



MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY, 16 July 2019

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:31pm.

The Presiding Member advised those present that after many years of loyal and distinguished service, Mr Jeff Clark, would be retiring at the end of July 2019 and this would be his last Ordinary Meeting of Council. The Presiding Member on behalf of the Council expressed appreciation for Mr Clark's assistance over the years and best wishes for his retirement.

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 T Barling (Deputy Mayor)
Cr C Robartson
Cr M Woodall (*until 10:30pm*)
Cr N Pazolli, Cr S Kepert
Cr G Wieland, Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan
Cr K Wheatland (*until 10:48pm*)

WARD

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

3. IN ATTENDANCE

Mr M McCarthy
Mr B Dawkins
Mr S Cope
Mr A Ferris
Mr L Hitchcock
Mr J Rae (*until 11:13pm*)
Ms J Arbel (*until 9:26pm*)
Mr B Taylor
Mr J Clark
Ms C Newman
Ms T Wright

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

At the commencement of the meeting there were approximately 13 members of the public and one representative from the Press in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Cr N Robins

Bateman – Kardinya – Murdoch Ward

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

Nil.

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

Nil.

6. QUESTION TIME

6.1 Questions Received with Notice

6.1.1 City of Melville Residents and Ratepayers Association (Inc)

Summary - The City of Melville Residents and Ratepayers Association (Inc.) referred to allegations regarding statements made by Mayor Aubrey relating to a proposed purchase of land at Tompkins Park.

Question 1

1. *Council confirmed at the 16 April OMC that Mayor Aubrey made the Minister Wyatt allegations as the Mayor on behalf of Council; so, given Minister Wyatt's office confirmed by letter on 14 June there was (no) such agreement (see attached letter) when will Council direct the CEO to make a public statement apologising for Mayor Aubrey's denigrating insinuations about Minister Wyatt?*

Response

It is not the role of the Chief Executive Officer to speak on behalf of the Mayor.

Summary - On 27 June Mayor Russell Aubrey was reported in the press as saying 'the release of a long-awaited report into the City vindicates the way it dealt with a small number of "unreasonable people" in the community'; subsequently other comments along the lines of 'The independent inquiry report has totally exonerated and vindicated the Council for any wrongdoing'

Given the Authorised Inquiry report has a number of adverse findings against the City and Minister Templeman has highlighted that the City needs to change its culture to be more open, transparent and to better deal with complaints

Question 2

- 2a) *does Council fully endorse the abovementioned comments made in the media?*

Response

The Mayor is the authorised spokesperson for the Council. The Council's position will be known tonight.

Question 3

- 2b) *will Council fully accept accountability for the City's identified failures?*

Response

A report is included in this agenda which deals with the outcome of the Authorised Inquiry. The position of the Council will be known following discussion, debate and resolution of the Officer's Recommendation.

6. *Question Time Continued – City of Melville Residents and Ratepayers Assoc. (Inc)*

Question 4

3. *How will CEO Mr Marten Tieleman be held to account for his role in the Deepwater Point parking fiasco and what will Council do to prevent the administration engaging in this sort of autocratic conduct again?*

Response

The fees and charges adopted by Council for 2019-2020 included parking fees being applied to vehicle only bays at Deep Water Point to address chronic parking demands during busy periods on weekend and holiday periods. It was also planned to undertake a trial of shared paid parking for vehicles using the vehicle and trailer bays, which had shown to have spare capacity during these busy periods. Mr Tieleman acted appropriately in light of the situation and acknowledged to Elected Members that the City could have communicated the changes better, given the limited lead up following the initial media release and feedback from the community and stakeholders on the proposed parking changes.

The Council will consider postponing the introduction of paid parking for vehicles only bays on the foreshore side of the Deep Water Point car park at tonight's meeting, pending an evaluation of the shared parking trial and a further report to the Council on the outcomes of the trial and any recommendations regarding parking arrangements.

6.2 Questions Received without Notice

Nil.

