking at the remaining sections of Booragoon.
- There is not considered to be a demonstrated short term need in the area for the requested rezoning.

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, (REC)**CONCLUSION**

It is considered appropriate to consider this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of future development along key transport corridors in the City. Current strategic programming places additional priority on properties in closer proximity to activity centres and other transport corridors such as Canning Highway. This approach is in keeping with the Local Planning Strategy key theme of focusing development in activity centres and along transport corridors whilst leaving lower density areas largely unchanged. The strategy envisages that over time higher intensity development may extend further from these strategic centres and corridors in a staged manner. At this stage, land use and density further out from the existing higher coded areas is expected to be examined in 2021 as part of the five year review process for LPS6.

OFFICER RECOMMENDATION (3802)**REFUSAL****That the Council:**

- 1 Notes the petition requesting a higher density coding of residential R25 in Bolger Place, Booragoon.**
- 2 Not support the requested change to the residential density coding from R20 to R25 at this time for the following reasons:**
 - a. The local planning strategy will be implemented in a gradual and measured way, focussing initially on the higher priority areas.**
 - b. The strategic priorities for population growth and development are in key activity centres and along selected sections of public transport corridors.**
 - c. Local Planning Scheme 6 has only recently been implemented and it is considered that it would be premature to facilitate an increase in dwellings or development potential in this section of Booragoon at this time.**
 - d. There is not considered to be a demonstrated short term need in the area for the requested rezoning.**
 - e. It is considered that it would be appropriate to consider this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of residential coding's along key transport corridors in the city.**
- 3 That the Chief Executive Officer advise relevant landowners in writing of the Council's resolution.**

Procedural Motion

At 10:12pm Cr Barling moved, seconded Cr Mair –

That Item P19/3802 - Response To Request For A Higher Density Coding At Bolger Place, be deferred to the April 2019 Ordinary Meeting of Council to enable an interested member of the community to make a deputation to the Council on this matter.

At 10:13pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

Ward	:	Palmyra-Melville-Willagee
Category	:	Policy
Application Number	:	Not Applicable
Property	:	Not Applicable
Proposal	:	Local Planning Policy LPP4.5 Carawatha Development Design Guidelines
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	:	P18/3797 Subdivision Referral – 10 Archibald Street, Willagee (Former Carawatha Primary School Site) (December 2018)
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN
GUIDELINES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The proposed subdivision referral from the Western Australian Planning Commission in respect of Lot 300 (No. 10) Archibald Street, Willagee was recommended by the Council for subdivision approval subject to conditions in December 2018.
- The recommended subdivision conditions note that design guidelines will be prepared for the residential subdivision, covering matters such as building height, setbacks and the form of buildings.
- LPP4.5 is proposed to comprise the statutory 'design guidelines' for the precinct. It details the approval process, design requirements including building height, setbacks, built form, landscaping, lighting and public art and will become the primary development control for development on Lot 300 (No.10) Archibald Street.
- It is proposed that Local Planning Policy 4.5 Carawatha Development Design Guidelines (LPP4.5) be adopted in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations).
- It is recommended that the Council endorses LPP4.5 for advertising as required by the regulations.

BACKGROUND

The proposed referral from the Western Australian Planning Commission in respect of Lot 300 (No.10) Archibald Street, Willagee was recommended by the Council for subdivision approval subject to conditions in December 2018. The proposed subdivision which is a joint venture project between the City of Melville and Satterley Property Group recognises that detailed design guidelines are required to guide future development and ensure high quality design outcomes are achieved. The LPP4.5 will form the statutory 'design guidelines' for the site.

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential/Public Open Space
R-Code	:	R60
Use Type	:	Not Applicable
Use Class	:	Not Applicable

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)**DETAIL**

The development controls contained in proposed LPP4.5 'Carawatha Development Design Guidelines' will guide the quality of development within the site. It will ensure the site is developed to an appropriate density and design in accordance with the objectives of the Willagee Structure Plan.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect on 19 October 2015. Under the provisions of the Regulations the City of Melville must advertise the proposed policy in the local newspaper for a minimum of 21 days.

In this case the Draft Design Guidelines will also be published on the City's website.

II. OTHER AGENCIES / CONSULTANTS

It is not proposed to consult directly with other agencies/consultants in relation to this Local Planning Policy.

STATUTORY AND LEGAL IMPLICATIONS

The City will follow the requirements of the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.

Subject to this, there are no other statutory or legal implications in relation to this Design Guidelines the subject of this report.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The subdivision of this land for the purposes of residential development is an established and accepted objective of the City. The detailed implications of the subdivision proposal were the subject of consideration by Council at the Special Council Meeting held 18 December 2018 at Item P18/3797: Subdivision Referral – 10 Archibald Street, Willagee (Former Carawatha Primary School Site). This consideration included reference to applicable State planning policies, LPS6, the R Codes and applicable Local planning and Council Policies and had regard to issues of subdivision design, site works, movement network, and tree retention and landscaping. That report to Council also referenced the need for the Design Guidelines the subject of this report, and detailed how such guidelines would be deployed to ensure the satisfactory design and build of the development, aligned to the City's objectives for the site.

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

Accordingly, the adoption of the subject Design Guidelines is intended to ensure that the broader development of the site does not pose any strategic risk or environmental management implications for the City, as the development of the site will be suitably controlled once the Design Guidelines are operative and applied at the implementation stages of the development.

POLICY IMPLICATIONS

LPP4.5 will provide the primary development controls to guide development within the former Carawatha Primary School site. They will ensure that the area develops to a suitable density and that the design of the development as a whole will reflect the aspirations and objectives of the Willagee Structure plan.

COMMENT

LPP4.5 provides detailed guidance with regard to the future built form of the former Carawatha Primary School site, and provides an overview of the project including development objectives, the design requirements, and site specific controls.

LPP4.5 sets out the approval process for development within the precinct. The design guidelines outline mandatory development requirements which, when met and endorsed by the estate architect, remove the need for development approval from the City for single lots. Where variations to the mandatory requirements are proposed the proposal is required to be endorsed by the estate architect and will also require development approval to be granted by the City. Where a statutory Development Approval is required to be obtained under the City of Melville Local Planning Scheme No.6, the City will assess the Development Application in accordance with the design guidelines and all other relevant statutory planning documents. If there is inconsistency between the Design Guidelines and any other relevant planning document, such as the Willagee Structure Plan, other local Planning Policy or the R-Codes, the design guidelines will prevail.

Development of the proposed Apartment lots will be the subject of Development Approval, and this will involve referral to the City's Design Review Panel in accordance with Local Planning Policy LPP1.2 Architectural and Urban Design Advisory Panel.

In terms of built form, LPP4.5 envisages three precincts (refer to Figure 1) providing a diversity of residential types for different household sizes and demographics.

- Precinct A: Street lots (wider frontage lots)
These lots are located on the western side of the north-south entry road and on both sides of the central east-west street, with all lots having a second frontage to Carawatha Park or the 'greenways' which run through the development. The lots typically have a width of 10m and will accommodate houses with a minimum of two storeys with vehicle access being provided from the street.
- Precinct B: Mews lots (narrow frontage lots)
These lots are located between the 'greenways' and the Mews Street. These houses will be orientated towards the 'greenways' with vehicle access from the rear off of the Mews Street. The lots are typically 6m wide and will have a terraced building form.

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

- Precinct C: Apartment Lots
These lots are located adjacent to North Lake Road and Archibald Street with access being via the Mews Street. The apartment buildings are intended to be between three and four storeys in height. Car parking is to be contained on the ground floor and screened from public view via sleeving apartments, communal spaces, decorative screens and landscape.

LPP4.5 sets out a minimum standard and intensity for development within the Carawatha Development. In line with the objectives of the Willagee Structure Plan, LPP4.5 offers a diversity of housing types including large family homes, terraces and apartments with a high standard of built form. LPP4.5 ensures that development will appropriately respond to the site with outlooks to streets and open spaces encouraging neighbourliness and a sense of safety for people in those spaces.

[3803 Carawatha Design Guidelines DRAFT V6 14.01.19](#)



Figure 1: Precincts

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternative options are outlined in this report. In the event the Council chooses not to endorse the proposed LPP4.5 for advertising, the subdivision clearance would be unable to be issued as the design guidelines form a condition as per the recommendation of Council (P18/3797 Subdivision Referral – 10 Archibald Street, Willagee (Former Carawatha Primary School Site) (December 2018)). Further to this, a void in development controls would exist, inhibiting future development.

CONCLUSION

It is recommended that Local Planning Policy 4.5 be endorsed by the Council for advertising. The proposed LPP4.5 is a detailed document designed to ensure built form in the Carawatha Development is consistent with the vision for the area and appropriate for this location.

OFFICER RECOMMENDATION (3803)**APPROVAL**

At 10:14pm Cr Phelan moved, seconded Cr Robins–

That the Council:

1. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP4.5 Carawatha Development Design Guidelines 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 Local Planning Policy LPP4.5 Carawatha Development Design Guidelines shall be authorised by the Chief Executive Officer.

Amendment

At 10:20pm Cr Pazolli moved, seconded Cr Kepert–

That the resolution be amended by:

- Including a new number 1 as follows:
“requesting the CEO to incorporate in the local planning policy process to ensure there is a right of appeal to assessments of the Carrawatha Estate Architects decisions and to ensure that there is a Council planning officer oversight of planning compliance for every lot that is developed.
- Renumber the following clauses accordingly.

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

At 10:22pm Mr J Rae entered the meeting.

COUNCIL RESOLUTION

At 10:34pm Cr Kepert moved, second Wheatland

That Councillor Pazolli be granted a further 5 minutes to speak on the matter.

At 10:34pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 10:39pm Cr Barton left the meeting and returned at 10:42pm.

At 10:45pm Cr Robartson left the meeting and returned at 10:46pm.

COUNCIL RESOLUTION

Procedural Motion

At 10:49pm Cr Woodall moved, second Cr Wheatland

That the matter be deferred and a Special Meeting of Council to be called in March 2019.

At 10:53pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Macphail	No
Cr Wieland	No

At the time of deferral and pursuant to Clause 13.5 of the *City of Melville Meeting Procedures Local Law 2017* it is noted that:

- Cr Phelan moved and spoke for the Officer Recommendation
- Cr Robins seconded and spoke for the Officer Recommendation

- Cr Pazolli moved and spoke for the Amendment
- Cr Kepert seconded the Amendment.

At 10:53pm Mr Rae left the meeting and did not return.

M19/5662 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2019 (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 M17/5528 Ordinary Meeting of Council held 21 March 2017 – City of Melville Local Government Elections 2017
Works Programme	: Not Applicable
Funding	: Budgeted in 2019-2020
Responsible Officer	: Ned Fimmano Property Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council 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>

M19/5662 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2019 (AMREC)**KEY ISSUES / SUMMARY**

- The local government elections will be held on 19 October 2019 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 2019 local government election and for the election to be held as a postal election.

BACKGROUND

The last local government election was held on 21 October 2017 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 2019, there is a requirement under the *Local Government Act 1995* to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal method.

