

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 17 JULY 2018

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 17 JULY 2018.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and 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 M Woodall (Deputy Mayor)
Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins
Cr G Wieland, Cr J Barton
Cr K Mair, Cr D Macphail
Cr P Phelan, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Ms K Johnson	A/Director Corporate Services
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr G Ponton (<i>until 8.52pm</i>)	Manager Strategic Urban Planning
Mr P Prendergast (<i>6:47pm to 8:52pm</i>)	Manager Statutory Planning
Mr K Wan (<i>until 7:07pm</i>)	Process Improvement Auditor
Ms A Hill (<i>until 8.29pm</i>)	Governance Project Officer
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator
Ms J Head	Governance Officer

At the commencement of the meeting there were 19 members of the public and one representative from the Press in the Public Gallery.

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

Mr M Tieleman – Director Corporate Services

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Nil.

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

Nil.

6. QUESTION TIME

6.1 Question received prior to the meeting

6.1.1 Mr E Nielsen, Booragoon

Question 1

Mr Mayor, your response to my questions at the OMC 19 June 2018 (see extract of Minutes attached) stating that the "Tompkins Park redevelopment does not form part of the scope of the Inquiry" is extraordinary and implausible to fathom. The proposed Tompkins Park redevelopment is one of the key issues that contributed to the instigation of the Inquiry. The City's handling of it during Question Time was discussed at the meeting I had with the authorised Inquiry panel members. It is an integral part of the Inquiry's Terms of Reference falling under Items 2a, 2b and 4,

So what are your reasons for thinking that the proposed Tompkins Park redevelopment is not part of the scope of this Inquiry?

Response

There is no reference to Tompkins Park redevelopment in the Terms of Reference.

Question 2

With reference to Items M18/5627 and M18/5628 tables for tonight's OMC the content and the timing of these show a total disregard for the Inquiry. I take exception on particular to the 'Examples given under the definitions of Unreasonable Persistence' as it is obvious the City has not yet grasped the reason for this occurring, an issue that I raised with the authorised Inquiry panel members as this also falls within the terms of Reference Items 2a, 2b and 4,

So I ask will the Council please postpone dealing with these officers' recommendations until after the outcome of the Inquiry is known?

Response

The Council will deal with this matter later in this meeting.

6.1.2 Mr M Burns, Applecross

Question 1

During a recent JDAP panel hearing, reference was made to Kintail Road in Applecross being made into a "traffic boulevard". What is the nature of this re-development and will mature street trees have to be chopped down to facilitate road widening? Is this a City of Melville initiative, and if not, what is the City of Melville's view on this matter? Is there a timeframe for this proposal and is any community consultation envisaged?

Response

The Council's Canning Bridge Activity Centre Plan has identified Kintail Road as a public transport boulevard. The design for Kintail Road is proposing a long term vision of providing a shared bike/ pedestrian path on the property side of the existing trees and better traffic management that will allow an improved use of the existing pavement. The designs plan to keep the existing mature trees and encourage planting of more trees where there are new developments and gaps. Some of the trees will be considered as in need of replacement as they near the end of their natural life. A phased replacement of these trees is also being considered to enhance and maintain the tree lined streetscape.

6. *Question Time Continued*

6.2 Questions Taken on Notice at the 26 June 2018 Special Meeting of Council (Budget)

6.2.1 Ms D Chatfield, Myaree

Question 1

It came to my attention that the 69 unit complex neighbouring ours at 15 Cottrill St (made up of St Ives Retirement Village and Opal Aged Care) was charged only 1 charge for all 69 units rather than 69 separate charges as we have been rated.

I believe Council have now sent rated notices to 19 of the 20 units/buildings owned by St Ives – please advise if the 49 units that make up Opal Aged Care have been re-rated and what their total will be. These units cost \$645,000 to go into and it is a profit making concern?

Response

15 Cottrill Street (Opal Aged Care) is not included in the Melville North underground power project, and therefore will not be charged a fee. The 19 Units facing Rome Road Myaree have been charged for underground power in accordance with the schedule of fees outlined below.

Question 2

When the Melville North underground power project was first advised to residents in mid 2016, I began negotiating with City of Melville as we have 69 units (mainly with no street frontage and already underground within our over 55's strata village) and our total Underground Power liability was going to be \$224,000.

We have only 2 electricity poles on our boundary while 69 single dwellings in the area would have between 23 and 34 poles. This is hardly user pays. I have consistently since mid 2016 tried to have City of Melville make allowances for this very uneven situation. Our dwellings are mainly 2 bedroom and sell for mid \$300K's and \$400K's as opposed to many of the huge single dwellings in the area which are mainly much larger and bigger electricity users.

We are totally ignored by City of Melville when doing the 2017 rates and have been told the Council will make some reduction for us in the 2nd instalment being considered now. Can you advise what this reduction will be and also when the underground project will actually start?

6. *Question Time Continued, Questions Taken on Notice - Ms D Chatfield, Myaree*

Response

Particular emphasis has been placed on reviewing the fee structure used to apportion the cost of the underground power programs among residents. Feedback from residents in 2017-2018 indicated that the impact of these charges on those properties in high density areas, such as retirement villages, was necessary. In calculating the fee for 2018-2019 consideration was given to the amounts charged in the 2017-2018 financial year. Of particular note, is the sliding scale introduced for the first time for Network Service Charges. In previous projects a single charge applied to all properties, and a scale of fees only applied to the Connection Charge. You will note that the Network Service charge applicable to your property is just less than half of the standard charge. Eligible pensioners will receive a 50% rebate on these charges or other level of rebate as currently applies to their rates.

A Charge of \$1,060.00 was levied in the 2017-2018 financial year to cover the cost of the first cash call.

Underground Power Network Service Charges to recover the estimated cost of cash calls in the 2018-2019 financial year for the Melville North Underground Power project area;

- | | |
|-----------------------|------------------------------------|
| a. Up to 4 properties | \$2,363.00 (per property/dwelling) |
| b. 5-15 properties | \$1,625.40 (per property/dwelling) |
| c. 16+ properties | \$1,164.95 (per property/dwelling) |

Underground Power Network Connection Charges to recover the estimated cost of cash calls in the 2018-2019 financial year for the Melville North Underground Power project area;

Full Network Connection

- | | |
|-----------------------|------------------------------------|
| a. Up to 4 properties | \$1,430.50 (per property/dwelling) |
| b. 5-15 properties | \$1,072.90 (per property/dwelling) |
| c. 16+ properties | \$ 804.65 (per property/dwelling) |

Modified Network Connection

- | | |
|-----------------------|------------------------------------|
| d. Up to 4 properties | \$1,072.90 (per property/dwelling) |
| e. 5-15 properties | \$ 804.65 (per property/dwelling) |
| f. 16+ properties | \$ 603.50 (per property/dwelling) |

The latest advice from Western Power dated 20 June 2018 indicates that Construction will commence in late August 2018 and should be completed by mid October 2019.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 15 MAY 2018
Minutes 19 June 2018****COUNCIL RESOLUTION**

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

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 June 2018, be confirmed as a true and accurate record.

At 6:43pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**8.2 NOTES OF AGENDA BRIEFING FORUM – 3 JULY 2018
Notes 6 July 2018****COUNCIL RESOLUTION**

At 6:43pm Cr Robins moved, seconded Cr Barling–

That the Notes of Agenda Briefing Forum held on Tuesday, 3 July 2018, be received.

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

CARRIED UNANIMOUSLY (13/0)

**8.3 SPECIAL MEETING OF THE COUNCIL – 26 JUNE 2018 -BUDGET
Minutes 26 June 2018 Budget****COUNCIL RESOLUTION**

At 6:44pm Cr Macphail moved, seconded Cr Barling –

That the Minutes of the Special Meeting of Council held at 6.30pm on Tuesday, 26 June 2018 for the Adoption of the 2018-2019 Budget, be confirmed as a true and accurate record.

At 6:44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.4 SPECIAL MEETING OF THE COUNCIL – 26 JUNE 2018 – DAP APPLICATION

[Minutes 26 June 2018 DAP Application](#)

COUNCIL RESOLUTION

At 6:44pm Cr Wieland moved, seconded Cr Robartson –

That the Minutes of the Special Meeting of Council held at 7.30pm on Tuesday, 26 June 2018 to consider the Development Assessment Panel Application – Sixteen Storey Mixed Use Development at Lots 1060 (20) Kintail Road and 1061 (22) Kintail Road Applecross, be confirmed as a true and accurate record.

At 6:44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.5 GOVERNANCE COMMITTEE – 10 JULY 2018**COUNCIL RESOLUTION**

At 6:44 pm Cr Robartson moved, seconded Cr Robins –

That the Minutes of the Governance Committee Meeting held on Tuesday, 10 July 2018 be noted.

At 6:44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

NB: Minutes to be confirmed at next Governance Committee Meeting

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

- Item – P18/3786 Review of Canning Bridge Activity Centre Plan – Draft Amendment , Mayor Aubrey.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. DEPUTATIONS

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6:45pm Cr Phelan moved, seconded Cr Wieland –

That the application for new leave of absence submitted by Mayor Aubrey on 17 July 2018 be granted.

At 6:45pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**CONFIDENTIAL ITEM - T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE**

The matter is confidential in accordance with Section 5.23(2) (c) of the *Local Government Act 1995* which advises that a report which relates to a contract entered into or which may be entered into may be discussed behind closed doors. The report will be moved into the open section of the meeting upon resolution of the Council.

13. PETITIONS**13.1 Petition – Bert Jeffery Park**

A petition signed by 286 residents was received by the City of Melville on Tuesday, 3 July 2018. The petition reads as follows –

“We the undersigned Electors of Murdoch and surrounding areas, respectfully request the City of Melville cease all work and further expenditure at Bert Jeffery Park until such time as the Department of Local Government has finalised its current Authorised Inquiry into the City.”

COUNCIL RESOLUTION

At 6:46pm Cr Robins moved, seconded Cr Barling –

That the Council:

- 1 Notes the Petition relating to Bert Jeffery Park and advises that the concerns raised will be addressed in a future Bert Jeffery Park Report to the Council to be presented in September 2018.**
- 2 Confirms that the outcome of the Authorised Inquiry has no relationship to any future works at Bert Jeffery Park.**
- 3 Requests that the Chief Executive Officer advises the Council’s resolution to the lead petitioner in writing.**

At 6:45pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 6:47pm Mr P Prendergast entered the meeting.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

C18/5629 - CHIEF EXECUTIVE OFFICER RECRUITMENT CONSULTANT (REC)
(CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Recruitment
 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 : C18/5625 Process for Recruitment of the Chief Executive Officer – OMC June 2018
 Works Programme : Not applicable
 Funding : Not Applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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>

**C18/5629 - CHIEF EXECUTIVE OFFICER RECRUITMENT CONSULTANT (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council in June 2018 the Council approved a selection process for the Chief Executive Officer role.
- The adopted process includes use of an independent external Consultant.
- In accordance with the adopted process liaison with Governance Committee members occurred to obtain quotations.
- The quotations received were distributed to Elected Members on Friday 6 July 2018 under confidential cover.
- The Governance Committee is recommending the preferred Consultant for consideration of the Council at the Ordinary Meeting of Council on 17 July 2018.

BACKGROUND

At the Ordinary Meeting of Council on 19 June 2018 the Council approved a selection process for the Chief Executive Officer role which is documented in [5629 CEO Recruitment Process](#). The adopted process includes use of an independent external Consultant.

DETAIL

In accordance with the adopted process liaison with Governance Committee members occurred to obtain quotations.

The criteria was identified as the following:

- Price:
- Extent of experience with Local Government CEO recruitment processes:
- Inclusion of two referees from within the past twelve months that the City is able to contact:
- Details on the individual who would be appointed to assist with this process and their expertise:
- Declarations of any potential conflicts of interest.

Any comments on the methodology used to complement the attached process was also requested, as well as confirmation of availability for the dates initially proposed in the attached process.

Quotations were requested from Beilby, Gerard Daniels, Lester Blades and WALGA. The quotations were distributed to Elected Members on Friday 6 July 2018 under confidential cover.

**C18/5629 - CHIEF EXECUTIVE OFFICER RECRUITMENT CONSULTANT (REC)
(CONFIDENTIAL ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

The Consultants were engaged to provide a quotation.

STATUTORY AND LEGAL IMPLICATIONS

The selection of the Consultant is a decision for the Council noting the following legislative requirement:

Section 5.23. of the *Local Government Act 1995* entitled "Meetings generally open to the public" provides

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
- (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal:*
 - (i) *information that has a commercial value to a person; or*
 - (ii) *information about the business, professional, commercial or financial affairs of a person,*
 - (iii) *where the trade secret or information is held by, or is about, a person other than the local government;*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

**C18/5629 - CHIEF EXECUTIVE OFFICER RECRUITMENT CONSULTANT (REC)
(CONFIDENTIAL ATTACHMENT)**

FINANCIAL IMPLICATIONS

The cost of the recruitment process will be within the 2018/2019 operational budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts suitable applicants, and complies with legislative requirements.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the Consultant not being suitable for the process	Medium level of risk	Criteria for the quotation, as agreed with the Governance Committee members and contact with referees.

POLICY IMPLICATIONS

The organisational Purchasing Policy is relevant to this matter.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternate option is if the Governance Committee determines to not use an external Consultant to assist with the process.

CONCLUSION

The role of the Governance Committee is to recommend to the Council the preferred Consultant to assist with the Chief Executive Officer recruitment process.

Confidential Attachment A was distributed to Elected Members on Friday 13 July 2018 under confidential cover.

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5629) APPROVAL

That the Council:

Appoints the consultant named in the Confidential Attachment A of this report to be contracted as the Consultant to assist with the Chief Executive Officer recruitment process.