6.3 Questions Taken on Notice at Previous Meeting

Nil.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 18 JUNE 2019**
Minutes 18 June 2019**COUNCIL RESOLUTION**

At 6:42pm Cr Wieland moved, seconded Cr Macphail–

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 18 June 2019, be confirmed as a true and accurate record.

At 6:42pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 JULY 2019
Notes 2 July 2019**COUNCIL RESOLUTION**

At 6:42pm Cr Robartson moved, seconded Cr Phelan –

That the Notes of Agenda Briefing Forum held on Tuesday, 2 July 2019, be received.

At 6:42pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. DEPUTATIONS

- 10.1 Mr M McLerie (representing the City of Melville Residents and Ratepayers Association Inc)**
M19/5697 – Report on the Outcome Report of the Authorised Inquiry Into the City of Melville
- 10.2 Mr C Ross of Applecross and Mr D Maynier of Attadale**
M19/5697 – Report on the Outcome Report of the Authorised Inquiry Into the City of Melville
- 10.3 Mr N Oakey representing Dome Café, Deep Water Point Reserve**
Motion without Notice 17.2 – Deep Water Point Trial and Parking Arrangements

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

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

That the application for a new leave of absence submitted by Cr Kepert on 16 July 2019 be granted.

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

CARRIED UNANIMOUSLY (12/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. PETITIONSRequest to Purchase and Trial a 100% Electric Garbage Truck

A petition signed by 113 residents has been received by the City of Melville. The petition reads as follows:

"We, the undersigned, all being electors of the City of Melville, would like to congratulate the Council on the roll out of the Food Organics Garden Organics (FOGO), three bin system to every household in the City of Melville. We acknowledge this system will reduce the amount of waste going to landfill, reducing carbon dioxide and methane emissions, will create a clean, saleable compost for agriculture, and will save the City of Melville an estimated \$3 - \$4 million per year.

We, the undersigned, all being electors of the City of Melville, do respectfully request that the Council purchase and trial a 100% electric garbage truck as a step towards replacing the current fleet of diesel trucks across all collections services (landfill, FOGO, and recycling). We feel the benefits of the FOGO system can be greatly enhanced by the phasing out of diesel emission collection vehicles. In 2012, the International Agency for Research on Cancer classified diesel exhaust emissions as carcinogenic to humans. 100% electric trucks produced no tailpipe emissions. They are considerably quieter, require substantially less maintenance, are more suited to the stop-start cycle of garbage collection, and will last longer than diesel trucks. We feel our health and neighbourhood amenity will be greatly increased with the removal of diesel trucks from our local streets. The City of Casey (in Victoria) and the City of Belmont in Western Australia, are already trialling these vehicles using Australian built EV's, and the City of Fremantle is about to begin trials. Their use will reduce the carbon footprint of the council, and set a leading example to other councils."

COUNCIL RESOLUTION

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

That the Council acknowledges the petition with 113 signatures and that the matter be referred to an Elected Member Information Session for consideration, and the Chief Executive Officer be requested to prepare a report on consideration of electric waste collection trucks for the City's fleet for a future meeting of the Council.

At 6:46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER

The City has received two requests for deputation in relation to Item M19/5697 – Report on the Outcome Report of the Authorised Inquiry into the City of Melville. Section 7.10 (4) of City of Melville Meeting Procedures Local Law 2017 provides for one deputation for and one deputation against in relation to a matter on the agenda.

The two groups requesting deputations in relation to this item have requested that their deputations be heard separately, which requires a resolution of the Council.

COUNCIL RESOLUTION

At 6:48pm Cr Pazolli moved, seconded Cr Wheatland –

That the Council in accordance with clause 7.10 of the City of Melville Meeting Procedures Local Law grant permission for deputations to the Council from:

- **Mr Mark McLerie, representing the City of Melville Residents and Ratepayers Association (Inc); and**
- **Mr Clive Ross and Mr David Maynier.**

on Item M19/5697 – Report on the Outcome Report of the Authorised Inquiry into the City of Melville and that each deputation be granted ten minutes to speak.