DETAIL

The City of Melville has successfully undertaken ten postal elections (in 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2015 and 2017), and has found postal elections to elicit greater voter response. The voter response in 2017 achieved 38.71% of enrolled persons compared to a State average of 33.95%.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not required

II. OTHER AGENCIES / CONSULTANTS

The City of Melville has received a written quotation of \$280,000 including GST from the Western Australian Electoral Commission (WAEC) to conduct the 2019 ordinary elections as postal elections.

M19/5662 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2019 (AMREC)**STATUTORY AND LEGAL IMPLICATIONS**

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

1. Declare in accordance with section 4.20(4) of the *Local Government Act 1995* that the Electoral Commissioner be responsible for the conduct of the 2019 ordinary elections with any other elections or polls which may also be required; and
2. Decide in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

According to the *Local Government Act 1995* Section 4.20 (2),(3) and (4), the last day for agreement of the Electoral Commissioner to conduct a postal election is eighty days prior to the election (i.e. 31 July 2019).

FINANCIAL IMPLICATIONS

The Western Australian Electoral Commission (WAEC) has quoted \$280,000 including GST (\$254,545 net of GST) to conduct the City of Melville October 2019 elections. This is an estimate only, and has been based on the following assumptions;

- 70,800 electors
- Response rate of approximately 40%
- Seven vacancies (Mayor and six Ward Councillors)
- Count to be conducted at the premises of the City of Melville
- Appointment of a Local Returning Officer
- Regular Australia Post delivery service to apply.

An additional amount estimated to be \$14,160 will be incurred should the City decides to use Australia Post's Priority Service for the lodgement of election packages. The WAEC advises that the use of priority mail does not significantly speed up the delivery of the election packages and therefore the extra cost is not justified.

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

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

An allocation for these funds will need to be included in the 2019-2020 budget.

M19/5662 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2019 (AMREC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk of an election being conducted by the WAEC and having significant problems is assessed to be low. The risk of an election conducted by the Chief Executive Officer as Returning Officer is increased by the two year cycle of elections that do not allow skill levels of many staff to be maintained to the same level as those of the Electoral Commission. The risk of reduced voter participation for an in-person election is acknowledged from previous results.

There are no Strategic and Environmental Implications.

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

The appointment of the Western Australian Electoral Commissioner brings added expertise and independence to the elections process. 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 therefore recommended that the Western Australian Electoral Commissioner conduct the City of Melville 2019 election and for the election to be held as a postal election.

M19/5662 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2019 (AMREC)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5662)
ABSOLUTE MAJORITY**

At 10:54pm Cr Mair moved, seconded Cr Woodall–

That the Council:

1. **By absolute majority decision and in accordance with Section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2019 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*, declares that the method of conducting the election will be as a postal election.**

At 10.54pm the Mayor submitted the motion, which was declared
CARRIED BY ABSOLUTE MAJORITY (13/0)

**M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS
CARRIED (REC)**

(Item brought forward)
Refer page 69

(Item postponed – Motion 1)
Refer page 125

M19/5664 – POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENTS)

Ward : All
 Category : Policy
 Subject Index : Corporate Policy
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : M15/5458 – Policy Review – Management Services (8 December 2015)
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

M19/5664 – POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- Policies within the responsibility of Management Services have been reviewed and are presented to Council with minor amendments for consideration and adoption.
- Policies that are designated as Council Policy require the approval of the Council, whereas those designated as Operational Policy are approved by the Chief Executive Officer.
- This report recommends that the reviewed Council Policies be adopted.

BACKGROUND

The City of Melville has Council Policies for which Management Services is responsible. These policies are generally reviewed on an as needed or biennial basis. A number of these policies have been the subject of individual review in recent times.

This report reviews nine of the Council Policies, under the responsibility of Management Services that were last reviewed in 2015 and only require very minor changes.

DETAIL

The Council has policies to provide direction to officers on the Council's resolved position on various matters. Such policies ensure a consistent approach is achieved when dealing with similar matters.

Policies, not specifically related to planning process, are held under one of two categories being, Council Policies or Operational Policies. Council Policies require the approval the Council and relate to:

- Strategic Positioning of Council
- Executive Functions
- Legislative Functions
- Chief Executive Officer and Senior Officer Appointments
- Termination payments in excess of contracts of employment or Award provisions

All other Policies are considered to be operational in nature and have therefore been designated as Operational Policies. Operational Policies are those which are made in relation to the functions of the Chief Executive Officer as prescribed by Section 5.41 of the *Local Government Act 1995* (the Act) as follows:

- Management of the day to day operations of the local government
- The employment, management supervision, direction and dismissal of other employees - subject to Section 5.37(2) of the Act in relation to senior employees.
- Ensuring that records and documents of the local government are properly kept for the purposes of the Act and any other written law; and
- Policy on powers and duties delegated by the Council within the limitations as set by Section 5.43 of the Act.

M19/5664 – POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENTS)

Where applicable, procedures are prepared for policies to define a sequence of activities, tasks or steps that, when undertaken in the sequence laid down, produces the described result, product or outcome.

This report provides comment on nine policies from Management Services. These policies require minimal changes for update. Other policies that are the responsibility of Management Services that require significant changes will be presented to the Council in separate reports in the future.

The proposed changes to the policies that are the subject of this report are outlined below:

- **CP-004 Use of Elected Member Meeting Rooms and Facilities**
Minor change to include that the Council Chamber may also be used for State Government Committee style meetings.
- **CP-012 Honorary Freeman of the City of Melville**
No change.
- **CP-015 Recognition of Elected Members Services**
The value of a gift to retiring Elected Members has been increased from \$80 per year to \$100 per year, subject to the statutory maximum value.
- **CP-016 Civic and Ceremonial Functions**
Minor changes to tidy up the policy.
- **CP-018 Terms of Office**
No changes.
- **CP-019 City of Melville Prayer**
No changes.
- **CP-020 Nomination on WALGA Committees**
No changes.
- **CP-021 Advisory and Management Committees**
No changes.
- **CP-022 Disaster Appeals**
No changes.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

There is no community consultation required for this report.

II. OTHER AGENCIES / CONSULTANTS

Consultation with other agencies or consultants is not required for this report.

M19/5664 – POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENTS)

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications associated with this report.

FINANCIAL IMPLICATIONS

The increase of \$20 per Councillor as recommended in Policy CP-015 “Recognition of Elected Members Services” will cost \$240 extra per annum.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Administration undertakes functions delegated by the Council in a manner not in accordance with the Council's objectives or strategic vision causing reputational risk.	Minor to Major depending on the issue.	Ensure sound Council Policies are in place which provide clear guidance and direction to the administration.
Policies are not in accordance with legislative requirements or contemporary standards	Minor consequences which are possible, resulting in a Medium level of risk.	Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

All Council Policies are reviewed on a regular basis. The policies, the subject of this report only require minor changes as a consequence of the review.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternative options are provided as the removal of Council Policies would result in officers no longer being provided with guidance as to the Councils approach on various matters and may result in similar matters receiving different responses or having different outcomes.

CONCLUSION

The nine policies that are the subject of this report have been reviewed by officers and only no or minor changes are recommended. All changes proposed are in line with current legislation.

M19/5664 – POLICY REVIEW – MANAGEMENT SERVICES (REC) (ATTACHMENTS)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5664) APPROVAL**

That the Council approves the review of, and amendments to the following policies:

- [CP-004 Use of Elected Member Meeting Rooms and Facilities](#)
- [CP-012 Honorary Freeman of the City of Melville](#)
- [CP-015 Recognition of Elected Members Services](#)
- [CP-016 Civic and Ceremonial Functions](#)
- [CP-018 Terms of Office](#)
- [CP-019 City of Melville Prayer](#)
- [CP-020 Nomination on WALGA Committees](#)
- [CP-021 Advisory and Management Committees](#)
- [CP-022 Disaster Appeals](#)

At 10:56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

Disclosure of Interest

Staff	Mr M Tieleman
Type of Interest	Financial Interest
Nature of Interest	Register reference CS2083 relates to employment contract
Request	Stay and observe
Decision	Stay and observe

Member	Cr Macphail
Type of Interest	Interest under the Code
Nature of Interest	Fee paying member of Melville City Hockey Club
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

M19/5000 – COMMON SEAL REGISTER (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Legal Matters and Documentation
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter. CEO – Financial Interest regarding register reference CS2083 Contract variation.
Previous Items	:	Standard Item
Works Program	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Jeff Clark – Governance and Compliance Advisor

AUTHORITY / DISCRETION

DEFINITION

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

M19/5000 – 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 16 November 2018 up to and including 22 January 2019 for the Council's noting.

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2074	City of Melville and Erin Madeley	Heathcote Hire Agreement Erin Madeley - Administration Building Meeting Room One from 1 January 2019 and expiring on 31 December 2019.	4109019
CS2075	City of Melville and Sarah Pearn	Heathcote Hire Agreement Sarah Pearn - Administration Building Studio One from 1 January 2019 and expiring on 31 December 2019.	4109020
CS2076	City of Melville and Marina Saker	Heathcote Hire Agreement Marina Saker - Administration Building Studio Four from 1 January 2019 and expiring on 31 December 2019.	4109022
CS2077	City of Melville and Lauren Gavriel	Heathcote Hire Agreement Lauren Gavriel - Kitchen Building Studio Three from 1 January 2019 and expiring on 31 December 2019.	4109018
CS2078	City of Melville and Jane Grieson	Heathcote Hire Agreement Jane Grieson - Administration Building Studio Two from 1 January 2019 and expiring on 31 December 2019.	4109021
CS2079	City of Melville and Migara & Tifany Ramanayake	Heathcote Hire Agreement Migara & Tifany Ramanayake - Administration Building Studio Three from 1 January 2019 and expiring on 31 December 2019.	4913876

M19/5000 – COMMON SEAL REGISTER (REC)

Register Reference	Parties	Description	ECM Reference
CS2080	City of Melville and Fiona Buchanan	Heathcote Hire Agreement Fiona Buchanan- Kitchen Building Studio Two from 1 January 2019 and expiring on 31 December 2019.	4913883
CS2081	City of Melville and Robyn Laycock	Heathcote Hire Agreement Robyn Laycock- Kitchen Building Studio One from 1 January 2019 and expiring on 31 December 2019.	4913907
CS2083	City of Melville and Chief Executive Officer	Contract Variation - Chief Executive Officer - Council Meeting 20 November 2018 Confidential Item - C18/5660 Chief Executive Officer Appointment	4946917
CS2084	City of Melville and Spacemarket	Heathcote Hire Agreement Spacemarket – Murray House. Renewed term six months commencing on 1 January 2019 and expiring on 30 June 2019.	4928383
CS2085	City of Melville and Olivia Jones	Heathcote Hire Agreement Kitchen Building Studio Four. From 1 January 2019 and expiring 31 December 2019.	4926957
CS2086	City of Melville and Ross Potter	Heathcote Hire Agreement Kitchen Building Studio Five. From 1 January 2019 and expiring 31 December 2019.	4927819
CS2088	City of Melville, Leader & Co Pty Ltd, AC Riverside Pty Ltd, Yukun Ai and Siyu Chen.	Leeder & Co Pty Ltd - Assignment of Lease - Walters River Café.	4955475
CS2089	City of Melville and Kardinya Sports Association INC	Kardinya Sporting Association - Management Licence - Portion of Morris Buzzacott Reserve for Five years commencing on 1 January 2019 and expiring 31 December 2024.	4896001
CS2090	City of Melville, Active Life Rehabilitation Pty Ltd and Hayden Fisher	Variation to the Management Licence moving rooms from 3 & 5 to 3 & 4.	4159945
CS2091	City of Melville and the Scout Association of Australia WA Branch Bateman Winthrop Scout Group.	Lease - Brentwood Hall - 27 Sicklemore Street, Booragoon	4974565