At 9.11pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Internal Audit Report
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	M17/5579 21 November 2017 – Ordinary Meeting of Council
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Jess Lim BMS Improvement Officer Ken Wan Process Improvement Auditor

AUTHORITY / DISCRETION

DEFINITION

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<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>

**M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS
AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City is committed to being open and transparent and answering all questions from the community. At the same time the City must consider the statutory requirements of using its resources efficiently and effectively as is required by Section 3.18 (3)(c) of the *Local Government Act 1995* and Regulation 5(2)(a) of the *Local Government (Financial Management) Regulations 1996*.
- In the 14 months to 31 July 2017, the City provided information to a group of ten entities. The significant work that this entailed, based on very conservative estimates, cost the City approximately \$178,000, mainly in staff time, that would otherwise have been used on proactive community outcomes.
- In the 11 months to 30 June 2018, the City has estimated that the cost of responding to questions and issues raised by a group of ten entities is \$182,000 involving 2,244 staff hours. Therefore the City has spent \$360,000, equivalent to 206 residential rates assessments (using the 2017/18 typical residential rates calculation of \$1,743), in the past 25 months in answering questions. The projected cost for the three months to 30 September 2018 is \$49,550 involving 612 staff hours based on the trend of the previous 11 months to 30 June 2018. It should be noted that the trend for the past 11 months is increasing at a higher rate than the previous 14 months. Report 2 shows the costs to the community for responding to questions and issues raised by a group of ten entities.
- The City as an employer is required under the *Occupational Safety and Health Act 1984* to provide a safe workplace. The process of having employees deal with an inordinate number of questions, some of which may target individual officers and Elected Members, using inappropriate language, causes stress and anxiety and exposes the City to the prospect of being unable to provide a safe workplace and maintain appropriate service levels for the benefit of the community.
- The City is currently reviewing its policy on Question Time at Committee and Council Meetings (CP-014) which presently does not deal with situations where individuals ask multiple questions which are often repetitive, and in some cases inappropriate, and divert a substantial and unreasonable portion of the City's resources away from its other functions.

**M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS
AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC)
(ATTACHMENT)****BACKGROUND**

In the last four years, the City has experienced an increasing number of questions from a small group within the community. Recognising the Council's responsibilities under Section 3.18 (3) (c) of the *Local Government Act 1995* and his responsibility under Regulation 5(2)(a) of the *Local Government (Financial Management) Regulations 1996*, which requires the Council and Chief Executive Officer (CEO) to ensure the resources of the local government are effectively and efficiently managed, the CEO commissioned a project undertaken by the BMS Improvement Officer (in-house statistician) to collect data to estimate the costs to the City in providing information to this group. To ensure objectivity of this project, the CEO also commissioned the Process Improvement Auditor to review the data collection process and verify the reasonableness of these estimates.

DETAIL

The terms of reference for this project / review are:

BMS Improvement Officer:

- (a) To collect relevant data to estimate the costs to the City of providing information to this group of ten entities;
- (b) The period covered is from August 2017 to June 2018 with projected cost to 30 September 2018; and
- (c) To include questions / answers via various means including question time, emails, customer requests, Freedom of Information (FOI), State Administrative Tribunal (SAT), legal proceeding etc.

Process Improvement Auditor:

- (a) To review the collection process and the reasonableness of the basis of calculating estimates;
- (b) To establish whether the City's resources have been efficiently and effectively managed; and
- (c) To make recommendations to improve processes of handling questions where appropriate.

Refer to the attached for further details:

[5628 attachment 1 Internal Audit Report – Costs Of Responding to Questions and Issues Raised By A Group of Ten Entities](#)

[5628 attachment 2 Internal Audit Report – Costs Of Responding to Questions and Issues Raised By A Group of Ten Entities \(Report 2\)](#)

The internal audit noted that the current policy CP-014 does not have guidelines to deal with people asking multiple questions which are often repetitive, and in some cases inappropriate.

**M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS
AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No community consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.24 of the *Local Government Act 1995* requires time to be allocated for questions to be raised by member of the public and responded to at every Ordinary Meeting of Council (OMC).

Regulation 6 of the *Local Government (Administration) Regulations 1996* requires a minimum of 15 minutes for asking and responding to questions raised by members of the public at OMC.

Regulation 5(2)(a) of the *Local Government (Financial Management) Regulations 1996* requires the CEO to ensure that the resources of the local government are effectively and efficiently managed.

Section 19(a) of the *Occupational Safety and Health Act 1984* (OSH) requires the employer to provide a safe workplace that employees are not exposed to hazards.

FINANCIAL IMPLICATIONS

The financial implications in this report relate to staff time and legal costs in providing information to the group. Unless the guidance in the Operational Guidelines Number 3 Managing Public Question Time in dealing with people asking repetitive or inappropriate questions is adopted by the City, the costs of providing information to this group are likely to increase further.

M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of not using resources efficiently and effectively.	Initial Risk – High	Develop Policies to mitigate impacts.
Risk of non compliance with OSH requirements to provide a safe workplace when employees are exposed to inappropriate comments, bullying and harassment when handling questions.	Residual Risk (after risk mitigation strategy) - Medium	Adopt key principles in the Local Government Operational Guidelines Number 3 Managing Public Question Time into CP-014 so repetitive and inappropriate questions will not be answered. Implement Policies to mitigate potential safety impacts.

There are no identifiable environmental management implications arising from this report.

POLICY IMPLICATIONS

The City is in the process of reviewing CP-014 to ensure alignment with guideline Number 3 Managing Public Question Time issued by the Department of Local Government, Sport and Cultural Industries (DLGSCI).

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternative options are presented as part of this report.

CONCLUSION

This report highlights the impact on costs and resources caused by the number of questions asked and issues raised by a small number of entities in the City.

M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC) (ATTACHMENT)

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5628)
NOTING AND APPROVAL**

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

That the Council:

- 1. Notes the Internal Audit Report Re Costs of Responding to Questions and Issues Raised by a Group of Ten Entities (Report 2); and**
- 2. Requests the Chief Executive Officer to provide a copy of the Internal Audit Report – Costs of Responding to Questions and Issues Raised by a Group of Ten Entities (Report 2) and attachments, to the Minister for Local Government to form part of the City’s review of the *Local Government Act 1995*.**

Amendment 1

At 6:56pm Cr Phelan moved, seconded Cr Wieland –

**That Council include at point two of the recommendation the following information following the words ...” *Government Act 1995* “
“and to the Shadow Minister for Local Government.”**

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

LOST (6/7)

Vote Result Summary	
Yes	6
No	7

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

M18/5628 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REPORT 2) (REC) (ATTACHMENT)

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5628)
NOTING AND APPROVAL**

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

That the Council:

- 1. Notes the Internal Audit Report Re Costs of Responding to Questions and Issues Raised by a Group of Ten Entities (Report 2); and**
- 2. Requests the Chief Executive Officer to provide a copy of the Internal Audit Report – Costs of Responding to Questions and Issues Raised by a Group of Ten Entities (Report 2) and attachments, to the Minister for Local Government to form part of the City’s review of the *Local Government Act 1995*.**

At 7:06pm 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 Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Wheatland	No

At 7:07pm Mr K Wan left the meeting and did not return.

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Governance Coordinator
 Anne Hill
 Governance Project Officer

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>

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

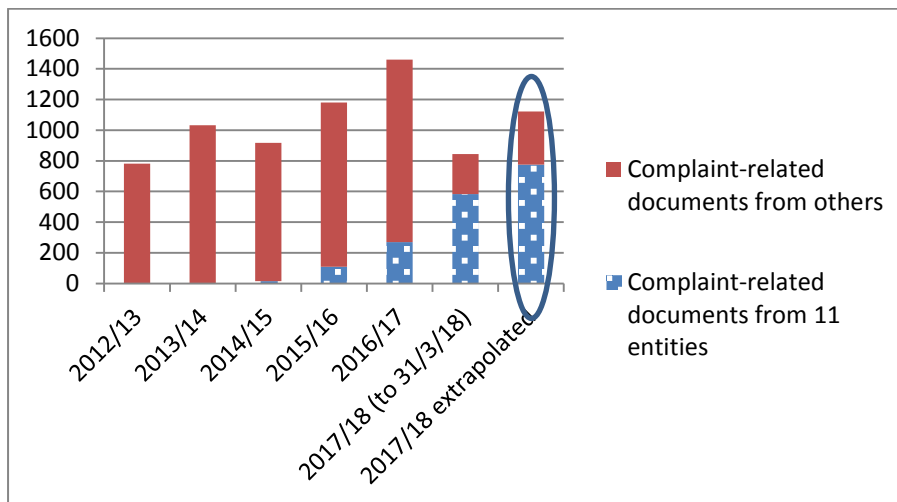
KEY ISSUES / SUMMARY

- The City has in recent times experienced unprecedented service demand from a small percentage of its community who have chosen to engage in unreasonable conduct consuming an excessive and disproportionate level of resources and posing an occupational health risk to individuals targeted by those people.
- The proposed strategic management framework is based on the “Unreasonable Complainant Conduct” practice manuals and model policy developed by the Australasian Parliamentary Ombudsman group and used nationally. The focus is on the behaviour, rather than the person.
- The Council Policy enables Elected Members to endorse the objectives, principles and outcomes underpinning the operational management strategy.
- A presentation to Elected Members was made at the Elected Member Information Session (EMIS) held 29 May 2018.
- The proposed Policy will provide a foundation for the implementation of tested, fair, equitable and transparent processes for better management of the risks associated with the resource and health impacts of unreasonable conduct.

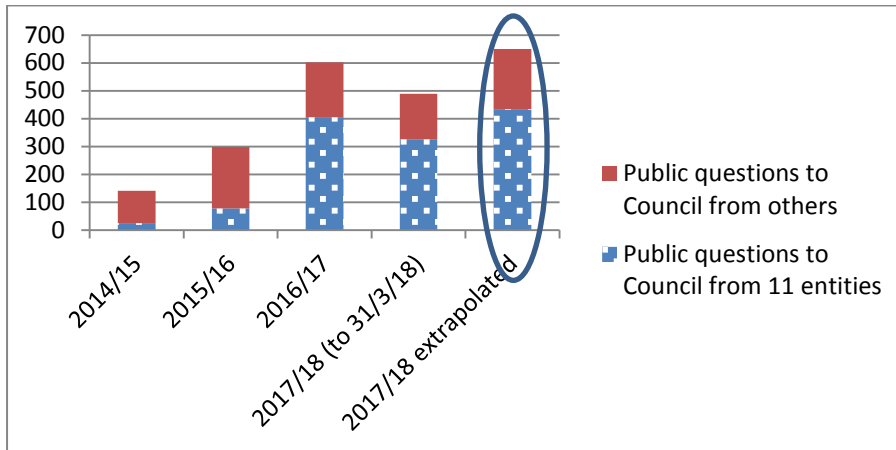
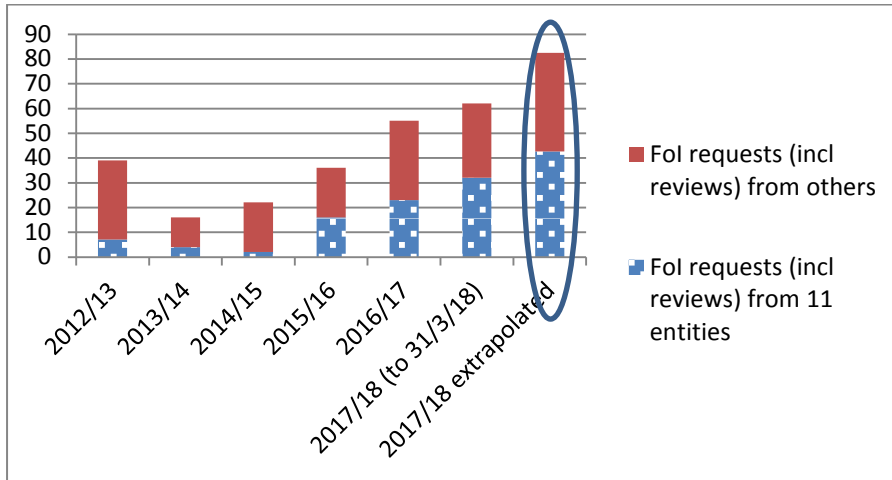
BACKGROUND

The City has limited resources which must be applied equitably to meet the needs of all its residents and other stakeholders.

Over the last four years (see charts below) the City has experienced a dramatic increase in service demands by persons engaging in unreasonable conduct. This consumes disproportionate amounts of staff time and diverts resources from other priorities. The City has had to employ additional staff to deal with the persistent and repetitive demands of a very small number of persons, some of whom engage in abuse and harassment of individual staff and Elected Members.



M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)



This is indicative of a global trend that is challenging government organisations at all levels. In 2006 the Australasian Parliamentary Ombudsman began a collaborative project on Managing Unreasonable Complainant Conduct (UCC). The focus of the project was to develop clear and practical strategies to help organisations, and staff, manage interactions with customers whose conduct is identified as unreasonable. This led to a practice manual that each Ombudsman has adapted for their use and a model policy for organisations applying the strategies. These resources have been used to draft the proposed new Council Policy [5627 Draft Council Policy Managing Unreasonable Conduct](#) which aligns with an internationally consistent approach that is being increasingly adopted.

The proposed policy sets out principles, outcomes and high level strategic guidance to support a framework of operational strategies and processes framework for implementation at the administrative level.

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)**DETAIL**

The proposed policy reiterates the City's commitment to being accessible and responsive to all customers who approach the City for assistance, to raise legitimate and important concerns, enquiries or requests and to ensure the equitable allocation of the City's resources across the enquiries, requests, concerns and complaints and provides the basis for a fair, equitable and transparent process to achieve a balance between:

- Meeting the genuine needs of customers fairly and equitably
- Providing a safe working environment
- Ensuring that the City's resources are used efficiently, effectively and equitably to represent the interests of all persons in the district.