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

CARRIED (12/0)

At 6:49pm Mr M McLerie entered the Council Chambers for the purpose of making a deputation in relation to Item M19/5697 – Report on the Outcome Report of the Authorised Inquiry into the City of Melville.

At 7:00pm Cr Mair moved, seconded Cr Barton –

That the Council grant Mr McLerie permission to speak for an extended period, as requested by Mr McLerie.

At 7:00pm the Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

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

The presentation concluded at 7:01pm.

Procedural Motion

At 7:15 Cr Pazolli moved, seconded Cr Kepert-

Motion of dissent in the Presiding Members ruling on the point of order in relation to relevance of the question to Mr McLerie regarding the membership numbers of the City of Melville Residents and Ratepayers Association (Inc).

At 7:15pm the Mayor submitted the motion, which was declared

CARRIED (7/5)

Vote Result Summary	
Yes	7
No	5

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

At 7:26pm Mr M McLerie departed the Council Chambers.

At 7:26pm Mr Ross and Mr Maynier entered the Council Chambers for the purpose of making a deputation in relation to item M19/5697 – Report on the Outcome Report of the Authorised Inquiry into the City of Melville. The presentation concluded at 7:38pm.

At 7:54pm Mr Ross and Mr Maynier departed the Council Chambers.

At 7:55pm the Executive Manager Governance and Legal Services provided a presentation on Item M19/5697 – Report on the Outcome Report of the Authorised Inquiry into the City of Melville. The presentation concluded at 8:16pm. [5697 Presentation](#)

At 8:20pm Cr Woodall left the meeting and returned 8:24pm.

At 8:36pm Mr B Dawkins left the meeting and returned at 8:39pm.

At 8:40pm Cr Wheatland left the meeting and returned at 8:41pm.

At 8:42pm Mr J Rae left the meeting and returned at 8:53pm.

At 8:49pm the Mayor brought forward item M19/5697 – Report on the Outcome Report of the Authorised Inquiry into the City of Melville, for the convenience of the public gallery.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Ward	: All
Category	: Strategic
Subject Index	: Local Government Inquiry
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. (It should be noted that the Executive Manager Governance and Legal Services and the Governance and Compliance Advisor were interviewed by the Authorised Persons during the Inquiry process.)
Previous Items	: Nil
Works Programme	: Not Applicable
Funding	: Budget Amendment Required, if supported.
Responsible Officer	: Mick McCarthy Acting Chief Executive 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 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents to the Council for noting the Report of the Inquiry into the City of Melville (The Report), authorised under part 8 Division 1 of the Local Government Act 1995, ([5697 COM Inquiry Report](#));
- This report addresses the findings in The Report. This report addresses the key comments within The Report in terms of opportunities for continual improvement in the City's processes and procedures and in ongoing communication and information sharing with the community.
- This Report outlines the Recommendations contained within The Report and summaries the actions that have been or will be undertaken to address these.
- A recommendation in The Report for the Council's consideration, made by Department of Local Government, Sport and Cultural Industries (DLGSCI), is presented to Council for its consideration, with the officer recommendation being in support of compliance in full with all 7 recommendations in The Report.

BACKGROUND

The Director General of the Department of Local Government, Sport and Cultural Industries authorised an inquiry on 30 November 2017. The Terms of Reference directed the Inquiry to investigate the following aspects of the City of Melville (City) and its operations and affairs beginning 1 January 2015:

1. Council's relationship with the City of Melville administration
2. the adequacy of Council's Policies and Procedures, including, but not limited to:
 - a. the manner in which the City and Council deal with complaints from members of the public
 - b. management of public question time
 - c. public access to information, and
 - d. adherence to Council policies and procedures by the Council and City of Melville administration
3. Acquisition of land
4. Any other issues that are determined to be of relevance to the above.

The Department's authorised officers (Authorised Persons) conducted the Inquiry and issued 13 Direction Notices to the City to provide documents, information or property. Four of the direction notices required one member of Council and three City staff members to attend formal interviews. The City complied with each of the directions within the timeframes specified.