M19/5000 – COMMON SEAL REGISTER (REC)

Register Reference	Parties	Description	ECM Reference
CS20092	City of Melville and Melville City Hockey Club	Mandala Hall Garage Storage Agreement with Melville City Hockey Club for two years commencing 1 May 2019 and expiring 30 April 2021.	5016869
CS2093	City of Melville and The Scout Association of Australian WA Branch 1 st Willagee Branch	Lease - Portion of Reserve 24479 Walter West Reserve	4974843
CS2094	City of Melville and The Scout Association of Australian WA Branch 1 st Waylen Bay	Lease - Portion of Jeff Joseph Reserve 29604 The Strand Applecross	4977349
CS2095	City of Melville and West Australian VHF Group	Extension to Lease - CoM and West Australian VHF Group Inc	4978735

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

M19/5000 – COMMON SEAL REGISTER (REC)**FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000) NOTING

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 16 November 2018 up to and including 22 January 2019.

At 10:56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (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 & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 November 2018 for the Council's information and noting.

C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (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.

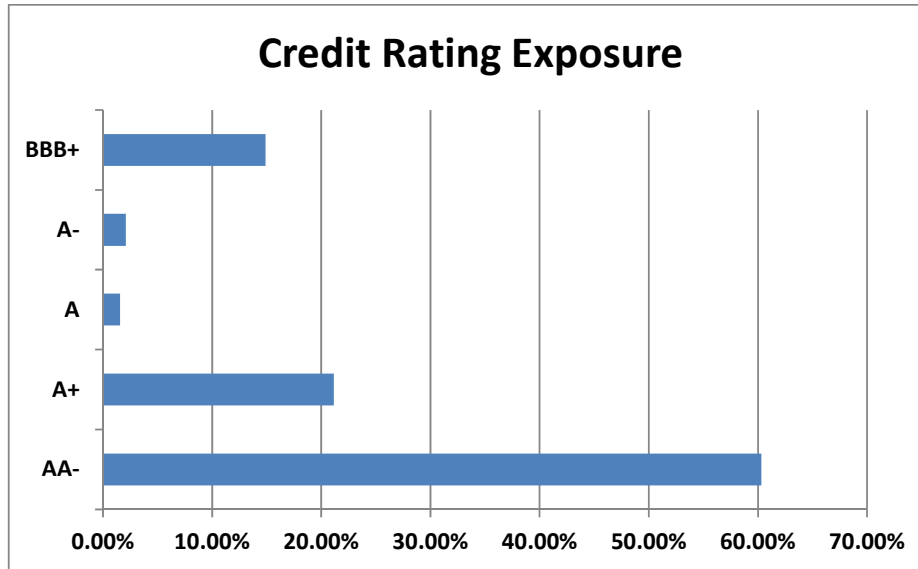
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at 30 November 2018 are shown in the tables below. The following statements detail the investments held by the City as at 30 November 2018.

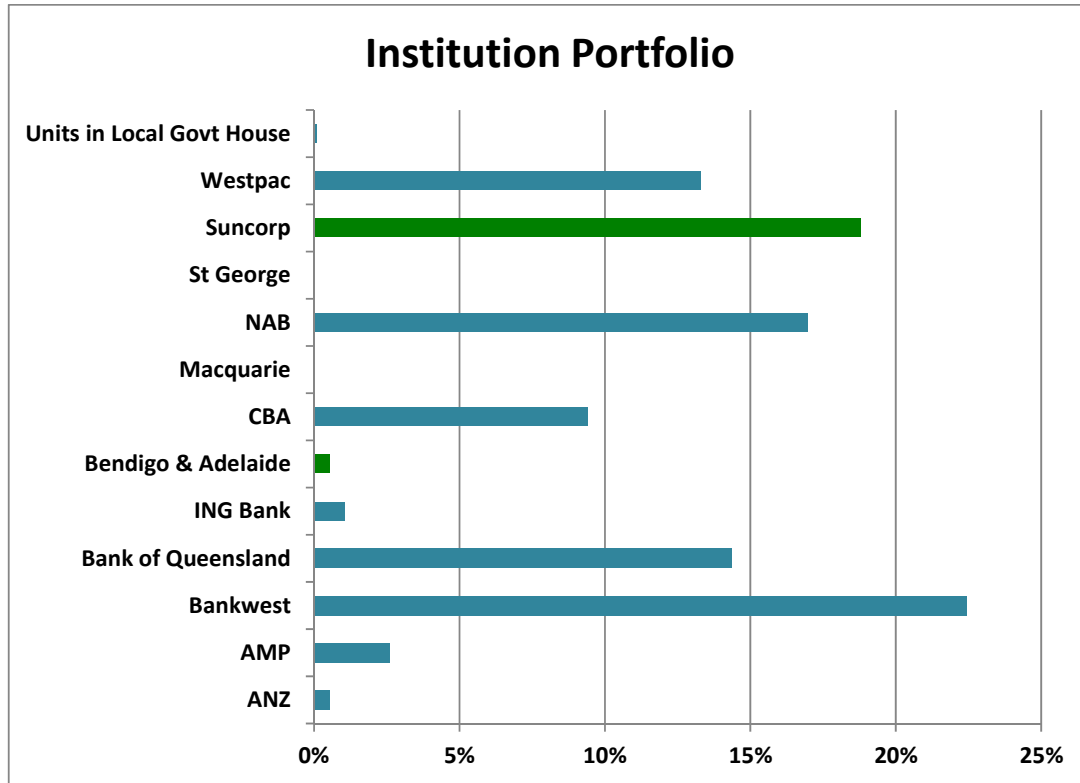
CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2018	
SUMMARY BY FUND	
	AMOUNT \$
MUNICIPAL	\$ 44,395,877
RESERVE	\$ 145,975,311
TRUST	\$ 1,094,695
CITIZEN RELIEF	\$ 215,497
	\$ 191,681,380
SUMMARY BY INVESTMENT TYPE	
	AMOUNT \$
11AM	\$ 1,891,560
31DAYS AT CALL	\$ 2,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 177,014,649
UNITS (Local Govt Hse)	\$ 175,171
	\$ 191,681,380
SUMMARY BY CREDIT RATING	
	AMOUNT \$
AA-	\$ 115,506,209
A+	\$ 40,500,000
A	\$ 3,000,000
A-	\$ 4,000,000
BBB+	\$ 28,500,000
UNITS (Local Govt Hse)	\$ 175,171
	\$ 191,681,380


C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS									
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,000,000		0.52%	0.52%	30%	No	
AMP BANK (TERM)	TERM	A	5,000,000		2.61%	2.61%	25%	No	
BANKWEST (TERM)	TERM	AA-	43,000,000		22.43%	22.43%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	27,500,000		14.35%	14.35%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	1,000,000		0.52%	0.52%	15%	Yes	1,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	18,000,000		9.39%	9.39%	30%	No	
ING BANK (TERM)	TERM	A-	2,000,000		1.04%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	1.04%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	32,514,649		16.96%	16.96%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	36,000,000		18.78%	18.78%	25%	Yes	36,000,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	0		0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	-		0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	1,891,560		0.99%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	2,000,000		1.04%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.04%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		4.49%				
WESTPAC (TERM)	TERM	AA-	11,000,000		5.74%	13.30%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	175,171		0.09%	0.09%		N/A	
			191,681,380		100%	100%			37,000,000
Total Non Fossil Fuel Lending ADI									19%

C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (REC)



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

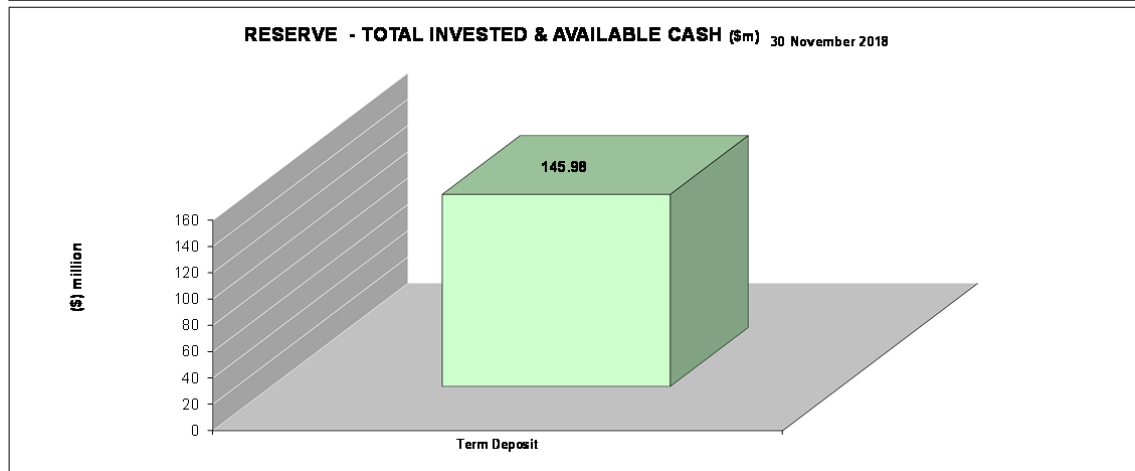
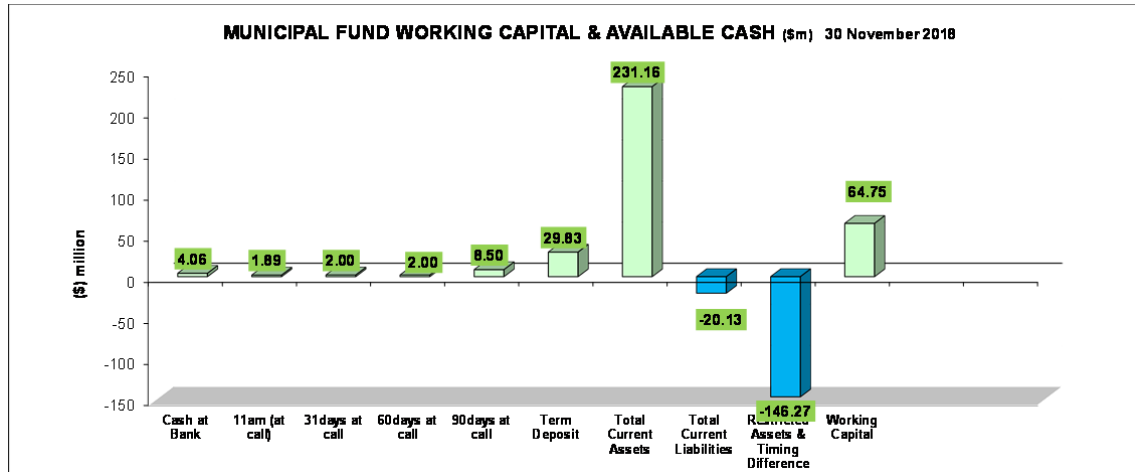
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 November 2018 was \$37,000,000 or 19% of total investment holdings being in non-fossil fuels institutions. This compared to \$38,000,000 (19%) in October 2018. The amount of investment holdings in non-fossil fuels institutions decreased from October however the total percentage of the holding remained constant. The total investment holding for November was \$191,681,380 and October was \$195,460,876.