The implementation of the operational strategies and processes along with supporting documentation and a community awareness program is to provide incentives for behaviour change and to separate management of the customer's issue from management of their conduct. This will allow staff to deal with each issue on its merits and in the context of other issues/requests and the City's strategic priorities. It is acknowledged that unreasonable conduct by a customer does not preclude there being a valid issue that needs to be addressed. In managing unreasonable conduct, due regard will be given to an individual's personal circumstances, including verified health disorders.

The implementation of policies and processes around the management of Unreasonable Conduct by Customers will ensure a transparent, fair and consistent approach to management of this conduct, and that staff and customers are aware of their roles and responsibilities. The policy and strategies focus on the management of the conduct and its impact of the City, not the person, their motivation or the issue.

'Unreasonable conduct' means any behaviour by a customer which, because of its nature or frequency, raises health, safety, resource or equity issues for an organisation, its staff and other service users.

Unreasonable conduct is classified into five standard categories as follows:

- Unreasonable Persistence – e.g. repeated contact after the issue has been comprehensively dealt with, inability to accept the final decision.
- Unreasonable Demands – e.g. persistent demands for priority or for a particular outcome, trying to dictate how their issue is managed and by who, demanding action or resources out of proportion to the seriousness of the issue.
- Unreasonable Lack of Cooperation – e.g. refusal to define the issue or provide information, refusal to cooperate with staff to limit demands to a reasonable level, presenting excessive irrelevant information, being dishonest or misquoting others.
- Unreasonable Arguments – e.g. constant and repeated arguments that are not based on reason or logic, or that are incomprehensible, irrational, false, inflammatory or trivial.
- Unreasonable Behaviour – e.g. acts of aggression, threats, harassment, derogatory or defamatory remarks, verbal abuse (in conversation or in writing).

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

The proposed policy acknowledges that it is the right of all members of the community to ask questions about the City and its services, express opinions about the City and its services and to lodge complaints about the City and its service.

However it also notes that this right is not unqualified and it is the City's responsibility to ensure that its resources are allocated efficiently, effectively and equitably and that excessive resources are not diverted to one customer to the detriment of other customers and service users. An individual's conduct must also not impair the City in its ability to undertake its statutory functions or cause harm to a City employee.

The proposed policy provides for the close monitoring and review of the effectiveness of the policy and management strategies over an initial 12 month period. Monthly reports will be made to Elected Members through existing communication mechanisms, on the application of the proposed policy. An annual report on the application and effectiveness of the policy will be presented to the Governance Committee.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

This policy is aimed at conduct that falls well outside community norms, and is expected to affect only a very few persons, who will receive prior warning of the consequences of their conduct or behaviour. No comment has been sought from the community but the City will inform the public about the new policy and its application.

II. OTHER AGENCIES / CONSULTANTS

Significant research has been undertaken in producing the proposed new policy and the supporting processes and documents, which are based on the Practice Manuals and other guidance documents developed by the WA, NSW and Victorian Ombudsman's Offices.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995
Occupational Safety and Health Act 1984
Equal Opportunity Act 1984

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There is no new significant financial cost associated with the implementation of the proposed new policy. However, failure to address this growing issue will continue to result in unnecessary costs to the productivity and operational efficiency of the City, as well as costs associated with stress-related impacts on staff health and productivity.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

1. Risk associated with unreasonable conduct:

- Financial – productivity costs, diversion of resources, cost of additional staff, liability for health impacts on staff
- Human Resources – recruitment and retention, absenteeism
- Legislation Compliance – failure to protect staff from hazardous workplace

These risks are considered likely with consequences ranging from minor to moderate, giving a **risk level of medium to high**. The proposed policy is a way to mitigate the above risks.

2. Risk associated with implementing this policy as a risk mitigation strategy:

Risk Statement	Rating	Risk Mitigation/Opportunity Optimisation Strategy
Risk - Proposed measures are ineffective in curtailing the conduct or its impacts.	Minor to moderate consequences which are possible, resulting in a Medium level of risk	Ensure policy and processes in place and are seen and understood to be aligned with the approach adopted by WA Ombudsman, staff trained and public information available to ensure good governance practices and organisational transparency to meet legislative requirements.
Opportunity – Proposed measures minimise the impact of unreasonable conduct by customers.	Minor to moderate gains which are likely, resulting in a Medium to High level of opportunity	
Risk – negative media attention for the implementation of policy.	Minor to moderate consequences which are likely to occur resulting in a Medium to High level of risk.	
Opportunity – create awareness in community on the impacts of Unreasonable Conduct.	Moderate gains which are likely, resulting in a High level of opportunity.	

POLICY IMPLICATIONS

The management of issues associated with unreasonable conduct is primarily an operational issue, although Elected Members may also be affected by unreasonable conduct by persons. However, the City Administration is seeking the formal support of the Council through the adoption of this policy to ensure an alignment of the objectives, principles and strategies at a strategic level.

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

1. **Do nothing** – the number of persons engaging in unreasonable conduct remains very low but the frequency and impact of their unreasonable conduct is escalating. Current management measures are having insufficient effect and this option is not sustainable.
2. **Proceed with the operational level management framework only.** The Council could choose not to endorse the proposed new Council Policy - *Managing Unreasonable Conduct by Customers*, and leave the management of the issue entirely to the CEO and his staff at an operational level. This may have little practical impact on the risk management outcome, but loses the opportunity for the Council to make a public statement of support that they do not condone such conduct by members of the public and that they are seeking to ensure that the resources of the City are equitably applied across all residents and other stakeholders.

CONCLUSION

The proposed Council Policy: *Managing Unreasonable Conduct by Customers* is the highest tier of a comprehensive set of strategies to manage the risks to the City's resource management, staff health and productivity posed by a growing prevalence of unreasonable conduct by a very small number of high-demand customers. It, and the operational level documentation to support it, are based on the internationally accepted strategies developed, used and recommended by the Australasian Parliamentary Ombudsmen. Elected Members will receive reports on the application and effectiveness of the policy implementation.

OFFICER RECOMMENDATION (5627)**APPROVAL**

At 7.07pm Cr Macphail moved, seconded Cr Wieland –

That the Council approves the implementation of the new Council Policy – Managing Unreasonable Conduct by Customers.

[5627 Draft Council Policy Managing Unreasonable Conduct](#)

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

Amendment 1

At 7:08pm Cr Woodall moved, seconded Cr Robartson –

That the Council amend the attached ‘Draft Council Policy Managing Unreasonable Conduct’ by inserting the following new paragraph at the end of the section headed ‘Implementation’:

‘Customers may appeal a decision to change or restrict their access, and the subsequent review must be undertaken by a senior manager not involved in the original decision. A customer dissatisfied with the outcome of the internal review may seek an external review from the WA Ombudsman or other applicable oversight agency.’

Procedural Motion

At 7.09pm Cr Pazolli moved, seconded Cr Kepert –

That the Item be deferred until the new Chief Executive Officer takes office.

At 7:09pm the Mayor submitted the motion, which was declared

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

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

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

Amendment 1

At 7:08pm Cr Woodall moved, seconded Cr Robartson –

That the Council amend the attached ‘Draft Council Policy Managing Unreasonable Conduct’ by inserting the following new paragraph at the end of the section headed ‘Implementation’:

‘Customers may appeal a decision to change or restrict their access, and the subsequent review must be undertaken by a senior manager not involved in the original decision. A customer dissatisfied with the outcome of the internal review may seek an external review from the WA Ombudsman or other applicable oversight agency.’

At 7:17pm the Mayor submitted the amendment, 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 Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Wieland	No
Mayor	No

Reasons

1. The NSW Ombudsman’s model policy and procedure indicates that complainants should have a right of appeal in relation to a decision to change or restrict their access to services.
2. Whilst the City has indicated that it intends to incorporate the right of review at operational policy level, there is no reason why it cannot be included at the Council policy level.
3. Including an explicit right of appeal in the Council policy will provide the Council with comfort knowing that sufficient checks and balances are in place, and ensure that operational policies and procedures align with the Council policy.

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)Amendment 2

At 7:18pm Cr Wheatland moved, seconded Cr Woodall–

That the Council amend the attached 'Draft Council Policy Managing Unreasonable Conduct' by inserting the following new sentence after the definition of Behaviour in the section titled "DEFINITIONS:"

"Customer means any external person or organisation that the City has dealings with."

Under Policy scope heading, amend the first dot point to include "people working on behalf of ..."

- All situations involving interactions between people working on behalf of the City of Melville and individual customers engaging in unreasonable conduct as defined.***

And delete the following under the heading of the Policy Scope heading, dot point 2,

- Elected Members, employees, volunteers and contractors working on behalf of the City of Melville and any customers or visitors using the City's services and facilities.***

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

CARRIED UNANIMOUSLY (13/0)

Reasons

The inclusion of this definition provides clarity that the policy relates specifically to persons and organisations that are external to the City of Melville and is consistent with other customer service documents used by the City.

The second dot point is unclear and in adding in the wording on the first dot point it regains its clarity. Elected members behaviours are covered under the Code of Conduct, and the Rules of Conduct and do not need to be included. Staff are also covered by legislation.

Amendment 3

At 7:20pm Cr Pazolli moved, seconded Cr Kepert –

That the Council amends the Draft Managing Unreasonable Conduct by Customers Policy by deleting the following Type of Conduct entries in the unreasonable Conduct Table in the Definitions section of the policy:

- 1. Unreasonable Persistence**
- 2. Unreasonable Demands**
- 3. Unreasonable Lack of Cooperation**
- 4. Unreasonable Arguments**

At 7.35pm Cr Woodall left the meeting and returned at 7.39pm.

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

Procedural Motion

At 7:49pm Cr Woodall moved,

That the Amendment be put.

At 7:51pm Presiding member did not accept the procedural motion under 13.7.4 of *City of Melville Meeting Procedure Local Law 2017* as in his opinion it would unfairly limit the debate.

Amendment 3

At 7:20pm Cr Pazolli moved, seconded Cr Kepert –

That the Council amends the Draft Managing Unreasonable Conduct by Customers Policy by deleting the following Type of Conduct entries in the unreasonable Conduct Table in the Definitions section of the policy:

- 1. Unreasonable Persistence**
- 2. Unreasonable Demands**
- 3. Unreasonable Lack of Cooperation**
- 4. Unreasonable Arguments**

At 7:59pm the Mayor submitted the Amendment, which was declared

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

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

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (ATTACHMENT)

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:07pm Cr Macphail moved, seconded Cr Wieland –

That the Council approves the implementation of the new Council Policy – Managing Unreasonable Conduct by Customers 5627 Draft Council Policy Managing Unreasonable Conduct subject to the following amendments:

- 1 inserting the following new paragraph at the end of the section headed ‘Implementation’:

‘Customers may appeal a decision to change or restrict their access, and the subsequent review must be undertaken by a senior manager not involved in the original decision. A customer dissatisfied with the outcome of the internal review may seek an external review from the WA Ombudsman or other applicable oversight agency.’

2. Inserting the following new sentence after the definition of Behaviour in the section titled “DEFINITIONS:”

“Customer means any external person or organisation that the City has dealings with.”

3. Under Policy scope heading, amend the first dot point to include “people working on behalf of ...”
 - *All situations involving interactions between people working on behalf of the City of Melville and individual customers engaging in unreasonable conduct as defined.*
4. Delete the following under the heading of the Policy Scope heading, dot point 2,
 - *Elected Members, employees, volunteers and contractors working on behalf of the City of Melville and any customers or visitors using the City’s services and facilities.*

At 8:28pm the Mayor submitted the substantive motion as amended, which was declared

CARRIED (8/5)

M18/5627 – PROPOSED NEW POLICY – MANAGING UNREASONABLE CONDUCT BY CUSTOMERS (REC) (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 Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Wheatland	No

At 7:53pm Mr P Prendergast left the meeting and returned at 7:56pm

At 8:15pm, at the request of the Mayor, Cr Kepert withdrew and apologised for statements he had made in speaking against the item.

At 8:29pm Ms Hill left the meeting and did not return.

At 8.29pm the Mayor adjourned the meeting

At 8.35pm the Mayor resumed the meeting

At 8:35pm, for the convenience of the members of the public gallery the Mayor brought forward Item P18/3786 – Review of Canning Bridge Activity Centre Plan – Draft Amendment.

Disclosure of Interest

Item No.	P18/3786
Officer	Mayor R Aubrey
Type of Interest	Financial Interest
Nature of Interest	Owns property in the area
Request	Leave
Decision	Not required

At 8:35pm, Mayor Aubrey, having declared an interest in Item P18/3786 left the meeting and Deputy Mayor Cr Woodall assumed the chair.

At 8:37pm Mr G Ponton, Manager Strategic Urban Planning provided a presentation to the meeting on Item P18/3786 – Review of Canning Bridge Activity Centre Plan – Draft Amendment [Canning Bridge Activity Centre Presentation July 2018](#)

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)

Ward : Applecross - Mt Pleasant
 Category : Strategic
 Application Number : Not Applicable
 Property : Various
 Proposal : Approval of Amendments to Canning Bridge Activity Centre Plan
 Applicant : City of Melville
 Owner : Various
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P17/3765 – Report on Canning Bridge Activity Centre Plan, Special Meeting of Council 22 August 2017.
 P18/3779 Review of Canning Bridge Activity Centre Plan – Update, Council Meeting 17 April 2018
 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 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>

**P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT
AMENDMENT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Council Meeting on 17 April 2018 the Council considered an item providing an update on the review of the Canning Bridge Activity Centre Plan (CBACP). The scope of this review was based on series of earlier Council resolutions seeking examination of various aspects of the plan including privacy, overshadowing, building heights, car parking and the development control of single dwellings.
- At the Council Meeting on 17 April 2018 the Council resolved to support the direction of the review and to progress the project towards preparation of a formal amendment to the CBACP.
- The Council resolution included a change to the pre-requisites for the development of four storey buildings in the H4 zone. The change added a requirement for lots to achieve a minimum land area of 1,200m² in addition to a required 25 metre frontage.
- A further amendment to the Resolution provided for the commencement of investigations into the feasibility of introducing height limits in the M10 and M15 areas and a review of the criteria relating to the community benefit provisions of the CBACP. These investigations have commenced.
- The results of the review of the CBACP have now been translated into wording suitable to form an amendment to Activity Centre Plan. It is recommended that the Council support the proposed draft amendment to enable the initiation of advertising of the proposed changes. Following advertising the amendments will be presented to the Council for further consideration, and if approved, forwarded to the Western Australian Planning Commission (WAPC) for determination.