The City received an embargoed copy of the Report of the Inquiry into the City of Melville on Wednesday 26 June 2019, with The Report being released on 27 June 2019 when the Minister for Local Government, Hon David Templeman MLA tabled The Report in State Parliament.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

DETAIL

During the course of the Inquiry, City officers fully cooperated with the Authorised Persons' requests for documents and information. Officers attended formal interviews when requested as did one member of the Council.

Requests for information required officers to research the City's records system and examine a significant number of records to identify those records required to respond to a Direction Notices and ensure the City's responses were complete. The compilation of the responses was often large and complex with documents and information required to be provided in a logical and sequential order.

The City engaged additional resources in order to assist with the timely discovery and collation of information required by the City in order to respond fully to the requests contained in the Direction Notices within the specified time.

The Director General's report noted 17 Findings and seven Recommendations that will be reviewed in this report. Of the 17 Findings, nine were supportive of the City, one supported but was declared outside the jurisdiction of the Inquiry, and seven Findings have been addressed by the City or are in the process of ongoing review.

Finding		Outcome and City's Response
1	City of Melville policy CP-014 provides some overarching principles., the Authorised Persons considered the Policy at the time of this investigation lacked clear directives that are readily understandable by members of the public, Council and the City.	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response Improvements undertaken.</p> <p>A revised Council Policy CP-014 Public Question Time at Council or Committee Meetings was adopted by the Council at its Ordinary Meeting held 11 December 2018.</p>
2	The Meeting Procedures 2017 provide more structure than the City's previous policy around the procedures to be undertaken for public question time and therefore is considered adequate at this time.	<p>Inquiry Outcome Supportive of the City's processes in relation to this matter.</p> <p>City's Response Noted</p>

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

<p>3</p>	<p>The City and Council were not open and transparent regarding the current management of public question time by failing to advise the community of a change in the City's policy.</p>	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response Improvements undertaken.</p> <p>During the Inquiry when this matter was brought to the City's attention, action was taken directly to include information on this change on the City's website and the change was communicated at the Council Meetings, as was the practice at the time.</p> <p>The City has since implemented the revised policy associated with Public Question Time as adopted by the Council.</p>
<p>4</p>	<p>The allegations that Council failed to respond to all questions is unsubstantiated as questions were answered in writing but not recorded in the minutes.</p>	<p>Inquiry Outcome Supportive of the City's processes in relation to this matter.</p> <p>City's Response Noted.</p> <p>The Report found that the Council had answered all questions submitted for public question time contrary to allegations that this had not been done.</p> <p>The Report also notes (paragraph 163) that "individuals and organisations clearly flooded the City with questions when there is no real chance of the City answering those questions during public question time causing them to be answered later in writing."</p> <p>The Council's revised policy provides for all questions to be presented to the Council.</p>

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

5	<p>The Presiding Member did not comply with regulation 7(2) of the Administration Regulations.</p>	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response Noted.</p> <p>The Mayor reopened question time to respond to a question that had been submitted at the meeting that was unrelated to any item on the Council Agenda.</p> <p>As the member of the public, that submitted the question, was in attendance, the Mayor's action was, at the time, seen to be in their best interest and was recorded in the minutes of that meeting.</p>
6	<p>There is no requirement under the Administration Regulations for the City to read preambles to questions during Council meetings, or to publish preambles to questions in the minutes provided by Council. Therefore no breach of the Administration Regulations has been identified.</p>	<p>Inquiry Outcome Supportive of the City's processes in relation to this matter.</p> <p>City's Response Noted</p>
7	<p>The City and Council are compliant with current policies and procedures. Those policies have now been updated to reflect the way in which public question time is currently managed in practice.</p>	<p>Inquiry Outcome Supportive – the City has improved its processes in relation to this matter.</p> <p>City's Response Noted</p>
8	<p>It is the view of the Authorised Persons that the volume, frequency and complexity of questions submitted to Council by some organisations and individuals is extreme and it would be unreasonable to expect that all questions would be answered within the time permitted under the regulations.</p>	<p>Inquiry .Outcome Supportive of the City's processes in relation to this matter.</p> <p>City's Response Noted</p>