C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (REC)

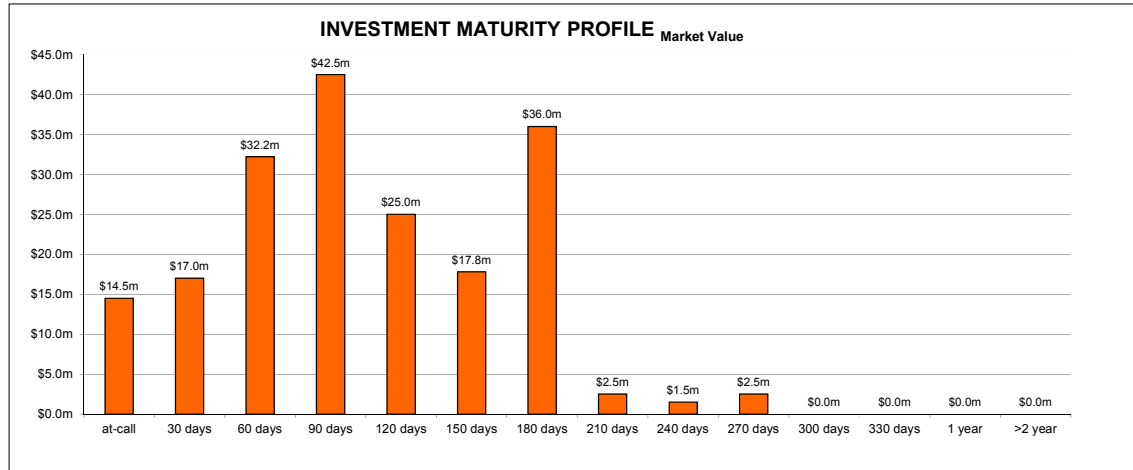
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 30 November 2018.



C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 30 November 2018.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (REC)

FINANCIAL IMPLICATIONS

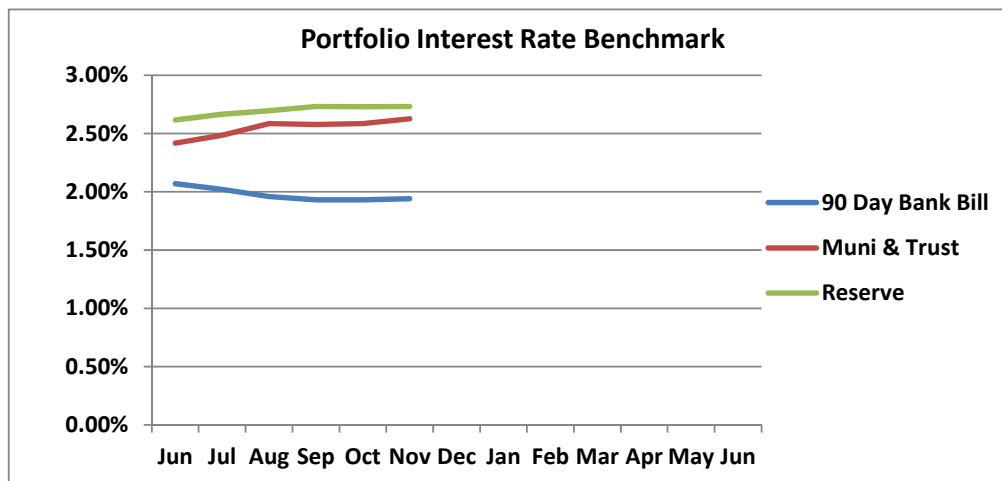
For the period ending 30 November 2018:

- Investment earnings on Municipal and Trust Funds were \$381,744 against a year to date budget of \$369,342 representing a \$12,402 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 November 2018 was 2.63% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.94%.

- Investment earnings on Reserve accounts were \$1,748,419 against a year to date budget of \$1,066,667 representing a \$681,752 positive variance.

The weighted average interest rate for Reserve account investments as at 30 November 2018 was 2.73% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.94%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2016-2020.

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

Risk

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

C19/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2018 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.63% to 2.73% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.94%.

19% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 19% in October 2018.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000-1) NOTING

That the Council notes the Investment Report for the period ending 30 November 2018.

At 10:56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (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 & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 December 2018 for the Council's information and noting.

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)

BACKGROUND

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

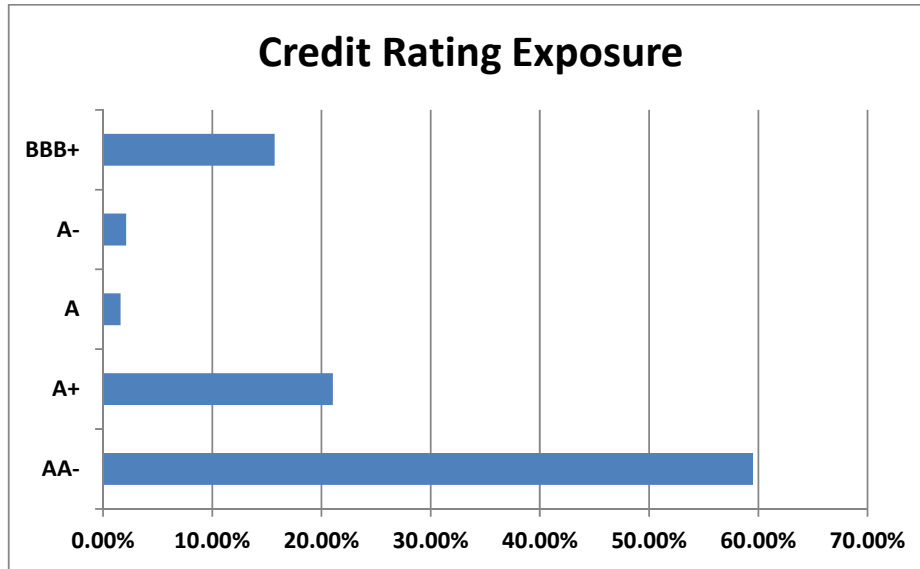
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at 31 December 2018 are shown in the tables below. The following statements detail the investments held by the City as at 31 December 2018.

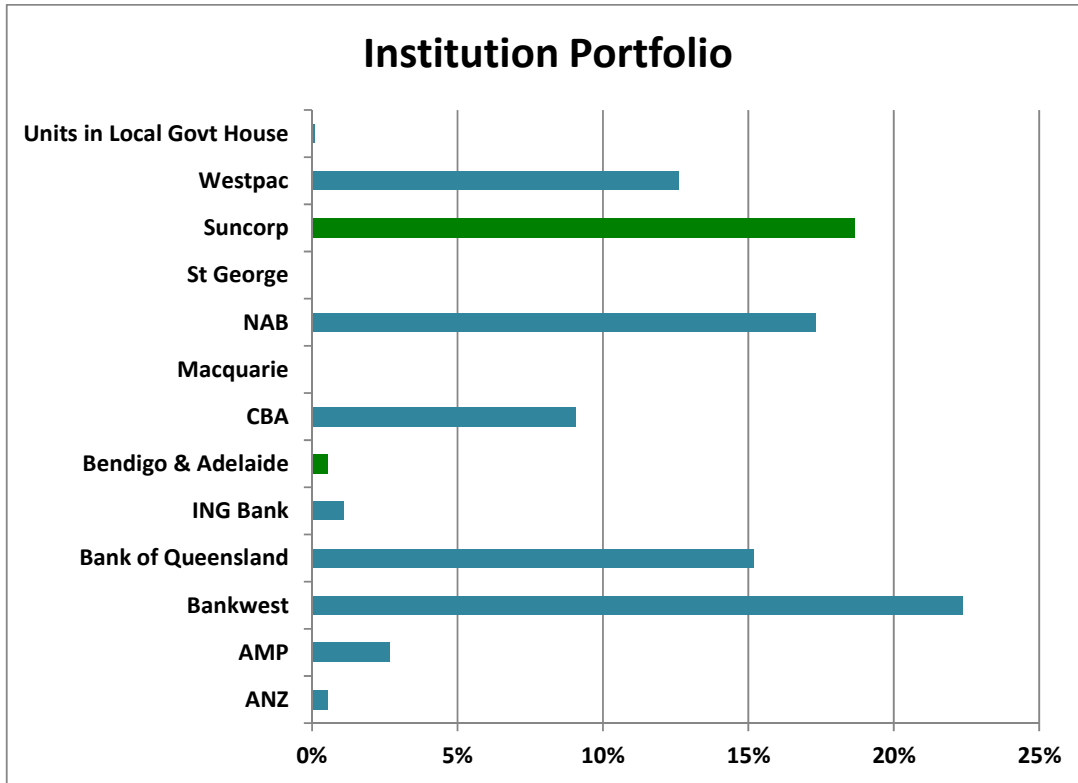
CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2018	
SUMMARY BY FUND	
	AMOUNT \$
MUNICIPAL	\$ 40,375,233
RESERVE	\$ 146,094,928
TRUST	\$ 1,195,722
CITIZEN RELIEF	\$ 215,497
	\$ 187,881,380
SUMMARY BY INVESTMENT TYPE	
	AMOUNT \$
11AM	\$ 1,091,560
31DAYS AT CALL	\$ 2,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 174,014,649
UNITS (Local Govt Hse)	\$ 175,171
	\$ 187,881,380
SUMMARY BY CREDIT RATING	
	AMOUNT \$
AA-	\$ 111,706,209
A+	\$ 39,500,000
A	\$ 3,000,000
A-	\$ 4,000,000
BBB+	\$ 29,500,000
UNITS (Local Govt Hse)	\$ 175,171
	\$ 187,881,380

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS									
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADJ WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,000,000		0.53%	0.53%	30%	No	
AMP BANK (TERM)	TERM	A	5,000,000		2.66%	2.66%	25%	No	
BANKWEST (TERM)	TERM	AA-	42,000,000		22.35%	22.35%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	28,500,000		15.17%	15.17%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	1,000,000		0.53%	0.53%	15%	Yes	1,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	17,000,000		9.05%	9.05%	30%	No	
ING BANK (TERM)	TERM	A-	2,000,000		1.06%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	1.06%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	32,514,649		17.31%	17.31%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	35,000,000		18.63%	18.63%	25%	Yes	35,000,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	0		0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	-		0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	1,091,560		0.58%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	2,000,000		1.06%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.06%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		4.58%				
WESTPAC (TERM)	TERM	AA-	10,000,000		5.32%	12.61%	30%	No	
UNITS IN LOCAL GOVT HOUSE	NA	NA	175,171		0.09%	0.09%		N/A	
			187,881,380		100%	100%			36,000,000
Total Non Fossil Fuel Lending ADI									19%