BACKGROUND

Previous Council Item P17/3765 considered by the Council at its special meeting held on 22 August 2017 provided a report on the review of the CBACP.

The scope of the review was based on series of Council resolutions seeking examination of various aspects of the plan including privacy, overshadowing, building heights, car parking and the development control of single dwellings. The Council's resolution of 22 August 2017 in relation to this matter included support for review items relating to:

- Building Height – Clarification that roof structure are not included in calculation of a buildings height, however setbacks to roof structures (from the edge of buildings) and height limits on roof structures were proposed to reduce potential impacts.
- Mezzanine Levels – Additional clarity provided as to the type, scale and appearance of mezzanine levels (including a limit on floorspace).
- Single Dwellings – Approval of single dwellings not precluded however applicants would need to demonstrate ability for dwellings to be converted to more intensive development (eg apartments) at a later date. A two storey minimum height was also agreed.

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)

- Overshadowing – Requirements proposed for development around the edges of the CBACP precinct to be setback from properties outside of the plan area to minimise impact of overshadowing and building bulk.
- Lot Size and Building Height – Proposal to limit four storey development in the H4 area to lot sizes which had a frontage of 25 metres or greater.

The Council's resolutions with respect to other recommendations from the CBACP review showed partial support, proposed modification to the recommended approach and/or seeking of further information. The modifications and requests for further information are outlined below:

- Car Parking – More stringent minimum parking requirements were proposed as well as the introduction of off-street visitor parking requirements.
- Privacy and Amenity – Proposed privacy setback requirements supported, however, a proposal for additional privacy screening was introduced. An Elected Member Information Session discussion on the merits of requiring Amenity Impact Statements and potential for staging of development within the precinct was requested.
- Dwelling Yield – the Council recognised that having regard to dwelling targets and infrastructure capacity that substantial reduction in development potential within the CBACP is not recommended. Further information however was requested on current movement towards dwelling targets outlined in the State Planning Framework and status of public infrastructure capacity with respect to planned development intensity.

The results of further investigation into the above matters was reported to the Council on 17 April 2018.

[Minutes of P18/3779 Review of Canning Bridge Activity Centre Plan - Update](#)

At this meeting the Council supported the review outcomes and resolved to reiterate its support in response to building height, mezzanine levels, single dwellings, overshadowing and lot sizes. It is noted that an amendment was made by the Council to the pre-requisites for the development of four storey buildings in the H4 zone. The change added a requirement for lots to achieve a minimum land area of 1,200m² in addition to a required 25 metre frontage. At the April 2018 Meeting, the Council also supported the outcomes of further investigation into car parking and privacy/amenity and resolved for the complete package of proposals to be progressed as a formal amendment to the CBACP.

A further amendment to the Council decision provided for the commencement of investigations into the feasibility of introducing height limits in the M10 and M15 areas and a review of the criteria relating to the community benefit provisions of the CBACP. These investigations have commenced. A presentation relating to the feasibility of introducing height limits and a review of criteria relating to community benefit provisions was delivered to Elected Members at the Elected Member Information Session held on 12 June 2018.

**P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT
AMENDMENT (REC) (ATTACHMENT)****Scheme Provisions**

MRS Zoning	:	Various
LPS Zoning	:	Various
R-Code	:	Various
Use Type	:	Not Applicable
Use Class	:	Not Applicable

Site Details

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

DETAIL

The proposals supported by Council at its meeting on 17 April 2018 have now been constructed into wording suitable to form an amendment to the CBACP.

The proposed wording is outlined below. Actual proposed new or modified text is shown highlighted.

It is noted that wording has been prepared in the first instance to enable the changes to apply only to portions of CBACP which fall within City of Melville. Officers from the City of South Perth are supportive of this approach. Wording may be adjusted to enable proposed amendments to apply to both Cities of South Perth and Melville, dependent upon formal feedback from City of South Perth during the proposed advertising period.

Draft Amendment Wording:**Building Height:**

Amend definition of Height

1) *In metres:*

In relation to a building, means the distance measured from the mean natural level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:

(a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height; or

*(b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker **subject to any open roofed structure proposed in Q1 or Q2 being designed in a manner which it is open on three sides and does not exceed 3.0 metres in height.***

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)

2) *In storeys:*

Does not include a basement.

Add a new clause 4.9 on page 29

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall have a minimum 6 metre setback to street boundaries.

Add a new clause 5.8 to page 30

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and walls, shall be setback from side and rear boundaries an additional setback distance of at least 2.5 metres from the building edge.

Modify clause 5.7 to read: (this clause will respond to both general H4 privacy and roof terrace privacy)

Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:

Within the H4 Zone (in Q1 and Q2) windows, balconies and accessible roof spaces are to be provided with separation distance to the side and rear boundaries for visual privacy as follows:

<i>View from</i>	<i>Separation distance</i>
<i>Bedroom, study, living area or open access walkway</i>	<i>4.5m</i>
<i>Balcony or accessible roof area</i>	<i>6m</i>

Mezzanine Floors

Add definition of mezzanine to the CBACP:

Mezzanine: For the purposes of the provisions (relating to Q1 and Q2) of the Canning Bridge Activity Centre Plan, is limited to meaning a habitable space between two storeys that is:

- a. accessible only from the apartment space or storey area immediately below;*
- b. limited in area to no more than one third of the floor space area it is located within;*
- c. designed in a manner which ensures the mezzanine space is open to the floor area below and*
- d. of an overall height and design which ensures that the space does not appear as a separate floor in the external elevations of the building.*

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)**Single Dwellings:**

Add new clause 1.3 and 1.5 (one for Q1 and Q2)

1.3 Q1 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

1.5 Q2 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

Overshadowing

New clause 5.8

5.8 Development of any third or fourth storey on any site (in Q1 and Q2) adjoining residential zoned land outside of the Canning Bridge Activity Centre Plan shall be setback a minimum of 8 metres from that common boundary.

Privacy and Amenity

Modify clause 5.7 to read (refer to proposed wording above to deal with roof terraces):

Lot Size and Building Height:

New clause 2.6

2.6 Development of 4 storey and 16m high buildings within (Q1 and Q2) of the H4 Zone shall be restricted to sites that achieve a minimum 25 metre continuous street frontage and a minimum lot size of 1,200 square metres. Sites not achieving these requirements are restricted to a development height of three storeys and 12 metres.

Addition of note to H4 reference on Heights Table on page 19:

** Refer also to requirements of Clause 2.6*

Adjustment to Clause 3.1

Maximum building heights shall be in accordance with Figure 2 Land Use, Built Form and Zones Plan, noting the minimum site area and frontage requirements of Clause 2.2, 2.3 and 2.6.

**P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT
AMENDMENT (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

Advertising Required: The proposed amendment to the CBACP requires the completion of a public advertising period.

I. COMMUNITY

An amendment to an Activity Centre Plan is required to be advertised for not less than 14 days and no more than 28 days. Advertising would commence should the amendment be initiated. Formal advertising will involve notification in local newspaper and information on the City's website. These formal requirements are proposed to be supplemented with an information pack and invitation to comment sent to owners and occupiers in the H4 area.

II. OTHER AGENCIES / CONSULTANTS

Relevant servicing/government agencies would be consulted as part of the advertising process associated with an amendment to the CBACP. Discussions with Officers at the City of South Perth have commenced in relation to the content of the draft amendment. It is noted that the CBACP area traverses both Cities of Melville and South Perth. Progression of the proposed amendment will require an endorsement of the content by the City of South Perth. Should City of South Perth not be in agreement to have all or part of the proposed amendment content applying in their municipality, then there is opportunity to adjust the amendment wording so that the proposed changes apply only to the City of Melville.

STATUTORY AND LEGAL IMPLICATIONS

An amendment to the CBACP requires a resolution of Council to initiate the process, including the commencement of advertising. Procedures are outlined by Local Planning Scheme No. 6 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this request.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The review of CBACP aligns with the City's strategic goals and in particular responds to Priority 3 of the Corporate Plan, "Urban development creates changes in amenity (positive and negative) which are not well understood". The review of the CBACP focuses on responding to identified amenity concerns, whilst maintaining overall strategic objectives of the plan.

**P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT
AMENDMENT (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications with this proposal.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The proposed amendment wording progresses the Council's previous direction on the outcomes of the review of various aspects of the CBACP. The Council may choose not to proceed with some or all of the proposed changes as contained in the draft amendment wording or to consider modification to the draft wording. The draft amendment outlined in this report are considered to suitably respond to the issues raised and provide enhanced alignment with proposed State Planning Policy Design WA, whilst maintaining the objectives and strategic intentions of the CBACP. Alternative options may detract from achievement of these strategic objectives and may not be supported by the determining authority (WAPC).

CONCLUSION

The proposed draft amendment wording is considered to suitably respond to the previous direction from the Council. Initiation of an amendment to the CBACP and commencement of the advertisement period is recommended.

Upon completion of the advertising period, the proposed amendment will be presented to the Council for consideration of any submissions, and if approved, forwarded to the WAPC for determination.

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3786) APPROVAL**

At 8.37pm Cr Barling moved, seconded Cr Macphail–

That the Council:

- 1. In accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to accept the following proposed amendment to the Canning Bridge Activity Centre Plan for the purpose of advertising:**

Building Height:

Amend definition of Height:

1) *In metres:*

In relation to a building, means the distance measured from the mean natural level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:

(c) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height; or

(d) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker subject to any open roofed structure proposed in Q1 or Q2 being designed in a manner which it is open on three sides and does not exceed 3.0 metres in height.

2) *In storeys:*

Does not include a basement

Add a new clause 4.9 on page 29:

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall have a minimum 6 metre setback to street boundaries.

Add a new clause 5.8 to page 30:

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and walls, shall be setback from side and rear boundaries an additional setback distance of at least 2.5 metres from the building edge.

Modify clause 5.7 to read: (this clause will respond to both general H4 privacy and roof terrace privacy):

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)

Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:

Within the H4 Zone (in Q1 and Q2) windows, balconies and accessible roof spaces are to be provided with separation distance to the side and rear boundaries for visual privacy as follows:

<i>View from</i>	<i>Separation distance</i>
<i>Bedroom, study, living area or open access walkway</i>	<i>4.5m</i>
<i>Balcony or accessible roof area</i>	<i>6m</i>

Mezzanine Floors

Add definition of mezzanine to the CBACP:

Mezzanine: For the purposes of the provisions (relating to Q1 and Q2) of the Canning Bridge Activity Centre Plan, is limited to meaning a habitable space between two storeys that is:

- a. accessible only from the apartment space or storey area immediately below;*
- b. limited in area to no more than one third of the floor space area it is located within;*
- c. designed in a manner which ensures the mezzanine space is open to the floor area below and*
- d. of an overall height and design which ensures that the space does not appear as a separate floor in the external elevations of the building.*

Single Dwellings:

Add new clause 1.3 and 1.5 (one for Q1 and Q2):

1.3 Q1 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

1.5 Q2 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

Overshadowing

New clause 5.8:

5.8 Development of any third or fourth storey on any site (in Q1 and Q2) adjoining residential zoned land outside of the Canning Bridge Activity Centre Plan shall be setback a minimum of 8 metres from that common boundary.

Privacy and Amenity

Modify clause 5.7 as outlined above in relation to roof terraces.

P18/3786 - REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DRAFT AMENDMENT (REC) (ATTACHMENT)**Lot Size and Building Height:**

New clause 2.6

2.6 Development of 4 storey and 16m high buildings within (Q1 and Q2) of the H4 Zone shall be restricted to sites that achieve a minimum 25 metre continuous street frontage and a minimum lot size of 1,200 square metres. Sites not achieving these requirements are restricted to a development height of three storeys and 12 metres.

Addition of note to H4 reference on Heights Table on page 19:

** Refer also to requirements of Clause 2.6*

Adjustment to Clause 3.1:

Maximum building heights shall be in accordance with Figure 2 Land Use, Built Form and Zones Plan, noting the minimum site area and frontage requirements of Clause 2.2, 2.3 and 2.6.

- 2. Notes that a further report will be presented to the Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission on whether the proposed amendment should be approved or modified.**

At 8.51pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

At 8:39pm Cr Kepert returned to the meeting.

At 8:39pm Cr Pazolli returned to the meeting.

At 8:39pm Cr Barton returned to the meeting

At 8:52pm the Mayor returned to the meeting and assumed the chair

At 8.52 Mr Ponton left the meeting and did not return.

At 8:52pm Mr P Prendergast left the meeting and did not return

M18/5000 – COMMON SEAL REGISTER (REC)

Ward	: All
Category	: Operational
Subject Index	: Legal Matters and Documentation
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: 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>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 19 May 2018 up to and including 21 June 2018 for the Council's noting.

M18/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2035	City of Melville and Community First International	Community First International – Deed of Extension to Lease for one year commencing 1 July 2018 and expiring 30 June 2019. One year extension may be given exclusively at the direction of the lessor	4578235
CS2051	City of Melville and Melville History Society	Melville History Society – Lease	4700850

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M18/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for the Council's 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 19 May 2018 up to and including 21 June 2018.