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

9	<p>There was no legislative basis for the City to request the identity of Complainant A office bearers prior to the processing of the request for information, and more professional and reasonable efforts should have been made by the City to facilitate this request through more effective means of communication.</p>	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response The City acknowledges the comment provided by the Authorised Persons at paragraph 70-72 of The Report in relation to this matter. The City will engage with an applicant with regards to an applicant's specific needs, in line with the Finding</p>
10	<p>Complainant A's request to have almost six (6) years' worth of information to be provided on a CD in one business day did not come within the scope of section 5.94 of the Act, and was also considered unreasonable in any event.</p>	<p>Inquiry Outcome Supportive of the City's actions in this matter.</p> <p>City's Response Noted.</p> <p>This information was the subject of Finding 9.</p>
11	<p>The Authorised Persons note that the City has clear processes regarding FOI requests. Any complaints regarding FOI should be sent to the appropriate oversight body being the Information Commissioner.</p>	<p>Inquiry Outcome Supportive of the City's processes in relation to this matter.</p> <p>City's Response Noted</p>
12	<p>It is the Authorised Person's view that the City should be more open and transparent with each piece of correspondence. Whatever the status of the correspondence, the way in which it is dealt with should be clearly explained to the author.</p>	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response Noted. The City will take this finding into consideration when reviewing its correspondence handling processes.</p>

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

13	That the Mayor and/or the City of Melville failed to respond to requests from individuals or organisations based on the status of the organisation or individual until such time legal advice had been provided to them therefore breaching s5.96 of the LG Act.	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response The finding relating to the status of the organisation or individual is noted.</p> <p>It is not clear how the Mayor is potentially in breach of s5.96 of the LG Act, this being an operational provision under Part 5 of the LG Act (Administration), Division 7 (Access to Information). The City will seek this clarity from the Department.</p>
14	Council's decision to purchase 27 A, B and C Moreau Mews, Applecross did not constitute a major land transaction and therefore a business case was not required.	<p>Inquiry Outcome Supportive of the City's processes in this matter.</p> <p>City's Response Noted</p>
15	The CEO did not have Council's approval to purchase 50-52 Kishorn Road, Applecross which in turn caused the administration to seek retrospective approval from council.	<p>Inquiry Outcome Improvement action required.</p> <p>City's Response The Finding 15 is accepted and the City notes that at item 134 and 135 of The Report, the Council had approved the purchase of 50-52 Kishorn Road, Applecross prior to settlement on 20 April 2017.</p> <p>With respect to this matter, prior to seeking the Council's approval to proceed to settlement, advice was sought from the Department on this unusual occurrence and was advised verbally that the proposed course of rectification action was the proper one to adopt.</p>

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

16	Questions concerning the City's compliance with sections 3.58 and 3.59 of the Act in relation to the proposal for the Wave Park have already been dealt with in the Supreme Court proceedings, and the Authorised Persons make no findings in relation to these matters.	<p>Inquiry Outcome The matter was dealt with by an external agency.</p> <p>City's Response Noted.</p>
17	There were no adverse findings made by the Ombudsman against the City of Melville regarding either of these complaints.	<p>Inquiry Outcome Supportive of the City processes in this matter.</p> <p>City's Response Noted.</p>

Key Comments

A number of comments in the report give a clearer indication of areas on which the City could focus, and have been focussing on, before, during and after the Inquiry. Some of these comments also give greater clarity to the context and causes resulting in the Inquiry being conducted. These comments are included by way of extracts from the report. The City considers these comments to be opportunities to better engage with its community and considers avenues for the community to become involved in the local government process.