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)



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

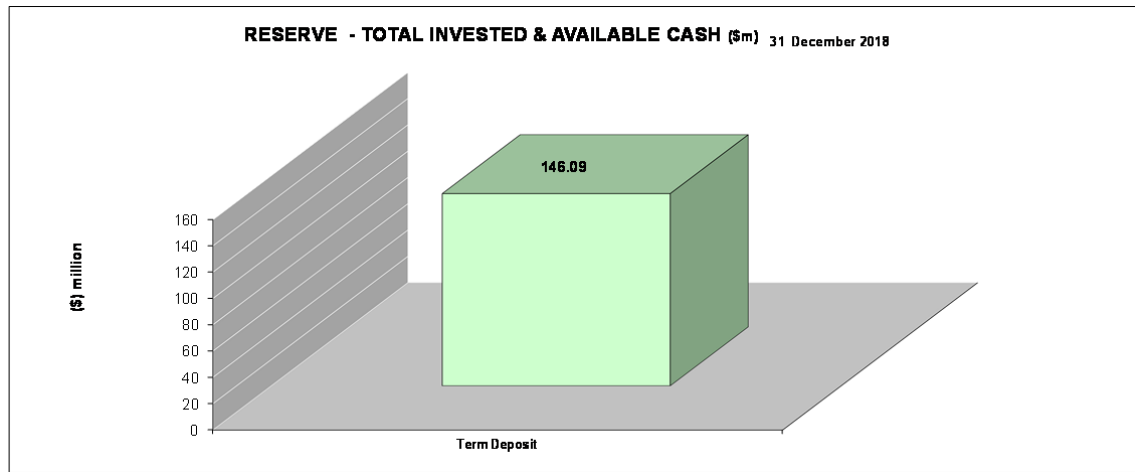
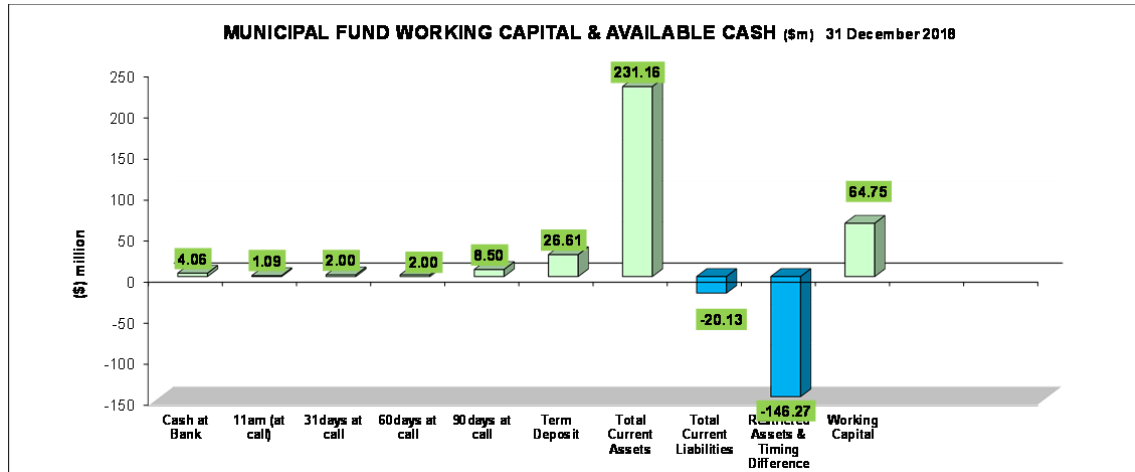
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 December 2018 was \$36,000,000 or 19% of total investment holdings being in non-fossil fuels institutions. This compared to \$37,000,000 (19%) in November 2018. The amount of investment holdings in non-fossil fuels institutions decreased from November however the total percentage of the holding remained constant. The total investment holding for November was \$191,681,380 and December was \$187,881,380.

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)

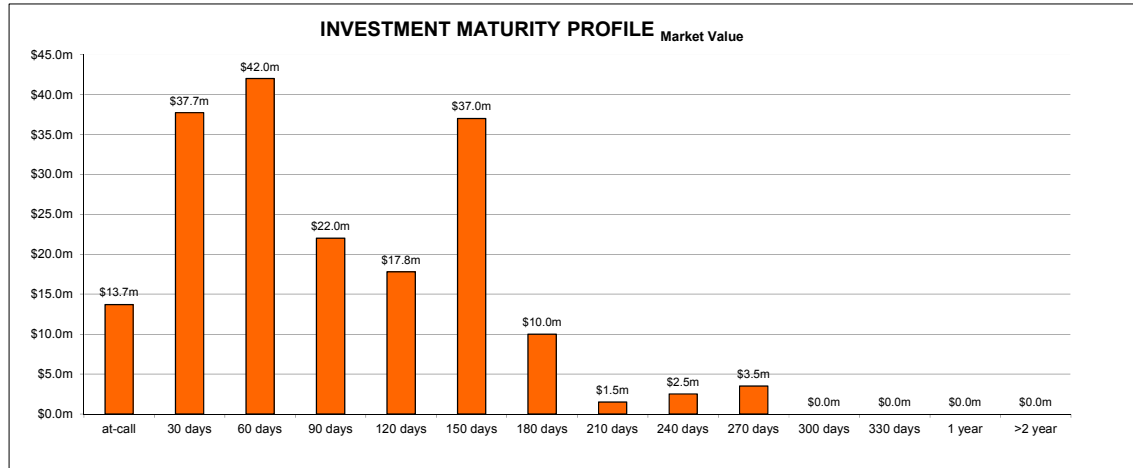
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 31 December 2018.



C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 31 December 2018.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)

FINANCIAL IMPLICATIONS

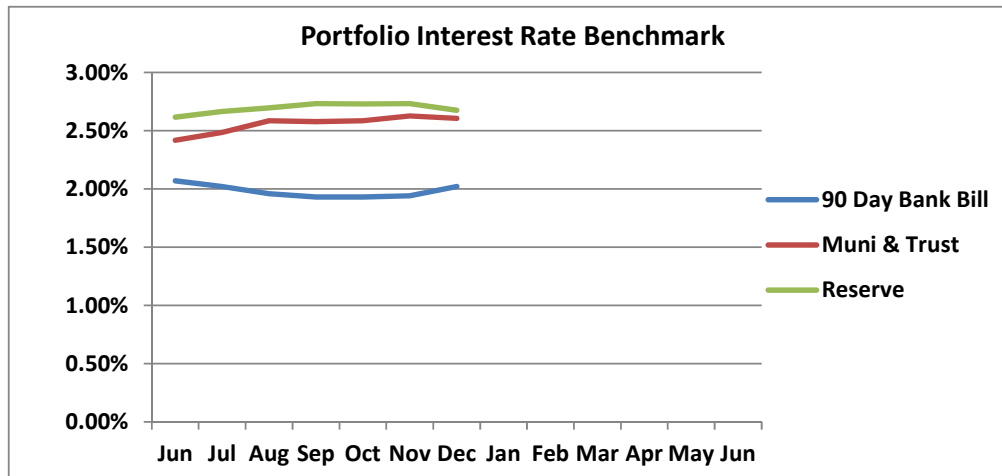
For the period ending 31 December 2018:

- Investment earnings on Municipal and Trust Funds were \$455,889 against a year to date budget of \$443,210 representing a \$12,678 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 December 2018 was 2.61% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.02%.

- Investment earnings on Reserve accounts were \$2,110,985 against a year to date budget of \$1,280,000 representing a \$830,985 positive variance.

The weighted average interest rate for Reserve account investments as at 31 December 2018 was 2.68% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.02%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2016-2020.

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

Risk

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

C19/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2018 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.61% to 2.68% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 2.02%.

19% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 19% in November 2018.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000-2) NOTING

That the Council notes the Investment Report for the period ending 31 December 2018.

At 10:56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**C19/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2018 (REC)
(ATTACHMENT)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of November 2018 and recommends that the Schedule of Accounts Paid be noted.

**C19/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2018 (REC)
(ATTACHMENT)**

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for November including Payment Registers numbers, Cheques 688-691 and Electronic Funds Transfers batches 536-544 Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 February 2019. Payments for the period totalled \$14,198,033.05 for the Municipal Fund and \$127,727.35 for the Trust Fund whilst new investment transactions totalled \$8,500,000.00. Details of the payments are shown in attachment [6001-1 November 2018](#).

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

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
15719	Advantearing Civil Engineers	E068411	Deep Water Point and Point Walter Boat Ramp Upgrade Progress Claim	\$374,734.77
14313	Asphaltech Pty Ltd	E068223 & E068565	Roads and Paving Supplies	\$1,779,008.63
14964	AWB Building CO Pty Ltd	E068245 & E068580	Service and repairs of fire systems at various locations	\$34,336.77
14724	Axiis Contracting Pty Ltd	E068572	Construct in-situ concrete footpaths	\$84,497.28
99995	Building Commission Department of Commerce	E068067	Regulatory Fees and government charges	\$59,453.00
10004	Building & Construction Industrial Training Fund	Chq 007173	Remittance of the building construction training levy collected by the City with building licence applications	\$68,274.35
10965	Calibre Coatings Pty Ltd	E068132 & E068468	Painting at Deep Water Point, Applecross Tennis and Heathcote	\$47,100.90
10056	City of Cockburn	E068094	Commercial waste tip fees for October	\$125,967.77
13935	Contraflow Pty Ltd	E068212 & E068548	Traffic Control Services	\$91,291.68
12131	DATA#3 Limited	E068168 & E068508	IT Software Licensing and maintenance	\$139,435.30
14051	Department of Fire and Emergency Services	E068217	Regulatory Fees and Government Charges	\$2,457,846.42
13309	Drainflow Services Pty Ltd	E068191 & E068527	Gully vacuum and jetting at various sites	\$32,967.00
10282	DVG Mountway Melville Hyundai	E068112	Hyundai iLoad Van with lift back	\$39,250.01
14756	Eco Resources Pty Ltd	E068232 & E068574	Landfill Management Services	\$29,680.20