At 9.11pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)

Ward : All
 Category : Operational
 Subject Index : Integrated Planning and Reporting
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced by the Department of Local Government, Sport and Cultural Industries and were designed to:
 - ✓ Articulate the community's vision, outcomes and priorities
 - ✓ Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability
 - ✓ Monitor and report progress
- IPR and Business Excellence Frameworks have been used to enhance the organisational approach and strengthen communities; and a report of that performance over the past ten years is provided entitled *City of Melville – Outcomes for our Community*.
- Impact reporting has historically generally been documented within Informing Plans. The opportunity to clarify the tactical objectives and key impact data reporting by outcomes was identified in the Business Excellence evaluation in 2017. This new layer of consolidated reporting enhances existing strategic reporting as detailed in the Corporate Business Plan 2016-2020, and the operational level performance reporting occurring within the organisation, which is provided on a quarterly basis to elected members.
- This outcome planning and reporting level is presented so elected members and the community are aware of the tactical priorities the organisation is focussing on to deliver the Council strategic priorities and outcomes to achieve Community Strategic Plan aspirations.

BACKGROUND

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced, with all local governments required to have their first suite of IPR documents in place by 1 July 2013. In 2016 the IPR Framework and Guidelines were further revised and are available on the Department of Local Government, Sport and Cultural Industries website. <https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/Integrated-Planning-and-Reporting.aspx>

Specific requirements relating to IPR documents such as Strategic Community Plans and Annual Reports have been included in the Local Government Act and Administration Regulations.

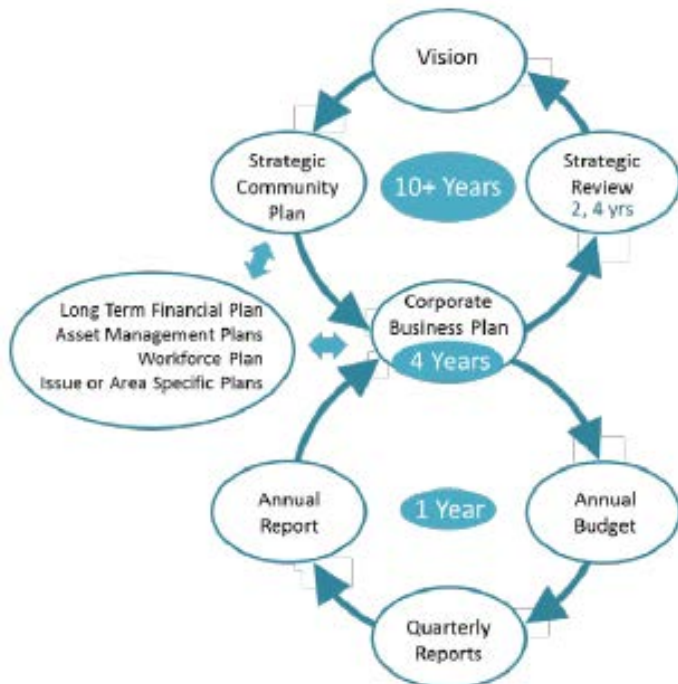
In essence IPR is a process designed to:

- ✓ Articulate the community's vision, outcomes and priorities
- ✓ Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability
- ✓ Monitor and report progress

The City has met the benchmarks required and continues to apply the methodologies and intent of that Framework to strengthen our planning and reporting.

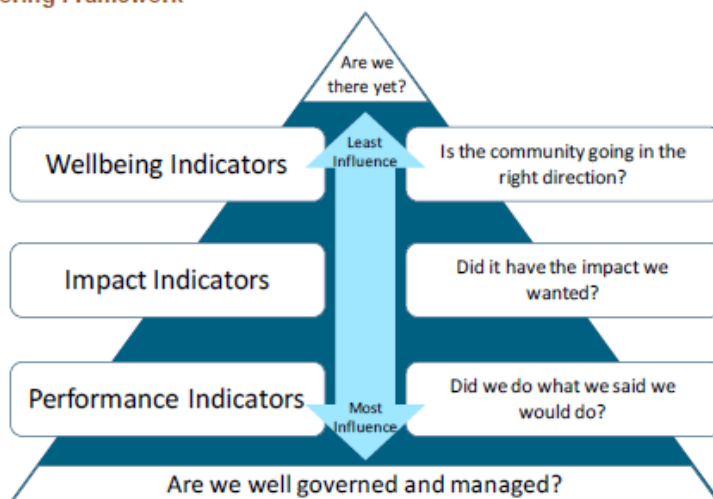
C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)

The IPR Cycle outlined in the 2016 IPR – Framework and Guidelines is as follows:



The IPR Framework and Guidelines highlight the importance of measuring progress and outcomes. The following model is documented within the Guidelines to illustrate the different layers of indicators. This model acknowledges that the level of influence of the local government lessens from performance (operational) indicators to impact (tactical) and then at the strategic level with wellbeing indicators.

Monitoring Framework



As part of the Business Excellence evaluation in 2017 the opportunity to strengthen the outcome based planning and reporting (the impact indicators) was identified and a number of cross organisational workshops with Executive, Operational and Coordinator leadership teams occurred.

C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)

DETAIL

The following graphic is taken from the current Corporate Business Plan and Strategic Community Plan detailing the six key aspiration areas the community indicated contribute to their wellbeing. Those community aspirations then become the outcome areas for the City to attempt to impact through the variety of roles that it can take; Regulator / Monitor / Advocate / Facilitator / Funder / Partner / Provider.



IPR and Business Excellence Frameworks have been used to enhance the organisational approach and strengthen communities; and a report of that performance over the past 10 years is documented in the attached report [5626 City of Melville – Outcomes for our Community](#).

The tactical priorities and key (impact) measures that relate to the outcomes in the Corporate Business Plan 2016-2020, and align directly with the aspirations in the Strategic Community Plan 2016-2026 are detailed in the attached report [5626 Community Outcomes: Priorities and Results](#).

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The Strategic Community Plan People Places Participation 2016 – 2026 was an extensive engagement process which has formed the basis for the outcome areas in the Corporate Business Plan 2016-2020 and the development of tactical (impact) performance indicators.

It is intended that the Community Outcomes – Priorities and Reporting document will be communicated through various formats to the community.

C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)

II. OTHER AGENCIES / CONSULTANTS

There has been ongoing liaison with the Department of Local Government, Sport and Cultural Industries in respect to the development of the Strategic Community Plan and Corporate Business Plan, as well as strengthening outcome (tactical) based reporting.

Some of the agencies the City partners with to achieve the community outcomes have also been shown the Community Outcomes – Priorities and Reporting document, with very positive feedback and support.

STATUTORY AND LEGAL IMPLICATIONS

Under Section 5.56 of the *Local Government Act 1995*, and in more detail under Section 19C and 19D of the *Local Government (Administration) Regulations 1996*, local governments are required to have a Strategic Community Plan for the district which captures the vision, aspiration and objectives of the community of the district. There are also additional legislative requirements relating to annual reports, annual budget, corporate business plans.

The following table is an excerpt from the 'Integrated Planning and Reporting Framework and Guidelines'. Importantly it highlights that at an Advanced Standard the Annual Report should outline progress towards the achievement of community objectives established through the Strategic Community Plan. This means that in addition to the operational and strategic performance indicators there should be reporting also of the tactical (impact) performance indicators that are not always within the direct control of the local government authority. This recognises the role of the local government to Monitor, or be a Facilitator or Advocate for the community in enhancing wellbeing.

Advisory Standard – Annual Report	
Achieving Standard	<p>Achieving Standard is met if:</p> <ul style="list-style-type: none"> ▪ The local government's Annual Report meets the listed regulatory requirements: <ul style="list-style-type: none"> (ii) contains an overview of the Strategic Community Plan and the Corporate Business Plan, which together constitute the Plan for the Future (iii) also contains major initiatives to commence or continue in the next financial year ▪ The Annual Report must also contain details of: <ul style="list-style-type: none"> (iv) any modification that was made to the Strategic Community Plan during the financial year; and (v) any significant modification that was made to the Corporate Business Plan during the financial year
Intermediate Standard	<p>Intermediate Standard is met when:</p> <ul style="list-style-type: none"> ▪ The Annual Report outlines progress towards the achievement of (4 yearly) Council priorities as established through the Corporate Business Plan
Advanced Standard	<p>Advanced Standard is met when:</p> <ul style="list-style-type: none"> ▪ The Annual Report meets Achieving and Intermediate Standards ▪ The Annual Report outlines progress towards the achievement of community objectives established through the Strategic Community Plan

C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)

FINANCIAL IMPLICATIONS

There are no specific financial implications with this level of monitoring and reporting. The impact level indicators should assist with contextual information of the results for the City and other stakeholders to understand and monitor the impact of various strategies and services by a range of influencers.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The IPR process is designed to understand the direction and monitor the performance at a range of levels so that well informed governance issues and opportunities can be understood.

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the organisation is only looking at operational and strategic performance indicators when reviewing plans and reporting within the IPR suite of documents	Moderate consequences which are likely, resulting in a High level of risk	Establish consolidated documentation of tactical (impact) level performance indicators that can be shared with the community and other key stakeholders for monitoring progress on enhancing community wellbeing outcomes.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not progressing and integrating consolidated tactical (impact) performance measures and integrating that information into IPR documents, such as the Long Term Financial Plan, will mean that the level of understanding of direction, and state of performance of outcome areas, will not be optimised.

CONCLUSION

The vision of the City of Melville is “Working together, to achieve community wellbeing, for today and tomorrow.” The Business Excellence continuous improvement journey over the last ten years aligns with the strengthening of competencies in IPR, which has been a focus of the Department of Local Government, Sport and Cultural Industries since 2010. The strengthening of consolidated outcome based tactical (impact) performance measures as shown in Community Outcomes: Priorities and Results, is an important element that continues to strengthen our approaches and systems to maximise effectiveness and impact on wellbeing for the community.

C18/5626 - INTEGRATED PLANNING AND REPORTING (REC) (ATTACHMENTS)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5626)****NOTING**

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

That the Council notes report C18/5626 Integrated Planning and Reporting and Attachments 1 [City of Melville – Outcomes for our Community](#) and 2 [Outcomes: Priorities And Results](#).

At 9:02pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

C18/6000 - INVESTMENT STATEMENTS AS AT 31 MAY 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 May 2018 for the Council's information and noting.

C18/6000 - INVESTMENT STATEMENTS FOR MAY 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.

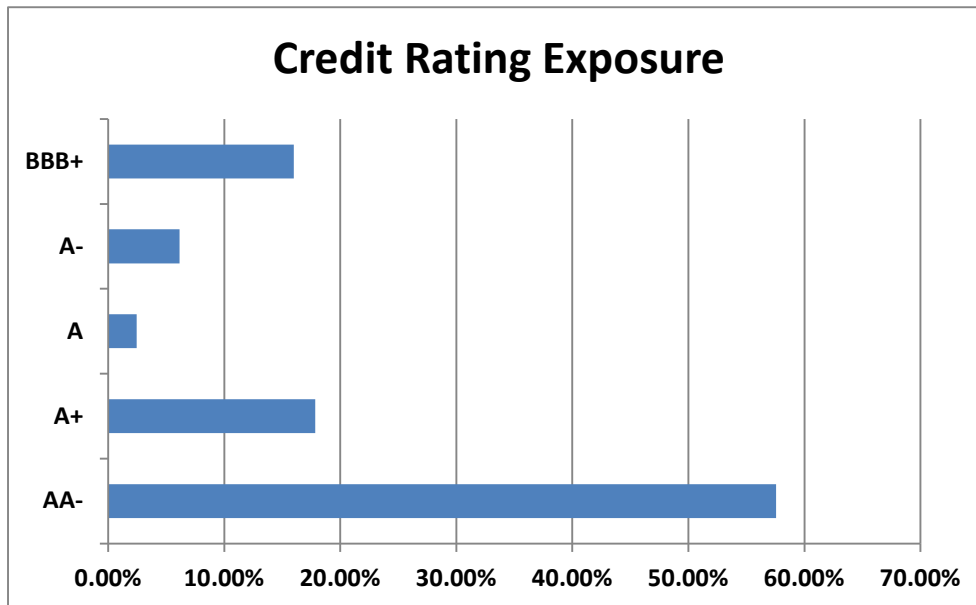
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