Paragraph		Opportunity
13	Extracts from the <i>Local Government Act 1995</i> and associated legislation have been extensively reproduced as it was identified during the investigation that a number of members of the public were not familiar with the legislation applicable to the administration, governance and management of a local government.	Provide the community with better information around the legislation associated with the Local Government and its decision making processes.
14	Division 2, Section 2.5 states "Local governments created as bodies corporate". Local governments are also deemed to be capable of making decisions in the best interests of its community which on occasions may not reflect the opinions of all residents.	Communicate the effect on the wider community and alignment with the City's community developed strategies.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Paragraph		Opportunity
41	The explanation provided (<i>relating to the management of public question time</i>) was not open and transparent and could have been an opportunity for the City to explain why and how the City handles questions, which has been a result of many concerns submitted to the Department.	Update information available to the community on processes that are open for the community to participate in.
46	Some questions directed to the administration were not answered as they would divert a substantial and unreasonable portion of the City's resources away from its other functions , which is permitted for under section 5.94 of the Act.	Consideration on alternative avenues to provide information to enable easier community access to the information listed in section 5.94 of the Act.
54	The Authorised Persons are unaware of any other Local Governments in Western Australia which have received a similar volume of complexity of questions from members of the public to that received by the City in recent years.	Continuously improve processes to respond to matters that are of community interest.
56	On review of the questions submitted, it was calculated that a total of 76 specific questions were requested by the Complainant A in one submission.	Promote the provision of greater clarity of the scope of the issue and the opportunity to work with the community to achieve mutual expectations
59	The information provided by the City reflects the amount of questions submitted by a small minority, which are often complex and long in nature.	Better promotion of the requirements of the public question time policy - CP-014
60	The inquiry notes that it is the person's democratic right to ask questions, however it has been highlighted by the City that it is required to manage its resources to ensure that answering questions does not divert an unreasonable proportion of the City's resources from the performance of its functions (s5.95(1)(b) <i>Local Government Act 1995</i>).	Promote the provision of greater clarity of the scope of the issue and the opportunity to work with the community to achieve mutual expectations.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Paragraph		Opportunity
65	Complainant A's request went beyond the scope of the right to access information under section 5.94 , as it required the City to compile information and provide a copy of documents rather than merely seeking to inspect the information in the form or medium in which it was held by the City.	New Legislation will assist in making more information available to the community on the City's website
108	The referral of complaints to the Deputy Mayor has been a continual theme during this investigation. Complainants, in almost all circumstances, do not understand that the Mayor is required to formally refer matters to the Deputy Mayor. For the complainant to declare the Mayor is unwilling or unable to deal with a complaint under the Act only shows there is a misinterpretation of legislation.	Increase awareness of the City's complaint management processes.
109	One complainant often alleges that several staff and councillors of the City have real or perceived conflicts of interests. He often requests an independent person to review his request/complaint however this is sometimes difficult. An example of this is on one occasion this particular complainant alleged 12 people from the City's administration were conflicted.	Increase awareness of the City's complaint management processes.
145	The Authorised Inquiry did not identify any evidence of an adverse relationship between Council and the administration. Debate between elected members sometimes becomes robust however, debates can sometimes be like this.	Continue to strengthen the relationships between the Council and the Administration.
146	When reviewing all the information received, there appears to be a good relationship between Council and the Administration with clear division between the two , with each aware of their separate roles.	Continue to strengthen the relationships between the Council and the Administration.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Paragraph		Opportunity
148	It was however observed that there appeared to be a few residents of the City who sent correspondence, criticisms and complaints about the City either directly or indirectly to several oversight bodies including the Corruption and Crime Commission, Public Sector Commission, Office of the Information Commissioner, WA Ombudsman, Building Commission, Local Members of Parliament, Ministers, the Premier, media outlets, Councillors and staff of the City.	Increase awareness of the City's complaint management processes.