**C19/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2018 (REC)
(ATTACHMENT)**

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
11380	EMSO Maintenance CrabClaw Holdings	E068151 & E068494	Building Construction materials and services	\$65,712.74
16433	Facilities First Australia	E068299 & E068630	Commercial Cleaning	\$48,818.93
10385	Flexi Staff	E068115 & E068450	Temporary Labour Hire	\$43,707.55
15185	Forrest Hill Spraying Services	E068569	Weed control	\$59,719.85
16525	Four Landscape Studio Pty Ltd	E068309 & E068643	Landscape design and construction at Heathcote Swan House	\$35,711.78
14312	Hays Specialist Recruitment	E068222 & E068564	Temporary Labour Hire	\$29,158.02
16223	Holton Connor Architects & Planners	E068284	Tompkins Park Redevelopment Project	\$73,914.50
15489	Horizon West Landscape and Irrigation	E068265 & E068595	Landscape Gardening at LeisureFit Melville and Leach Highway	\$78,932.43
10501	Hydroquip Pumps & Irrigation Acemark Pty Ltd	E068120 & E068456	Supply and install irrigation systems and irrigation maintenance at various sites	\$200,794.00
11115	Landgate Western Australia Land Information Authority	E068030 & E068480	GRV interim valuations	\$61,258.75
16439	Maintenance and Construction Services	E068301	Leisurefit and AH Bracks Refurbishment Project	\$136,886.13
11270	McLeods Barristers and Solicitors	E068148 & E068490	Legal And Conveyancing Services	\$42,565.98
12865	MMM WA Pty Ltd	E068180 & E068519	Excavate and prepare creek bed and other minor works	\$45,319.82
17940	Natural Area Management Services	E068350 & E068673	Weed control and plant installation	\$48,157.44
13563	Pearmans Electrical & Mechanical Services Pty Ltd	E068199 & E068536	Electrical Lighting maintenance and supplies and services across the City of Melville	\$98,184.34
11369	Playtec Grounds Maintenance	E068150	Gymbakids playground upgrade and relocation	\$90,592.70
16280	Quantum Building Services Pty Ltd	E068289 & E068619	Plumbing Maintenance supplies and services	\$26,572.79
10974	RMB Drilling Ardmay Pty Ltd	E068133 & E068469	Install Irrigation Bores at various sites	\$154,939.40
10615	Satellite Security Services	E068124 & E068458	Anti Vandalism Initiatives and security monitoring	\$50,868.31
16704	Satterley Property Group Pty Ltd	E068388	Reimbursement of costs for Carawatha Project	\$105,123.02
12203	SMRC Southern Metropolitan Regional Council	E068510	MSW Gate Fees and MRF Gate Fees for October and MSW Gate Fees for November	\$822,967.17
16605	Synergy Electricity	E068322 & E068653	Electricity Charges	\$330,189.57
14270	Talis Consultants	E068384 & E068560	Park and path surveys	\$34,100.00
16506	TCD Services Australia	E068308 & E068638	CCTV inspection	\$35,899.05
11019	Titan Ford Perth Auto Alliance	E068136 & E068473	4 Ford Ranger Utilities and maintenance and parts	\$144,700.40

**C19/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2018 (REC)
(ATTACHMENT)**

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
10214	T-Quip Turf Equipment Solutions Tocojapa Pty Ltd	E068108 & E068444	6 Toro mowers and small plant equipment	\$157,662.20
13245	Tree Amigos Tree Surgeons	E068526	Arborist and Tree Services	\$30,494.75
17037	Tree Care WA Pty Ltd	E068338 & E068665	Arborist and Tree Services	\$71,429.31
14271	Tree Planting & Watering Baroness Holdings Pty Ltd	E068221 & E068561	Street tree watering	\$83,924.80
12075	Turf Care WA Pty Ltd	E068505	Turf mowing and maintenance	\$54,806.00
12334	Water Corporation	069712 & 609733	Water Charges for various locations	\$51,733.64
10674	West Coast Turf	E068125 & E068459	Turfing at various reserves	\$45,203.40
10311	Western Power Electricity Network Corporation	E068449	Underground Power Cash Call	\$600,000.00
16493	WSP Australia Pty Ltd	E068636	Building audits and Infrastructure Strategy review	\$32,691.45

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 14/11/2018 & 28/11/2018	Payment of salaries and wages to City employees net of tax and deduction for pays 10 and 11.	\$2,184,204.11
Australian Taxation Office	Direct Bank Transfers 14/11/2018 & 28/11/2018	Pay as You-Go taxation and other deductions from employee payroll for pays 10 and 11.	\$676,954.00
Creditors & Advances	Direct Bank Transfers 14/11/2018 & 28/11/2018	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 10 and 11.	\$524,226.81
Total			3,385,384.92

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

**C19/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2018 (REC)
(ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for the period totalled \$14,198,033.05 for the Municipal Fund and \$127,727.35 for the Trust Fund whilst new investment transactions totalled \$8,500,000.00.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001-1) NOTING

That the Council notes the Schedule of Accounts paid for the period of November 2018 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001-1 November 2018](#)

At 10:56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**C19/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2018 (REC)
(ATTACHMENT)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of December 2018 and recommends that the Schedule of Accounts Paid be noted.

**C19/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2018 (REC)
(ATTACHMENT)**

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for December including Payment Registers numbers, Cheques 692 - 694 and Electronic Funds Transfers batches 545 - 548 Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 February 2019. Payments for the period totalled \$10,834,834.93 for the Municipal Fund and \$82,586.90 for the Trust Fund whilst new investment transactions totalled \$4,000,000.00. Details of the payments are shown in attachment [6001-2 December 2018](#).

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

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
15719	Advanteering Civil Engineers	E068910	Deep Water Point and Point Walter Boat Ramp Upgrade Progress Claim	\$265,623.21
16015	Aquatic Services WA Pty Ltd	E068921 & E069194	UV system for 50m pool and water play park	\$105,237.00
14313	Asphaltech Pty Ltd	E068860 & E069162	Road resurfacing at various locations	\$716,738.96
14964	AWB Building CO Pty Ltd	E068882 & E069179	Service and repairs of fire systems at various locations	\$32,308.88
14724	Axiis Contracting Pty Ltd	E069170	Construct of In-situ concrete footpaths	\$129,938.79
11899	BSA Maintenance Burkeair Pty Ltd	E068785 & E069119	Building Construction materials and services for various locations	\$39,374.35
99995	Building Commission Department of Commerce	E068710	Regulatory fees and government charges	\$43,592.90
10004	Building & Construction Industrial Training Fund	Chq 007174	Remittance of the building construction training levy collected by the City with building licence applications	\$38,994.00
10056	City of Cockburn	E0068715	Commercial waste tip fees for November	\$116,583.35
13944	Comestibles	E069154	Catering for Tilt and Mayoral Dinner	\$27,441.75
13935	Contraflow Pty Ltd	E068846 & E069153	Traffic management services	\$42,989.81
14051	Department of Fire and Emergency Services	E069157	ESL remittance for November	\$627,223.18
13581	Devco Builders Devco Holdings Pty Ltd	E069145	Dismantle, relocate and reassemble Gymbakids play frame	\$37,207.50
11380	EMSO Maintenance CrabClaw Holdings	E068772 & E069110	Building Construction materials and services for various locations	\$88,471.47
10385	Flexi Staff	E068733 & E069077	Temporary labour hire	\$25,107.75

**C19/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2018 (REC)
(ATTACHMENT)**

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
16223	Holton Connor Architects & Planners	E068931	Tompkins Park redevelopment project	\$81,863.10
16282	Hyland Management & Contractors Pty Ltd	E068939 & E069200	Building renewal at Heathcote Swan House	\$31,405.00
11343	M P Rogers & Associates Pty Ltd	E068771 & E069109	Engineering consultancy services for various projects	\$26,387.55
14228	Mastec Australia Pty Ltd	E068856	Refuse Bins and associated parts	\$57,822.33
17940	Natural Area Management Services	E068995 & E069243	Weed control and plant installation	\$34,597.38
14477	Nature Play Solutions	E068866	Seating and tables for Deep Water Point	\$56,360.70
13563	Pearmans Electrical & Mechanical Services Pty Ltd	E068832 & E069143	Electrical lighting maintenance and services	\$70,197.66
13809	Sanpoint Pty Ltd	E068841	Irrigation infield at Melville Reserve and Beasley Reserve	\$169,091.08
16295	Sifting Sands Buzz Enterprises Pty Ltd	E068940	Sandpit cleaning and replacement of sand at various sites	\$37,265.25
12203	SMRC Southern Metropolitan Regional Council	E069122	MSW and MRF gate fees for November and RRC loan repayment	\$974,067.24
16476	Statewide Pump Services	E068954 & E069210	Sewer pumps inspection and service	\$25,729.00
16605	Synergy Electricity	E068970 & E069224	Electricity Charges	\$216,613.62
16506	TCD Services Australia	E068960 & E069214	Jetting vacuum and CCTV	\$103,803.97
16341	Technogym Australia Pty Ltd	E068945 & E069206	Gym equipment	\$310,215.86
11020	Total Eden Pty Ltd	E068755 & E069096	Irrigation parts	\$28,025.59
13245	Tree Amigos Tree Surgeons	E069136	Arborist and tree services	\$38,734.74
17037	Tree Care WA Pty Ltd	E068986 & E069235	Arborist and tree services	\$83,752.77
14064	Vocus Communication Amcom Pty Ltd	E068852 & E069158	15 and 32 amp access point, ADSL enabled and fibre services	\$26,793.67
10311	Western Power Electricity Network Corporation	E069080	Underground power cash call and street light upgrade and relocation	\$854,884.00
16493	WSP Australia Pty Ltd	E068959 & E069213	Building audits and infrastructure strategy review	\$105,975.54

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 12/12/2018 & 21/12/2018	Payment of salaries and wages to City employees net of tax and deduction for pays 12 and 13.	\$2,403,957.41
Australian Taxation Office	Direct Bank Transfers 12/12/2018 & 21/12/2018	Pay as You-Go taxation and other deductions from employee payroll for pays 12 and 13.	\$815,681.00
Creditors & Advances	Direct Bank Transfers 12/12/2018 & 21/12/2018	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 12 and 13.	\$529,077.44
Total			\$3,748,715.85

**C19/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2018 (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS**STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

**C19/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2018 (REC)
(ATTACHMENT)****CONCLUSION**

Payments for the period totalled \$10,834,834.93 for the Municipal Fund and \$82,586.90 for the Trust Fund whilst new investment transactions totalled \$4,000,000.00.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001-2) NOTING

That the Council notes the Schedule of Accounts paid for the period of December 2018 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001-2 December 2018](#)

At 10:56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (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"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 November 2018 and recommends that they be noted by the Council. • The variances for the month of November 2018 and recommends that they be noted by the Council. • The Budget amendments required for the month of November 2018 and recommends that they be adopted by Absolute Majority decision of the Council.
--

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (AMREC)
(ATTACHMENTS)**

BACKGROUND

The Statements of Financial Activity for the period ending 30 November 2018 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 legislation and Council policy. The three, monthly reports that are presented are the:-