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

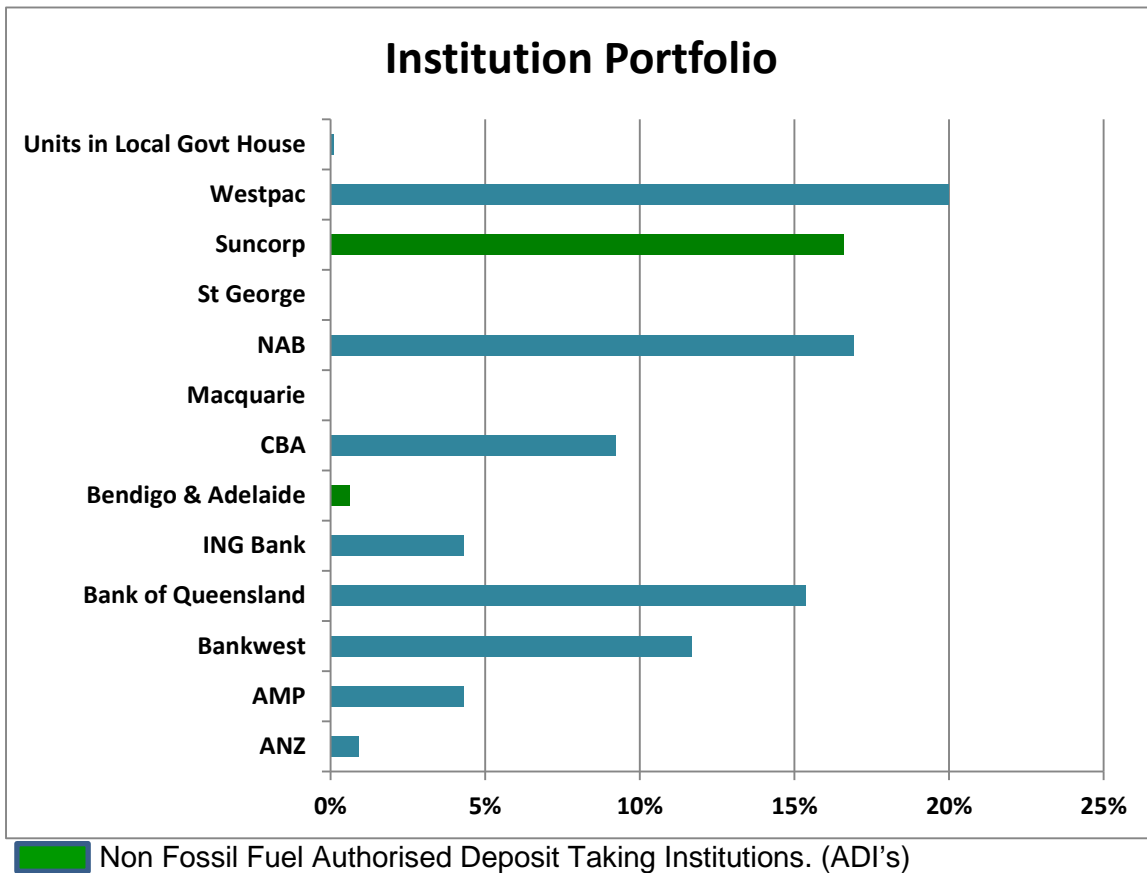
CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 MAY 2018	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 26,275,749
RESERVE	\$ 135,203,356
TRUST	\$ 1,012,449
CITIZEN RELIEF	\$ 212,868
	\$ 162,704,423
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 3,437,735
31DAYS AT CALL	\$ 10,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 138,512,020
UNITS (Local Govt Hse)	\$ 154,668
	\$ 162,704,423
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 93,549,755
A+	\$ 29,000,000
A	\$ 4,000,000
A-	\$ 10,000,000
BBB+	\$ 26,000,000
UNITS (Local Govt Hse)	\$ 154,668
	\$ 162,704,423

C18/6000 - INVESTMENT STATEMENTS FOR MAY 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-	1,500,000		0.92%	0.92%	30%	No	
AMP BANK (TERM)	TERM	A	7,000,000		4.30%	4.30%	25%	No	
BANKWEST (TERM)	TERM	AA-	19,000,000		11.68%	11.68%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	25,000,000		15.37%	15.37%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	1,000,000		0.61%	0.61%	15%	Yes	1,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	15,000,000		9.22%	9.22%	30%	No	
ING BANK (TERM)	TERM	A-	7,000,000		4.30%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	4.30%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	27,512,020		16.91%	16.91%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	27,000,000		16.59%	16.59%	25%	Yes	27,000,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,071,123		0.66%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,049,351		0.64%				
WESTPAC (MAXI DIRECT)	11AM	AA-	1,317,260		0.81%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	10,000,000		6.15%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.23%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		5.29%				
WESTPAC (TERM)	TERM	AA-	8,500,000		5.22%	20.00%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	154,668		0.10%	0.10%		N/A	
			162,704,423		100%	100%			28,000,000
Total Non Fossil Fuel Lending ADI									17%

C18/6000 - INVESTMENT STATEMENTS FOR MAY 2018 (REC)



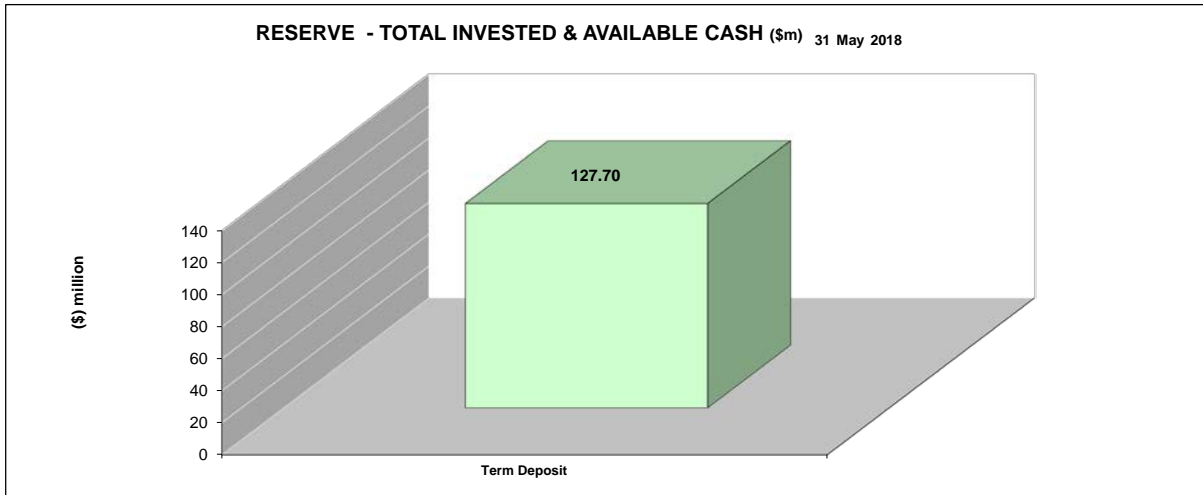
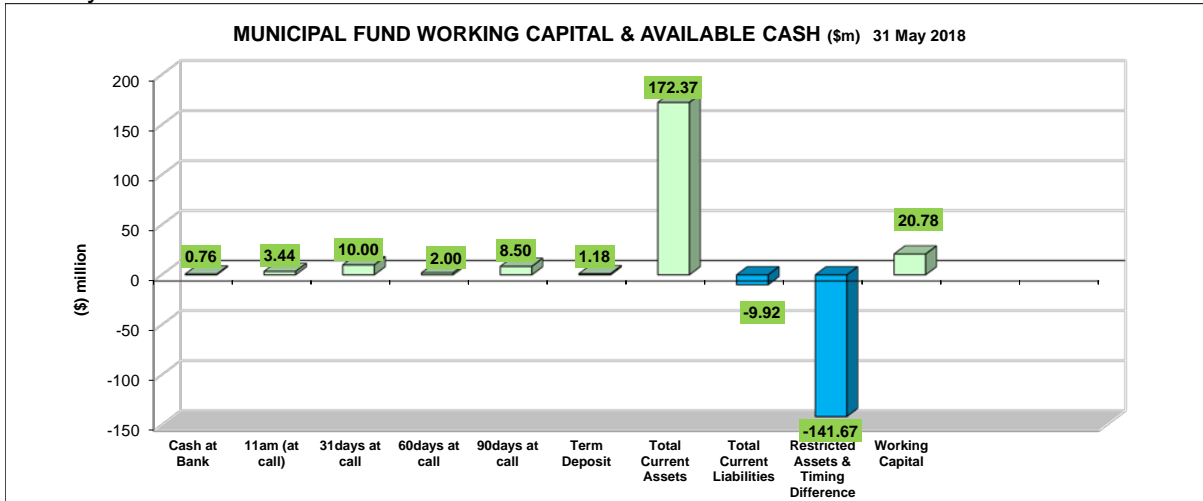
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

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 May 2018 was \$28,000,000 or 17% of total investment holdings being in non-fossil fuels institutions. This compared to \$28,000,000 (16%) in April 2018. The amount of investment holdings in non-fossil fuels institutions decreased from April as well as the percentage of the holding. The total investment holding for April was \$170,803,478 and May was \$162,704,423.

C18/6000 - INVESTMENT STATEMENTS FOR MAY 2018 (REC)

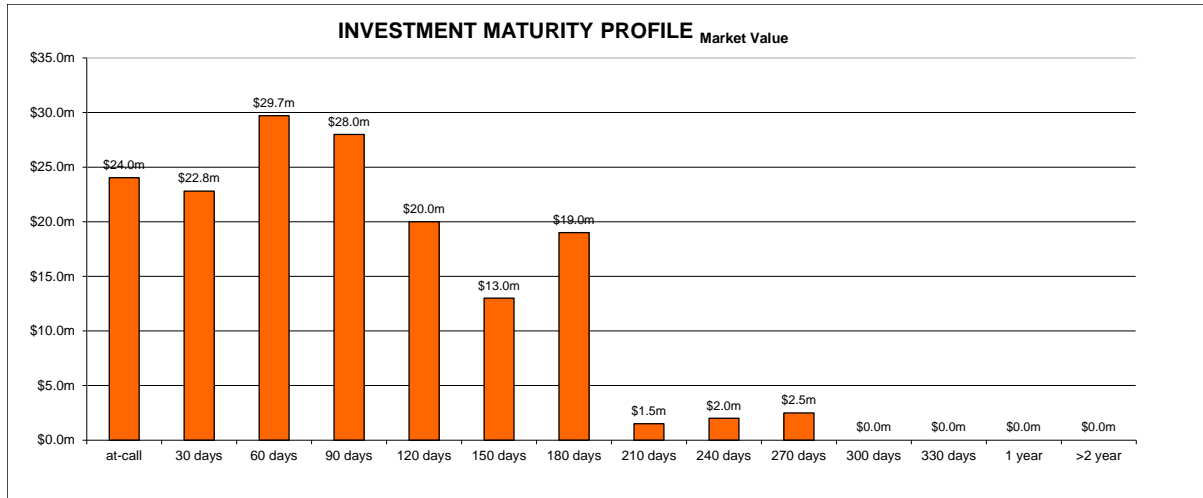
Net Funds Held

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 May 2018.



C18/6000 - INVESTMENT STATEMENTS FOR MAY 2018 (REC)

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

C18/6000 - INVESTMENT STATEMENTS FOR MAY 2018 (REC)

FINANCIAL IMPLICATIONS

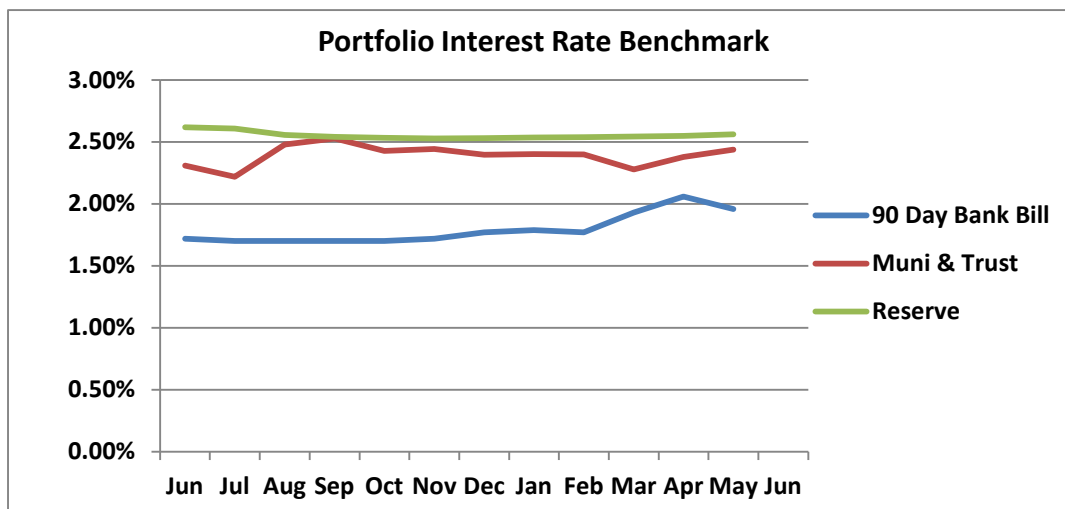
For the period ending 31 May 2018:

- Investment earnings on Municipal and Trust Funds were \$791,209 against a year to date budget of \$580,498 representing a \$210,711 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 May 2018 was 2.44% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.96%.

- Investment earnings on Reserve accounts were \$3,051,997 against a year to date budget of \$3,064,021 representing a \$12,024 negative variance.

The weighted average interest rate for Reserve account investments as at 31 May 2018 was 2.56% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.96%.



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.

C18/6000 - INVESTMENT STATEMENTS FOR MAY 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 2.44% to 2.56% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.96%.

17% 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 16% in April 2018.

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

OFFICER RECOMMENDATION (6000)**NOTING**

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

At 9.11pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 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

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<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 month of May 2018 and recommends that the Schedule of Accounts Paid be noted.

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 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 the period ending 31 May 2018 including Payment Registers numbers, Cheques 658-663 and Electronic Funds Transfers batches 504-506, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 29 June 2018. Payments for the period totalled \$12,977,052.57 for the Municipal Fund and \$87,375.51 for the Trust Fund whilst new investment transactions totalled \$11,500,000.00. Details of the payments are shown in attachment [6001 May 2018](#).