149	The complaints received from these few residents appeared to relate to personal issues which had not been resolved by the City to the individuals' satisfaction.	Improve awareness of the extent of the City's functions, roles and responsibilities.
151	Some of these matters have been escalated to the State Administrative Tribunal or Magistrates Court. However, despite the matters being appropriately escalated, it appears that some complainants are not satisfied with the results and continue to seek retribution for the City's alleged actions or inactions.	Improve awareness of the extent of the City's functions, roles and responsibilities.
152	One example includes an allegation that the City did not act on complaints lodged against a neighbour for parking on the verge. The City provided evidence that they issued four (4) infringements to the neighbour regarding the illegal parking. There appears to be a disconnect between the complainant's expectations of the City itself and the services the City is able to provide.	Improve awareness of the extent of the City's functions, roles and responsibilities.
154	To get a sense of the City's attitude towards the complainant in this matter, relevant people within the City were interviewed on a variety of matters raised and requested to provide supporting evidence by way of Direction Notices. The City explained its reasons for acting or not acting on certain requests made by the complainant. Those reasons appear to be fair and reasonable in the context of the role of a local government, taking into account the needs of all 107,000 residents of the City.	Improve awareness of the extent of the City's functions, roles and responsibilities.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Paragraph		Opportunity
155	Despite numerous oversight bodies being provided with information from the complainants the inquiry is not aware of any adverse findings made against the City by any other oversight bodies with the exception of the matter identified below.	The Inquiries' reference relates to an investigation of a complaint relating to a demolition issue and a safety measure to be installed on a retaining wall. This investigation by the Ombudsman was concluded on 27 September 2018, on which day the complainant was informed of the outcome in favour of the City.
165	The Council has adequate frameworks in place regarding complaint management; however officers dealing with complaints need to be mindful that regardless of the complainant all complaints need to be addressed in a professional manner abiding by the process adopted by the City.	Training in line with Recommendation 3 of The Report
171	A number of the recommendations will be the catalyst the organisation needs to drive a culture change which will ensure all parties are better informed, have a better understanding and ultimately more effective and positive governance.	Compliance with The Report recommendations and the opportunity outlined above
173	Authorised Persons have observed that a number of residents and organisation, have not allowed for reasonable due process to occur. There appears to be an expectation that the City is required to act on their concerns immediately without giving due regard to the reasonableness of their requests in the first instance.	Improve awareness of the City's processes and procedures.
174	There is no doubt some complainants are simply unreasonable in their expectations of the Council and the City. There is also evidence to show the City has not been as open and transparent as it could have been when dealing with requests from the public.	Improve awareness and communication of the City's processes and procedures, including on-line information.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Paragraph		Opportunity
176	The sheer volume of questions asked, requests to review documentation, and FOI requests make it difficult for the City to fulfil its obligations in an effective and efficient manner. Even when the City has achieved its obligations the complaints continue to be lodged.	Continue to review the information accessible by the public including on-line information.
178	The challenge for the administration of the City of Melville is to deal with the issues raised by complainants, whatever they may be, in an open and transparent manner and in line with the policies and procedures they have in their repertoire which have been approved by council.	Continue to review the information accessible by the public including on-line information.
179	The challenge for dissatisfied persons is to become more familiar with the Act and Regulations surrounding their concerns and continue to raise issues and request information in accordance with the Local Government Act. Raising questions during public question time is an appropriate way to raise issues and seek answers to questions however it must be done in a reasonable and respectful manner.	Continue to review and improve the information accessible by the public including, on-line information, in relation to the legislation associated with Local Government and its decision making process.