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

Variances

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE \$50,000 for the Period 1 July 2018 to 30 November 2018							
	November Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
Recreation and Culture	615,972	3,278,378	3,430,831	152,453	4%	8,160,171	8,160,171
Economic Services	179,954	1,653,856	1,831,519	177,663	11%	2,762,888	2,762,888
Other Property and Services	(115,065)	169,883	228,911	59,028	35%	334,849	670,499
	2,053,514	17,829,296	18,217,548	388,252		30,082,837	30,418,487
Expenditure from operating activities							
Governance	(354,582)	(2,147,173)	(2,016,732)	130,442	-6%	(5,612,027)	(6,029,121)
Law, Order, Public Safety	(307,991)	(1,848,046)	(1,686,631)	161,415	-9%	(4,259,141)	(4,269,396)
Education & Welfare	(288,160)	(1,267,735)	(1,181,884)	85,851	-7%	(2,819,942)	(2,917,168)
Community Amenities	(2,023,839)	(10,731,563)	(10,302,008)	429,555	-4%	(25,607,458)	(25,950,042)
Recreation and Culture	(3,868,645)	(14,586,154)	(14,180,542)	405,612	-3%	(31,042,439)	(32,632,748)
Transport	(1,212,660)	(7,178,441)	(7,046,351)	132,090	-2%	(18,503,353)	(18,274,215)
Economic Services	(206,779)	(1,032,890)	(1,117,559)	(84,669)	8%	(2,316,255)	(2,426,255)
Other Property and Services	(1,264,448)	(5,404,636)	(4,817,831)	586,804	-11%	(9,865,826)	(11,058,319)
	(10,325,949)	(45,795,373)	(43,935,593)	1,859,779		(108,727,124)	(112,267,945)
Investing Activities							
Non-operating grants, subsidies and contributions	0	1,258,587	1,377,079	118,492		4,963,126	6,134,146
Proceeds from Disposal of Assets	197,873	287,550	364,917	77,367	27%	784,650	1,120,300
Purchase of Furniture & Equipment	(276,109)	(812,830)	(644,769)	168,061	-21%	(1,863,602)	(3,049,769)
Purchase of Plant & Equipment	(402,879)	(1,074,000)	(715,469)	358,531	-33%	(2,171,707)	(3,276,507)
Purchase of Land & Buildings	(375,424)	(3,727,132)	(2,320,749)	1,406,383	-38%	(11,831,681)	(29,154,483)
Purchase of Infrastructure Assets	(2,904,914)	(8,134,715)	(7,350,719)	783,996	-10%	(23,494,859)	(32,051,020)
	(3,761,452)	(12,202,540)	(9,289,710)	2,912,830		(33,614,073)	(60,277,333)

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (AMREC)
(ATTACHMENTS)**

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [6002-1C Sub Program November 2018](#) and [6002-1H November 2018](#).

Revenue

\$87.54 million in Rates was raised as at 30 November 2018 compared to a year to date budget of \$86.19 million. There is a variance of \$1.35 million compared to the Rate Setting Statement due to an adjustment for prepaid rates of \$1.1 million. This is an accounting treatment and will be adjusted at year end. There is a positive variance of \$248,855 (0.29%), excluding the prepayments, when compared to year to date actual.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November 2018.

Budget Amendments

Details of Budget Amendments requested for the month of November 2018 are shown in attachment [6002-1J November 2018](#). The budget amendments processed in November 2018 are all greater than \$50,000 and relate to non-cash adjustments for depreciation:

- \$2,026,364 – Budget depreciation adjustment for Financial Asset Register for November.
- \$70,020 – Budget depreciation adjustment for Fleet Asset Register for November.
- \$143,014 – Adjustment to budget depreciation for Fleet Asset Register for November.
- \$140,040 – Transfer of budgets in Fleet Ledger following depreciation adjustments.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$3,624,317 were collected over the course of the month. Rates collection progress for the month of November is 0.5% below the target of 72.9%. This represents a dollar value of \$469,742. As at 30 November 72.4% of the 2018-2019 rates, including prior year arrears had been collected compared with 71.8% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 75.2%.

Total sundry debtor balances increased by \$15,240 over the course of the month from \$517,716 (including debtor overpayment of \$4,500) to \$532,956 (including debtor overpayment of \$6,711). The 90+ day's debtor balance increased by \$16,972 from \$278,379 to \$295,351.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of November 2018.

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (AMREC)
(ATTACHMENTS)**

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – November 2018	6002-1A Nature Type November 2018
Rate Setting Statement by Program – November 2018	6002-1B Program November 2018
Rate Setting Statement by Sub-Program – November 2018	6002-1C Sub Program November 2018
Representation of Net Working Capital – November 2018	6002-1E November 2018
Reconciliation of Net Working Capital – November 2018	6002-1F November 2018
Notes on Rate Setting Statement reporting on variances of greater than +/-10% or \$50,000 whichever is greater – November 2018	6002-1H November 2018
Details of Budget Amendments requested – November 2018	6002-1J November 2018
Summary of Rates Debtors – November 2018	6002-1L November 2018
Graph Showing Rates Collections – November 2018	6002-1M November 2018
Summary of General Debtors aged 90 Days Old or Greater – November 2018	6002-1N November 2018

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:

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

(b) budget estimates to the end of the month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

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

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

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

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

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

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

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

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

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

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

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (AMREC)
(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variations**

Variations are detailed and explained in attachment [6002-1H November 2018](#) (Notes on Statement of Variations in excess of \$50,000 by Sub-Program).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 November 2018.

**C19/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2018 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002-1)
NOTING and ABSOLUTE MAJORITY**

At 10:55pm Cr Barling moved, seconded Cr Macphail –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 November 2018 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – November 2018	6002-1A Nature Type November 2018
Rate Setting Statement by Program – November 2018	6002-1B Program November 2018
Rate Setting Statement by Sub-Program – November 2018	6002-1C Sub Program November 2018
Representation of Net Working Capital – November 2018	6002-1E November 2018
Reconciliation of Net Working Capital – November 2018	6002-1F November 2018
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – November 2018	6002-1H November 2018
Details of Budget Amendments requested – November 2018	6002-1J November 2018
Summary of Rates Debtors – November 2018	6002-1L November 2018
Graph Showing Rates Collections – November 2018	6002-1M November 2018
Summary of General Debtors aged 90 Days Old or Greater – November 2018	6002-1N November 2018

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for November 2018 [6002-1J November 2018](#).**

At 10:55pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (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"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 December 2018 and recommends that they be noted by the Council.
- The variances for the month of December 2018 and recommends that they be noted by the Council.
- The Budget amendments required for the month of December 2018 and recommends that they be adopted by Absolute Majority decision of the Council.

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 December 2018 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

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

Variances

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE \$50,000 for the Period 1 July 2018 to 31 December 2018							
	December Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
General Purpose Funding	509,111	6,251,893	7,210,880	958,987	15%	10,568,752	10,568,752
Law, Order, Public Safety	27,421	2,531,347	2,586,278	54,931	2%	2,673,985	2,673,985
Recreation and Culture	744,518	4,019,335	4,175,349	156,014	4%	8,160,171	8,160,171
Economic Services	162,419	1,758,093	1,993,938	235,845	13%	2,762,888	2,762,888
Other Property and Services	(37,371)	665,990	191,688	(474,302)	-71%	334,849	774,756
	1,713,158	19,025,187	19,930,854	905,667		30,082,837	31,069,468
Expenditure from operating activities							
Governance	(341,503)	(2,700,293)	(2,358,235)	342,058	-13%	(5,612,027)	(6,029,121)
General Purpose Funding	(730,689)	(1,875,245)	(1,787,051)	88,193	-5%	(7,469,373)	(7,469,373)
Law, Order, Public Safety	(299,333)	(2,183,128)	(1,985,964)	197,164	-9%	(4,259,141)	(4,269,396)
Education & Welfare	(204,078)	(1,520,822)	(1,385,962)	134,860	-9%	(2,819,942)	(2,935,196)
Community Amenities	(2,259,743)	(13,027,460)	(12,561,751)	465,709	-4%	(25,607,458)	(26,496,766)
Recreation and Culture	(2,501,541)	(17,461,419)	(16,682,083)	779,336	-4%	(31,042,439)	(33,236,122)
Transport	(1,359,996)	(8,831,780)	(8,406,347)	425,433	-5%	(18,503,353)	(18,177,258)
Economic Services	(199,537)	(1,208,520)	(1,317,096)	(108,576)	9%	(2,316,255)	(2,426,255)
Other Property and Services	(573,883)	(6,167,181)	(5,391,863)	775,319	-13%	(9,865,826)	(11,518,945)
	(8,549,523)	(55,611,826)	(52,485,264)	3,126,561		(108,727,124)	(113,806,785)
Investing Activities							
Non-operating grants, subsidies and contributions	319,046	1,558,454	1,696,125	137,671		4,963,126	6,134,146
Purchase of Furniture & Equipment	(451,507)	(1,297,348)	(1,096,276)	201,072	-15%	(1,863,602)	(3,024,769)
Purchase of Land & Buildings	(308,575)	(4,008,913)	(2,629,324)	1,379,589	-34%	(11,831,681)	(29,179,483)
Purchase of Infrastructure Assets	(1,848,592)	(11,316,436)	(9,199,310)	2,117,126	-19%	(23,494,859)	(32,051,020)
	(2,253,490)	(15,362,836)	(11,543,200)	3,819,635		(33,614,073)	(60,173,076)

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (AMREC)
(ATTACHMENTS)**

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [6002-2C Sub Program December 2018](#) and [6002-2H December 2018](#).

Revenue

\$87.57 million in Rates was raised as at 31 December 2018 compared to a year to date budget of \$86.21 million. There is a variance of \$1.36 million compared to the Rate Setting Statement due to an adjustment for prepaid rates of \$1.1 million. This is an accounting treatment and will be adjusted at year end. There is a positive variance of \$252,165(0.29%), excluding the prepayments, when compared to year to date actual.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for December 2018.

Budget Amendments

Details of Budget Amendments requested for the month of December 2018 are shown in attachment [6002-2J December 2018](#). Highlighted are two budget amendment journals greater than \$50,000 that were processed in December 2018:

- \$104,257 – Creation of income budget for property sale Temby Court and corresponding budget for a transfer to the Land and Property Reserve.
- \$1,089,122 – Budget depreciation amendment for infrastructure and building assets (non-cash adjustment).

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$4,767,478 were collected over the course of the month. Rates collection progress for the month of December is 3.1% below the target of 79.5%. This represents a dollar value of \$2,915,667. As at 31 December 76.4% of the 2018-2019 rates, including prior year arrears had been collected compared with 75.5% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 79.3%.

Total sundry debtor balances increased by \$38,269 over the course of the month from \$532,956 (including debtor overpayment of \$6,711) to \$571,225 (including debtor overpayment of \$4,975). The 90+ day's debtor balance increased by \$5,347 from \$295,351 to \$300,698.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of December 2018.

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (AMREC)
(ATTACHMENTS)**

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – December 2018	6002-2A Nature Type December 2018
Rate Setting Statement by Program – December 2018	6002-2B Program December 2018
Rate Setting Statement by Sub-Program – December 2018	6002-2C Sub Program December 2018
Representation of Net Working Capital – December 2018	6002-2E December 2018
Reconciliation of Net Working Capital – December 2018	6002-2F December 2018
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – December 2018	6002-2H December 2018
Details of Budget Amendments requested – December 2018	6002-2J December 2018
Summary of Rates Debtors – December 2018	6002-2L December 2018
Graph Showing Rates Collections – December 2018	6002-2M December 2018
Summary of General Debtors aged 90 Days Old or Greater – December 2018	6002-2N December 2018

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:

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

(b) budget estimates to the end of the month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

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

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

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

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

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

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

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

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

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

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

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (AMREC)
(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002-2H December 2018](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 December 2018.