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

Supplier Name	Remittance Number	Remittance Details	Amount
Aquamonix Pty Ltd	E063914 & E064230	Irrigation controllers	\$71,170.06
Asphaltech Pty Ltd	E063873 & E064189	Road resurfacing at various sites	\$1,154,178.93
AWB Building Co Pty Ltd	E063897, E064026 & E064210	Building maintenance	\$45,990.40
Axiis Contracting Pty Ltd	E063885 & E064201	Concrete works at various sites	\$201,060.78
Building & Construction Industrial Training Fund	Chq 007167	Remittance of the building construction training levy collected by the City with building licence applications	\$41,491.76
Calibre Coatings Pty Ltd	E063754	Painting services	\$30,921.01
Caltex	Direct Bank Transfer	Fuel	\$99,475.34
City of Cockburn	E063706 & E64040	Commercial waste tip fees for April	\$37,813.34
Contraflow Pty Ltd	E063855 & E064174	Traffic management services	\$37,305.61
DB Cunningham Pty Ltd	E063929	Progress claims for wetlands drainage construction at four sites and foreshore revetment at Deep Water Point and Mount Henry Jetty	\$214,095.58
Department of Commerce	E063701	Remittance of Building Service Levy collected on building licence applications	\$45,883.75
Department of Fire & Emergency Services	E063861	ESL remittance for April 2018	\$105,363.77
Eco Resources Pty Ltd	E063887 & E064202	Waste management services	\$41,762.60
EMSO Maintenance	E063782 & E064107	Building maintenance	\$86,399.59
Flexi Staff	E063735 & E064060	Temporary employment	\$73,283.34
Fredon Air Pty Ltd	E063902 & E064218	Maintenance to air conditioners to City buildings	\$28,982.30
Goodyear & Dunlop Tyres (Aust) Pty Ltd	E063808 & E064124	Tyre renewal	\$44,849.55
Hansen Pty Ltd	E063711	Playground replacement at Robert Smith Park and Harry Buckley Park	\$80,366.00
Hays Specialist Recruitment (Australia) Pty Ltd	E063872 & E064262	Temporary employment	\$55,424.97

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2018 (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
MP Rogers & Associates Pty Ltd	E063781 & E064105	Consultancy for Jetties inspections and foreshore revetment works	\$52,827.21
MACS Maintenance & Contracting Services	E064027	Building works	\$84,675.93
Major Motors Pty Ltd	E063716 & E064045	Purchase of two Isuzu NPR trucks	\$161,094.95
McLeods (Barristers and Solicitors)	E063778 & E064102	Legal services	\$58,720.50
Melville Toyota	E063771 & E064094	Purchase of Toyota Corolla Hybrid, Parts	\$26,924.47
Murdoch University	E064199	Progress payment for Synthetic Turf Surfaces project	\$1,238,050.00
Natural Area Management & Services	E063977 & E064306	Weed control at various sites and maintenance to bushland reserves	\$40,396.40
Pearmans Electrical & Mechanical Services	E063840 & E064160	Electrical services	\$101,504.01
Quantum Building Services Pty Ltd	E063954 & E064275	Roof plumbing	\$30,132.58
Sculptures By The Sea	E064025	Purchase of four sculptures	\$210,075.00
Skyline Landscape Services Western Australia	E063912	Landscape maintenance at various sites	\$70,551.06
Southern Metropolitan Regional Council	E063804 & E064120	MSW gate fees for March, April and May, green waste fees for April and MRF gate fees for April	\$969,332.33
Synergy	E063734 & E64059	Electricity charges	\$342,326.35
Talis Consultants	E064187	Building condition audits	\$27,500.00
TJS Cleaning Services Perth Pty Ltd	E064200	Cleaning of LeisureFits Booragoon and Melville and AH Bracks Library	\$58,500.44
Tree Amigos Tree Surgeons	E063829 & E064150	Tree lopping services	\$27,131.61
Tree Care WA Pty Ltd	E063969 & E064299	Tree lopping services	\$83,414.24
Tree Planting & Watering (ATF) Baroness Holdings Pty Ltd	E063871	Street tree watering	\$94,327.92
Trident Plastics (SA) Pty Ltd	E063948	Garbage bins	\$33,940.80
Turfmaster Pty Ltd	E063731 & E064057	Mowing at various sites	\$41,785.70
Water Corporation	Chq's 069080 & 069180	Water charges	\$58,826.74
West Coast Turf	E063745 & E064073	Turfing at various sites	\$29,629.38

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 04/04/2018 & 18/04/2018	Payment of salaries and wages to City employees net of tax and deduction for pays 22, 23 and 24.	\$3,243,805.47
Australian Taxation Office	Direct Bank Transfers 04/04/018 & 18/04/2018	Pay as You-Go taxation and other deductions from employee payroll for pays 22, 23 and 24.	\$1,002,740.00
Creditors & Advances	Direct Bank Transfers 02/05/2018 , 16/05/2018 & 30/05/2018	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 22, 23 and 24.	\$766,494.73
Total			\$5,013,040.20

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2018 (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

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.

CONCLUSION

Payments for the period totalled \$12,977,052.57 for the Municipal Fund and \$87,375.51 for the Trust Fund whilst new investment transactions totalled \$11,500,000.00.

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

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2018 (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING**

That the Council notes the Schedule of Accounts paid for the period ending 31 May 2018 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 May 2018](#)

At 9.11pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 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 May 2018 and recommends that they be noted by the Council.
- The variances for the month of May 2018 and recommends that they be noted by the Council.
- The Budget amendments required for the month of May 2018 and recommends that they be adopted by Absolute Majority decision of the Council.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2018 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 May 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:-

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

RATE SETTING STATEMENT <small>by Program</small>							
EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE IN EXCESS OF \$50,000							
for the Period 1 July 2017 to 31 May 2018							
	May 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	735,599	8,885,710	9,233,271	347,561	4%	10,206,355	10,999,670
Law, Order, Public Safety	17,615	2,585,518	2,657,762	72,244	3%	2,640,836	2,710,901
Community Amenities	169,331	3,342,610	3,491,493	148,883	4%	3,480,202	3,589,789
Recreation and Culture	549,234	7,199,548	7,354,254	154,707	2%	8,570,847	8,112,196
Transport	189,708	1,223,036	1,298,601	75,565	2%	1,381,713	1,381,884
Economic Services	177,464	2,423,233	3,063,412	640,179	26%	2,613,767	2,513,346
Other Property and Services	(1,481,725)	2,397,211	(1,228,569)	(3,625,780)	-151%	1,881,450	2,591,525
	382,394	28,685,679	26,501,045	(2,184,634)		31,450,827	32,586,278
Expenditure from operating activities							
Governance	(461,822)	(4,672,486)	(4,192,012)	480,475	-10%	(5,263,277)	(5,405,189)
General Purpose Funding	(46,318)	(729,093)	(797,938)	(68,846)	9%	(3,232,581)	(3,236,203)
Law, Order, Public Safety	(406,497)	(3,789,218)	(3,632,046)	157,172	-4%	(4,118,059)	(4,193,444)
Health	(108,001)	(1,042,026)	(984,180)	57,847	-6%	(1,168,492)	(1,131,859)
Education & Welfare	(270,996)	(2,534,918)	(2,385,728)	149,191	-6%	(2,729,585)	(2,755,240)
Community Amenities	(2,130,285)	(22,478,289)	(21,545,355)	932,933	-4%	(24,667,337)	(25,750,875)
Recreation and Culture	(2,883,938)	(27,140,630)	(25,999,515)	1,141,115	-4%	(29,988,278)	(30,116,338)
Transport	(1,606,778)	(16,235,551)	(15,617,385)	618,166	-4%	(17,725,955)	(17,919,956)
Economic Services	(229,131)	(2,223,277)	(2,297,725)	(74,448)	3%	(2,390,021)	(2,415,934)
Other Property and Services	(1,100,410)	(8,380,180)	(7,010,415)	1,369,764	-16%	(10,369,279)	(10,582,660)
	(9,250,754)	(89,284,490)	(84,527,248)	4,757,242		(101,719,144)	(103,570,341)
Investing Activities							
Proceeds from Disposal of Assets	13,311	1,820,163	1,914,004	93,841	5%	2,158,950	2,624,802
Purchase of Furniture & Equipment	(327,766)	(2,251,887)	(1,778,724)	473,163	-21%	(2,173,668)	(3,432,075)
Purchase of Land & Buildings	(303,745)	(4,256,518)	(3,188,908)	1,067,610	-25%	(12,992,772)	(21,643,183)
Purchase of Infrastructure Assets	(3,146,380)	(18,317,423)	(14,503,022)	3,814,401	-21%	(17,552,829)	(25,797,751)

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2018 (AMREC)
(ATTACHMENTS)**

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

Revenue

\$85.40 million in Rates was raised to 31 May 2018, compared to \$82.58 million being \$2.82m or 3.4% more than for the same reporting period last year. This is compared with a revised year to date budget of \$85.46 million, resulting in a negative variance of \$58,293 (0.07%).

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for May 2018.

Budget Amendments

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

- \$500,000 – Create new budget for grant funding from Department of Local Government, Sport and Cultural Industries for their contribution towards Murdoch University synthetic turf.
- \$639,637 – Depreciation adjustment for financial assets.
- \$132,817 – Create new budget for Community Sporting and Recreation Facility Funding (CSRFF) grant funding from Department of Local Government, Sport and Cultural Industries.
- \$109,000 – Transfer budget for Murdoch Drive shared path grant funding.
- \$91,121 – Increase the budget for fleet assets.
- \$82,984 – Transfer budget from depreciation mobile plant to depreciation fixed mobile plant.
- \$348,211 – Budget adjustment following depreciation movement in May 2018.

Rates Debtors

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$586,688 were collected over the course of the month. Rates collection progress for the month of May is 0.9% below the target of 96%. This represents a dollar value of \$828,882. As at 31 May 95.1% of 2017-2018 rates, including prior year arrears had been collected compared with 95.9% collected for the same time last year. Rates collection for 2017-2018 excluding prior year rate arrears is 98.1%.

Total sundry debtor balances decreased by \$61,955 over the course of the month from \$374,452 to \$312,497. The 90+ day's debtor balance increased by \$28,517 from \$157,939 to \$186,456.

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2018 (AMREC)
(ATTACHMENTS)

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 May 2018.

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2018 (AMREC)
(ATTACHMENTS)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

(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.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2018 (AMREC)
(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H May 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.

CONCLUSION

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

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2018 (AMREC)
(ATTACHMENTS)**

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

That the Council:

At 9.02pm Cr Barling moved, seconded Cr Wieland –

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

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

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

At 9.03pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

M18/5630 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2018 (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : Western Australian Local Government Association
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input checked="" 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 type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

M18/5630 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING (REC)**KEY ISSUES / SUMMARY**

- Voting delegates and proxy delegates may be nominated to attend the Western Australian Local Government Association Annual General Meeting.
- The Council may nominate two voting and two proxy delegates to represent the City at the Annual General Meeting.

BACKGROUND

The City of Melville is a member of the Western Australian Local Government Association (WALGA). Membership entitles the City to nominate two voting delegates and two proxy voting delegates to attend the Annual General Meeting of WALGA and to vote on the City's behalf.

DETAIL

The WALGA Annual General Meeting will be held at the WALGA Convention on Wednesday 1 August 2018 at the Perth Convention Centre. The City is entitled to nominate two voting and two proxy voting delegates to attend the Annual General Meeting and vote on the City's behalf. The City is required to advise WALGA, by 18 July 2018, of its nominations.

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of member Councils. Delegates may be Elected Members or serving officers. Each year the City nominates Elected Members to attend and vote on the Annual General Meeting agenda items.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No engagement with the City's community is required for this report.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies or consultants is required for this report.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this report.

M18/5630 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING (REC)**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There is no Council Policy that relates to the selection of delegates.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to not nominate delegates and consequently, the City's vote on the matters affecting Local Government both in Western Australia and nationally would be lost.

CONCLUSION

The City has an entitlement to be represented at the Annual General Meeting and the Council may choose two voting delegates and two proxy voting delegates.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5630) APPROVAL

At 9:10 pm Cr Woodall moved, seconded Cr Wieland –

That the Council:**1 Nominates the following Elected Members as the City of Melville voting delegates:**

- 1. Cr Wheatland**
- 2. Cr Macphail**

and the following Elected Members to be proxy voting delegates:

- 1. Cr Kepert**
- 2. Cr Barling**

to the Western Australian Local Government Association Annual General Meeting to be held on 1 August 2018.

2 Confirms that Councillor Kepert is to be the Proxy Member one and Councillor Barling is the Proxy Member two.**3 Requests the Chief Executive Officer to forward advice of the City of Melville nominees for the Western Australian Local Government Association Annual General Meeting to the Western Australian Local Government Association.**

At 9.11pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

15. EN BLOC ITEMS

At 9:11pm Cr Barling moved, seconded Cr Robartson –

That the recommendations for items M18/5629, M18/5000, C18/6000 and C18/6001 be carried En Bloc.

At 9.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

LATE ITEM - M18/5633 - ABSENCE OF THE MAYOR (REC)

Ward : All
 Category : Operational
 Subject Index : Council and Special Meetings
 Customer Index : Mayor, Deputy Mayor
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : 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 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>

LATE ITEM - M18/5633 - ABSENCE OF THE MAYOR (REC)**KEY ISSUES / SUMMARY**

- The Mayor has advised he may be unavailable for some time in August that may coincide with a leave period of the Deputy Mayor.
- The Council is requested to elect an Acting Mayor to cover such an eventuality.

BACKGROUND

The Mayor has advised that he may be unavailable for some time in August and this time may coincide with a leave period of the Deputy Mayor.

DETAIL

The Council and *Local Government Act 1995* requires that the position of Mayor is occupied or the Deputy Mayor assumes the role in the circumstances of the Mayor's unavailability. The Mayor has advised that he may be unavailable for some time in August possibly at the same time the Deputy Mayor will be on leave. To ensure the Council has the position of Mayor occupied at all times, it is recommended that the Council nominate a Councillor to fulfil the role of Acting Mayor in the absence of the Deputy Mayor and absence or unavailability of the Mayor. It is considered to be important that the Council has a nominated Councillor to speak on behalf of the City and sign documents that require the Common Seal.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external public consultation has been carried out as this matter is considered to be an internal matter requiring only the Council's consideration

II. OTHER AGENCIES / CONSULTANTS

No external consultation has occurred on this matter.

LATE ITEM - M18/5633 - ABSENCE OF THE MAYOR (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The *Local Government Act 1995* makes the following provision in relation to maintaining the occupancy of the position of Mayor:

5.35. Who acts if no mayor, president or deputy

*(1) If the circumstances mentioned in section 5.34(a) or (b) apply
and —*

*(a) the office of deputy mayor or deputy president is vacant;
or*

(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.