**C19/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2018 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002-2)
NOTING and ABSOLUTE MAJORITY**

At 10:55pm Cr Barling moved, seconded Cr Robartson –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 December 2018 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – December 2018	6002-2A Nature Type December 2018
Rate Setting Statement by Program – December 2018	6002-2B Program December 2018
Rate Setting Statement by Sub-Program – December 2018	6002-2C Sub Program December 2018
Representation of Net Working Capital – December 2018	6002-2E December 2018
Reconciliation of Net Working Capital – December 2018	6002-2F December 2018
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – December 2018	6002-2H December 2018
Details of Budget Amendments requested – December 2018	6002-2J December 2018
Summary of Rates Debtors – December 2018	6002-2L December 2018
Graph Showing Rates Collections – December 2018	6002-2M December 2018
Summary of General Debtors aged 90 Days Old or Greater – December 2018	6002-2N December 2018

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for December 2018 [6002-2J December 2018](#).**

At 10:55pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

15. EN BLOC ITEMS

At 10:56pm Cr Barling moved, seconded Cr Phelan–

That the recommendations for items M19/5664, C19/5000, C19/6000-1, C19/6000-2, C19/6001-1 and C19/6001-2 be carried En Bloc.

At 10:56pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

17.1 Removal of the City’s “Melville Fact Check” Webpage.

The Mayor advised that an Officer’s Advice Note had been circulated in relation to this item.

At 11:00pm Cr Barton moved, seconded Cr Pazolli –

That Cr Kepert be permitted to present to the Council a Motion Without Notice relating to the Removal of the City’s “Melville Fact Check” Webpage

At 11:01pm the Mayor submitted the motion, which was declared
LOST (6/7)

Vote Result Summary	
Yes	6
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

17. *Motions Without Notice By Absolute Majority of The Council Continued*

17.2 Troy Park Peninsula Wildlife Sanctuary Proposal

At 11:03pm Cr Barling moved, seconded Cr Mair–

That Cr Wieland be permitted to present to the Council a Motion Without Notice relating to the Troy park Peninsula Wildlife Sanctuary Proposal

At 11:03pm the Mayor submitted the motion, which was declared

CARRIED (9/4)

Vote Result Summary	
Yes	9
No	4

Vote Result Detailed	
Cr Barling	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No
Cr Woodall	No

At 11:04pm Cr Kepert advised the meeting that Cr Phelan had sworn at him. Cr Kepert requested that the words be recorded in the minutes in accordance with section 9.18 of the *City of Melville Meeting Procedures Local Law 2017*, however the Council did not vote on the matter as required by the Local Law.

At 11:04pm The Mayor, in accordance with section 9.17 of the *City of Melville Meeting Procedures Local Law 2017* determined that Cr Phelan had used offensive language toward Cr Kepert and requested she withdraw the comments and apologise.

At 11:04pm Cr Phelan withdrew her offensive comment and apologised.

17.2 Troy Park Peninsula Wildlife Sanctuary Proposal (Motion Without Notice)

At 11:05pm Cr Wieland moved, seconded Cr Robartson –

That the Council directs the Chief Executive Officer to investigate a proposal to, in partnership with the State and Federal Government, jointly fund the rehabilitation to natural habitat and the establishment of a wildlife sanctuary and appropriate viewing facilities on Troy Park Peninsula.

*At 11:08pm Cr Kepert left the meeting and returned at 11:11pm.
At 11:09pm Mr S Cope left the meeting and returned at 11:14pm.
At 11:12pm Cr Woodall left the meeting and returned at 11:14pm.
At 11:14pm Cr Wheatland left the meeting and returned at 11:16pm.
At 11:21pm Cr Barling left the meeting and returned at 11:24pm*

Procedural Motion

COUNCIL RESOLUTION

At 11:24pm Cr Wheatland moved, seconded Cr Pazolli -

That the motion be put.

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Mair	No
Mayor	No

17.2 Troy Park Peninsula Wildlife Sanctuary Proposal (Motion Without Notice)

COUNCIL RESOLUTION

At 11:05pm Cr Wieland moved, seconded Cr Robartson –

That the Council directs the Chief Executive Officer to investigate a proposal to, in partnership with the State and Federal Government, jointly fund the rehabilitation to natural habitat and the establishment of a wildlife sanctuary and appropriate viewing facilities on Troy Park Peninsula.

At 11:26pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

Vote Result Summary	
Yes	8
No	5

Vote Result Detailed	
Cr Barling	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wieland	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No
Cr Wheatland	No
Cr Woodall	No

Reasons

- The Troy Park Peninsula currently forms part of the Alfred Cove Natural Reserve.
- Apart from the fenced and naturally vegetated narrow foreshore reserve, the peninsula is predominantly irrigated grassed parkland established over previous landfill areas.
- The City has been maintaining the section of the peninsula through an arrangement negotiated with the State Government some years ago.
- The City was approached by the Department of Biodiversity Conservation and Attractions (DBCA) in 2018 regarding a proposal for the State Government to relinquish sections of the unfenced Alfred Cove Nature Reserve that the City is maintaining.
- If the State Government proposal to hand over sections of the Alfred Cove Nature Reserve to the City of Melville was to proceed, the relinquished areas would be vested in the City and continue to be managed in a manner similar to what is currently being undertaken.
- The Troy Park Peninsula is well screened by trees and parkland vegetation, thereby minimising disturbance and view shed impacts on residents and park users.

17.2 Troy Park Peninsula Wildlife Sanctuary Proposal (Motion Without Notice)

- The areas under consideration for relinquishing included the areas hatched in light blue in the figure below, with the wildlife sanctuary proposal mainly related to the larger area at the end of the peninsula.



- The Troy Park wildlife sanctuary proposal would appear to be a suitable area of the Swan River that could be improved to enhance its biodiversity values.
- The City would plan to work with the State and Federal Government to achieve a joint cost sharing arrangement to establish the wildlife sanctuary.
- Improvement activities to establish a wildlife sanctuary at the Troy Park Peninsula could include:
 - Removal of the grass and weed control;
 - Establishment of paths, bird viewing hides/platforms, fencing upgrades and other infrastructure consistent with wildlife protection objectives;
 - Revegetation with locally native plant species;
 - Addressing erosion issues along sections of the foreshore being undermined, with potential risks of landfill contamination of the river.
- The City should investigate this opportunity further in discussions with DBCA and other relevant State and Federal stakeholders as an opportunity to establish a unique sanctuary in a foreshore area with high biodiversity conservation values

Disclosure of Interest

Member	Cr Wheatland
Type of Interest	Interest under the Code
Nature of Interest	Previous declaration of Interest on this matter, have sought advice and believe the interest does not apply.
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

Member	Cr Barton
Type of Interest	Financial Interest
Nature of Interest	Indirect financial interest, legal advice not to vote on this item.
Request	Leave
Decision	Leave

At 11:28pm, having declared an interest in the matter Cr Barton left the meeting.

At 11:28pm the Mayor advised that dealing with this recommendation had been postponed to end of the meeting as Elected Members had indicated they may wish to go behind closed doors to obtain legal advice.

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

Refer to page 21 for full report on this matter.

Procedural motion

At 11:29pm Cr Mair moved, seconded Cr Pazolli

That that the matter be deferred to the March 2019 Ordinary meeting of Council
LOST (6/7)

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

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barling	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Mayor	No

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)**OFFICER RECOMMENDATION (5663)****APPROVAL**

At 11:32pm Cr Wieland moved, seconded Cr Phelan –

That the Council, in relation to Motion 1 of the General Meeting of Electors held 5 December 2018:

“That the Melville City Council:

- (a) terminate the lease of the proposed wave park site to UrbnSurf (Perth) Pty Ltd (Lease); or*
- (b) in the event that the Council elects not to terminate the Lease, and the Lease is terminated for any other reason,*

then within 21 days of termination of the Lease representatives of the City of Melville, and Melville City Council, will arrange to meet with representatives of the Alfred Cove Action Group for a briefing in relation to an unsolicited proposal by the Alfred Cove Action Group to establish the Melville Bird Sanctuary and Discovery Centre on part of the proposed wave park site.”

1. Notes the Electors’ motion to terminate the lease agreement with Urbnsurf (Perth) Pty Ltd, acknowledging previous legal advice that the lease cannot be terminated without just cause;
2. Resolves that should the lease between Urbnsurf (Perth) Pty Ltd and the City terminate, any future use of the land on which the Melville Bowling Club is presently situated should be determined as an outcome of a process that will include a request for proposals or expressions of interest;
3. Directs that the Chief Executive Officer inform the mover of the motion of the Council’s decision in writing.

Procedural Motion

At 11:35pm Cr Woodall moved, seconded Cr Kepert

That the meeting be adjourned to the conclusion of the March 2019 Ordinary Meeting of Council.

At 11:38pm the Mayor submitted the motion, which was declared

LOST (6/7)

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

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barling	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Mair	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Mayor	No

Procedural Motion

At 11:39pm Cr Wheatland moved, seconded Cr Macphail -

That the motion be put.

At 11:39pm the Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barling	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

M19/5663 – GENERAL MEETING OF ELECTORS HELD 5 DECEMBER 2018, MOTIONS CARRIED (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5663) APPROVAL

At 11:32pm Cr Wieland moved, seconded Cr Phelan –

That the Council, in relation to Motion 1 of the General Meeting of Electors held 5 December 2018:

“That the Melville City Council:

- (a) terminate the lease of the proposed wave park site to UrbnSurf (Perth) Pty Ltd (Lease); or*
- (b) in the event that the Council elects not to terminate the Lease, and the Lease is terminated for any other reason,*

then within 21 days of termination of the Lease representatives of the City of Melville, and Melville City Council, will arrange to meet with representatives of the Alfred Cove Action Group for a briefing in relation to an unsolicited proposal by the Alfred Cove Action Group to establish the Melville Bird Sanctuary and Discovery Centre on part of the proposed wave park site.”

1. Notes the Electors’ motion to terminate the lease agreement with Urbnsurf (Perth) Pty Ltd, acknowledging previous legal advice that the lease cannot be terminated without just cause;
2. Resolves that should the lease between Urbnsurf (Perth) Pty Ltd and the City terminate, any future use of the land on which the Melville Bowling Club is presently situated should be determined as an outcome of a process that will include a request for proposals or expressions of interest;
3. Directs that the Chief Executive Officer inform the mover of the motion of the Council’s decision in writing.

At 11:41pm the Mayor submitted the motion, which was declared

CARRIED (7/6)

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

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wieland	Yes
Mayor	Yes
Cr Barling	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Wheatland	No
Cr Woodall	No

At 11:42pm Cr Barton returned to the meeting.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 11:42pm.