*(2) If the circumstances mentioned in section 5.34(a) or (b) apply
and —*

*(a) the office of deputy mayor or deputy president is vacant;
or*

(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

FINANCIAL IMPLICATIONS

There are no financial implications in this matter.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

LATE ITEM - M18/5633 - ABSENCE OF THE MAYOR (REC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Should the Council not appoint a Councillor to occupy the role of the Mayor, the provisions of 5.35(2)(b) provide authority for the Chief Executive Officer to assume the role with the agreement of two Councillors.

CONCLUSION

The Council requires the position of Mayor to be occupied at all times. This report provides the statutory information requesting the Council appoint a Councillor to fulfil the role of Acting Mayor in the absence or unavailability of the Mayor.

COUNCIL RESOLUTION (5633)

APPROVAL

At 9:14pm Cr Barling moved, seconded Cr Woodall –

That the Council approves Councillor Robins to fulfil the role of Acting Mayor during the absence or unavailability of the Mayor and Deputy Mayor.

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

CARRIED (7/6)

Vote Result Summary	
Yes	7
No	6

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

LATE ITEM - M18/5633 - ABSENCE OF THE MAYOR (REC)

COUNCIL RESOLUTION (5633)

APPROVAL

At 9:17pm Cr Macphail moved, seconded Cr Phelan –

That the Council approves Councillor Wieland to fulfil the role of Acting Deputy Mayor during the absence or unavailability of the Mayor and Deputy Mayor.

At 9:17pm the Mayor submitted the motion, which was declared

LOST (6/7)

Vote Result Summary	
Yes	6
No	7

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	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 Robins	No
Cr Wheatland	No

LATE ITEM - M18/5633 - ABSENCE OF THE MAYOR (REC)

COUNCIL RESOLUTION (5633)

APPROVAL

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

That the Council approves Councillor Barling to fulfil the role of Deputy Mayor during the absence or unavailability of the Mayor and Deputy Mayor.

At 9:19pm 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 Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Wheatland	No

**LATE ITEM P18/3786 –REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –
DRAFT AMENDMENT (REC) (ATTACHMENT)**

Item brought forward.
See page 33.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Consideration of Construction of a Fenced Dog Area

At 9:21pm moved Cr Robins, seconded Cr Barling

That the Council requests the Chief Executive Officer to prepare a report on the provision of a fenced or partially fenced dog exercise area in the City of Melville. The report is to be presented to the Council, initially at an Elected Members Information Session, and then through the formal agenda process, by the end of February 2019. The report should include, but not limited to:

- 1. Possible options for a location for a fenced dog area. Locations to be considered are to include John Connell Reserve, Piney Lakes Reserve, Burke Drive and others**
- 2. An indicative cost of the project, as well as a proposal for how the project will be funded, whether it be through existing budget provisions, funding in the 2019/2020 budget or through grants.**
- 3. A plan for consultation with Melville residents and ratepayers.**

At 9:30pm 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
Cr Woodall	Yes
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No
Mayor	No

16.1 Consideration of Construction of a Fenced Dog Area

Reasons

City of Melville residents have contacted me asking about the possibility of the City of Melville providing a fenced dog exercise area as there a none provided in the local area.

Dog parks provide a secure environment for dog socialisation, exercise and training whilst also providing owners with opportunities for social interaction. Dog exercise areas can assist in creating a sense of community among those who use the facilities.

It is acknowledged that other local governments provide fenced dog exercise areas which are very popular. Many of the users of these parks come from areas beyond the immediate vicinity. Whilst there are many advantages associated with the provision of a dog park, it is acknowledged that the provision of such a facility can also have some negative implications.

The motion requests the detailed information to be collected that is required before a decision can be made on the provision of a dog exercise area. This includes the type of facility to be provided, location(s) of such a facility and the cost, which all need to be considered before the Council can make a final decision.

A list of dog exercise areas and parks in Perth can be found at <https://www.dogs-around-perth.com/fully-fenced-dog-exercise-parks.html>

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

The matter is confidential in accordance with Section 5.23(2) (c) of the *Local Government Act 1995* which advises that a report which relates to a contract entered into or which may be entered into may be discussed behind closed doors. The report will be moved into the open section of the meeting upon resolution of the Council.

CONFIDENTIAL ITEM - T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE (REC) (CONFIDENTIAL ATTACHMENTS)

Ward : Central
 Category : Operational
 Subject Index : Tenders
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T18/3781 –Civic Library and Cultural Centre, Ordinary Meeting of Council, 15 May 2018.
 CD15/8074 - Proposed Library Cultural Centre Business Case, 24 June 2015, Special Meeting of Council.
 Works Programme : Not Applicable
 Funding : \$2,846,687 from overall project budget
 Responsible Officer : Mario Murphy - Manager City Buildings
 Paul McAllister - Senior Project Manager
 Leeann Reid - Manager Cultural Services
 Alison Mudgway - Coordinator Library 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>

**CONFIDENTIAL ITEM - T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE
(REC) (CONFIDENTIAL ATTACHMENTS)****KEY ISSUES / SUMMARY**

- To recommend the acceptance of the tender submitted by the preferred tenderer as recommended in the report of the Contracts and Tenders Advisory Unit (CTAU) distributed under confidential cover to elected members on Friday 29 June 2018 for the Architectural, Engineering Design and Superintending Services for the City of Melville Library and Cultural Centre and forward works for future potential development lots subject to:
 - Successful negotiation of minor amendments to the proposed general conditions of contract AS 4122-2010 recommended by legal firm Jackson McDonald to reduce risk to the City with the preferred tenderer;
 - Execution of the Deed of Variation to the High Street Precinct Development Agreement by both the City and AMP Capital. This Deed of Variation includes an indemnity arrangement allowing the City to commence Design of the Library and Cultural Centre without risk to public funds.

BACKGROUND

The business case for the Library and Cultural Centre (item CD15/8074) was approved by Council at the 24 June 2015 Ordinary Meeting of Council (OMC). A review of this business case was presented in item T18/3781, which also addressed the parking strategy and required forward works for the Library and adjacent development lots.

The Council approved item T18/3781 at the 15 May 2018 OMC with Resolution 3781 which reads:

That Council:

- 1. Notes the original business case.***
- 2. Notes the project progress made to date including the current suspension of development activity caused by AMP Capital's delay in commencing the Garden City Redevelopment project.***
- 3. Notes the outcomes from the March 2018 review of the business case financial assumptions.***
- 4. Requests the Chief Executive Officer to investigate and report back on the feasibility of relocating the Council Chambers and associated Civic facilities as part of the Library and Cultural Centre project, noting that this does not include relocating the existing office space for administration in the current Civic Centre.***
- 5. Approves the inclusion of a basement car-park at an estimated additional cost of \$4.75m.***
- 6. Approves the proposed forward works improvements to the adjacent development lots in conjunction with the Library and Cultural Centre project at an estimated additional cost of \$1.35m.***
- 7. That following resolution by the Council, the above resolutions be made public.***

CARRIED (11/0)

**CONFIDENTIAL ITEM - T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE
(REC) (CONFIDENTIAL ATTACHMENTS)**

To advance the design of the Library and Cultural Centre, basement car-park and forward works project (Project) the subject of Resolution 3781, the City invited public tenders for Architectural and Engineering Design Services in November 2017 closing in January 2018. The tender evaluation process for the aforementioned services was suspended in February 2018 following notification from AMP Capital of a delay to the progression of the Garden City Redevelopment Project.

Subsequent to the notification from AMP Capital regarding the Garden City delay, the City has negotiated amendments to the High Street Precinct Development Agreement including an indemnity arrangement allowing the City to commence Design of the Library and Cultural Centre without risk to public funds.

The Deed of Variation to the Agreement has been drafted and is currently awaiting final approval and execution. Following the progress with the Deed of Variation negotiations the City recommenced the tender evaluation process in May, with the evaluation recommendation being the subject of this report.

Notwithstanding, the award of any contract for the provision of Architectural and Engineering Design Services is subject to the execution of the Deed of Variation to the High Street Precinct Development Agreement by both the City and AMP Capital.

DETAIL**Tender Evaluation Process**

Qualitative scores were achieved by joint agreement of the panel members at the evaluation meeting after each panel member had scored the submission individually. Stage 1 was a weighted comparison against the following qualitative criteria – Relevant Experience, Capacity to Deliver and Methodology.

Shortlisted tenders from the Stage 1 evaluation were invited to present their tender offering to the Evaluation Panel and a number of staff from the City who observed the presentations but formed no part of the evaluation process.

Stage 2 was a weighted comparison against price.

- 1.
2. The recommended tenderer achieved the highest score.

The Evaluation Report and associated attachments were distributed to Elected Members on Friday 29 June 2018 under confidential cover.

The CTAU Minutes and associated attachments were distributed to Elected Members on Friday 29 June 2018 under confidential cover.

**CONFIDENTIAL ITEM – T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING
DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE
(REC) (CONFIDENTIAL ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The City conducted its major community consultation on the future Library and Cultural Centre as part of the MERGE Festival in November 2018 where the community was informed about the future development and asked for their ideas for the future space. 2,153 ideas were generated by the community through this engagement that will be used to inform the Library and Cultural Centre design process. A further 296 people responded to an online survey and approximately 15,000 people attended the event to experience what would be possible in the future facility.

AMP Capital is regularly informed of the progress with the City's proposed Library and Cultural Centre.

II. OTHER AGENCIES / CONSULTANTS

No external agencies/consultants have been consulted for this tender.

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

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1) "A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".

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

This report is classified as confidential in accordance with Section 5.23 (2) (c) of the *Local Government Act 1995* and will be moved into the open section of the meeting upon resolution of the Council.

**CONFIDENTIAL ITEM – T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE
(REC) (CONFIDENTIAL ATTACHMENTS)**

FINANCIAL IMPLICATIONS

Approved Budget Details	Budget for professional fees is \$3,156,417 <ul style="list-style-type: none"> • Less existing commitments made previously engaged consultants \$309,730 • Remaining uncommitted budget \$2,846,687
Account Cost Centres or Capital Works Project Number	BLD02340 and BLD03225
Anticipated expenditure over the term of the contract	As contained in the Confidential Attachment
Previous financial year expenditure for these services (if applicable)	Not Applicable
Percentage difference between identical rates from an existing or recently terminated contract	Not Applicable
Is the budget exceeded by appointing the proposed contractor?	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic implications for these services relate to the consequences of not carrying out the design and subsequent construction of the Library and Cultural Centre in accordance with an agreed project timetable that forms part of the contractual arrangements with AMP Capital.

A funding contribution from AMP Capital for the Library portion of the Project would be at jeopardy should the building shell not be completed for the opening of the new High Street in the redeveloped Garden City Shopping Centre. Further, the Project forms the centre piece of a new service delivery model for library and cultural services to the community.

Under the Deed of Variation to the High Street Development Agreement, AMP Capital agrees to provide the City with an indemnity to commence Schematic Design of the Library and Cultural Centre. This indemnity is currently capped at \$1m. Following completion of Schematic Design, the City has the right under the Deed of Variation to request a further indemnity from AMP Capital to progress to Detailed Design in the event that the land exchange has still not settled and AMP Capital funding is not yet available. This further indemnity will be capped at a figure to be agreed at the time of the request.

These indemnity arrangements allow the City to progress the design of the Library and Cultural Centre in stages without risk to public funds.

The City will enter into an AS4122 form of contract with the successful tenderer. AS4122 permits the Client to suspend or terminate the services under the contract at any time without penalty (clauses 24 and 26 respectively). Under AS4122 the City can therefore contract with the successful tenderer for the full scope and value of the works without risk if there is a requirement to suspend or terminate the services during the course of the contract.

**CONFIDENTIAL ITEM – T18/3787 - CO22/17 – ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF MELVILLE LIBRARY AND CULTURAL CENTRE
(REC) (CONFIDENTIAL ATTACHMENTS)**

The contract arrangement and terms, in combination with the indemnity arrangement under the Deed of Variation, removes all risk to the City with regards to entering into a contract with the successful tenderer.

There are no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are included in the table attached as Confidential Attachment – Evaluation Report Appendix C.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The Evaluation Panel is satisfied that the recommended Tenderer has demonstrated that they have the necessary relevant experience, capacity to deliver the services and follows a methodology in line with the City's expectations. The recommended Tenderer is the highest ranked submission therefore they offer the best value for money.

CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION AND COUNCIL RESOLUTION (3787)**APPROVAL**

At 9:32pm Cr Robartson moved, seconded Cr Phelan–

The Contract and Tender Advisory Unit recommends to the Council that the Council:

- 1) Accepts the recommendation as contained in the Confidential Attachment – CO22/17 Contracts and Tenders Advisory Unit Minutes, noting that the recommendation is subject to:**
 - Successful negotiation of amendments to the general conditions of contract AS4122-2010, with the recommended tenderer.**
 - Execution of the Deed of Variation to the High Street Development Agreement by both the City and AMP Capital.**
- 2) Directs that, upon resolving the recommendation, the successful Tenderer's name and lump sum amount BE INSERTED BELOW THIS POINT 2, subject to the limitation of staging in terms of the indemnity negotiated with and received from AMP Capital, and the item then moved into the open section of the meeting.**

Christou Design Group Pty Ltd ABN 87 152 933 885 ACN: 152 933 885 for the amount of \$2,019,224.00.

At 9.34pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

19. CLOSURE

The Mayor advised that this is the last Ordinary Meeting of Council that Dr Shayne Silcox will be CEO and provided an overview of his achievements and challenges over his term with the City.

At 9:38pm Cr Kepert left the meeting and returned at 9:40pm.

At 9:40pm Dr Shayne Silcox, addressed the Elected Members and members of the Public Gallery. [Farewell from Shayne](#)

At 9.53pm Cr Kepert left the meeting and did not return

At 9.53pm Cr Robartson left the meeting and returned after the close of the meeting.

There being no further business to discuss, the Mayor declared the meeting closed at 9:54pm.