Inquiry Report Recommendations

The Inquiry Report contains seven recommendations, these are addressed below:

Recommendation 1

“Council continue to review their public question time policy on a regular basis to ensure it is clear, concise, and transparent.”

Response - Recommendation 1 - Supported

All Council Policies are reviewed on a two yearly cycle. The City is committed to being a best practice organisation and will continue to review policies in line with industry best practice and the most up to date advice. This will ensure the most appropriate Council Policy is adopted and that it is clear, concise and transparent and communicated to the community

Recommendation 2

“That consideration be given by the Council to engage an independent person to review and act on complaints about City processes and decisions for a period of 3 months from the date of this report.”

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)**Response** - Recommendation 2 - Supported

Whilst it is noted that the Inquiry Report did not find that there were any adverse findings with respect to complaints received by the City, the Council should give favourable consideration to engaging an independent person, to review and act on complaints regarding the City's processes and decisions for a period of 3 months.

Recommendation 3

"All senior staff undertake training in complaint management and dealing with unreasonable complainants within 3 months from the date of this report."

Response - Recommendation 3 - Supported

Further information will be sought from the Department as to the extent of this training. The City had already commenced with training in this regard and will report as directed in Recommendation 7.

The City's Complaints Handling Framework has recently been reviewed by the Customer Service Institute of Australia, with a report providing recommendations. City officers have commenced work on the relevant recommendations, including the rollout of training to the City's Leadership Group

Recommendation 4

"The City undergo an independent governance review as determined appropriate by the Director General within 3 months of the date of this report and provide the Director General with a copy of the full report upon its completion."

Response - Recommendation 4 - Supported

The City is seeking further guidance from the Department on the requirements relating to this recommendation and on receipt of guidance, will undertake the governance review.

Recommendation 5

"The City undergo a further independent governance review as determined appropriate by the Director General 6 months after the local government elections held in October 2019 and provide the Director General with a copy of the full report upon its completion."

Response - Recommendation 5 - Supported

The City is seeking further guidance from the Department on the requirements relating to this recommendation and on receipt of guidance, will undertake the governance review

Recommendation 6

"The City implement processes and/or procedures to ensure that unauthorised acquisition of properties or any other assets does not re-occur."

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)**Response** - Recommendation 6 - Supported

The City has implemented processes and procedures to ensure compliance with this recommendation.

Recommendation 7

“Within 6 months of the date of this report the Chief Executive Officer is to deliver a comprehensive report to the Director General of the Department outlining:

- i. the steps taken in response to the above recommendations;*
- ii. identifying the number of senior staff that have undergone the training as set out in recommendation 3;*
- iii. updating the status of the Governance Review in relation to the number of elected members and staff who have participated;*
- iv. the processes the City has put in place in response to recommendation 5; and*
- v. the impact, if any, of the updated policies on Public Question Time, Managing Unreasonable Conduct by Customers, Legal Representation and the Complaint Management Policy.”*

Response - Recommendation 7 - Supported

The Chief Executive Officer will provide a comprehensive report as detailed in Recommendation 7 within six months of the release of the Report.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

As outlined in paragraph 10 of The Report, *“a number of other persons potentially affected by the report were also given relevant parts of it so as they too had an opportunity to comment. Those submissions submitted were considered by the Authorised Persons”* and form part of The Report.

No further input has been sought from the community.

II. OTHER AGENCIES / CONSULTANTS

The Department of Local Government, Sport and Cultural Industries undertook the Authorised Inquiry and has provided a document with findings to which this report responds.

STATUTORY AND LEGAL IMPLICATIONS

The Authorised Inquiry is authorised under Part 8 Division 1 of the *Local Government Act 1995*.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The majority of the expenditure to implement the seven recommendations will be met from existing operating budgets with the exception of recommendations 2, 4 and 5.

In relation to Recommendation 2, if supported, *“that consideration be given by the Council to engage an independent person to review and act on complaints about City processes and decisions for a period of 3 months from the date of this report”* the cost is unknown at this point in time and can only be estimated. To appoint a suitably qualified and experienced, independent person to comply with this recommendation could cost in the order of \$80,000

If supported, Recommendation 4 requires that *“The City undergoes a further independent governance review as determined appropriate by the Director General within 3 months of the date of this report and provide the Director General with a copy of the full report upon its completion”*. Until the scope of the governance review is determined by the Director General the cost can only be estimated at this point in time. To appoint a suitably qualified and experienced, independent person to comply with this recommendation, the cost could be in the order of \$35,000.

If supported, Recommendation 5 requires that *“The City undergo a further independent governance review as determined appropriate by the Director General 6 months after the local government elections held in October 2019 and provide the Director General with a copy of the full report upon its completion.”* Again, until the scope of the governance review is determined by the Director General the cost can only be estimated. These costs could again be in the order of \$35,000.

In total, an estimate of approximately \$150,000 related to the engagement of independent persons (consultants) could be required to implement the three recommendations.

If supported it is recommended that the Council adopt a Budget Amendment to transfer \$150,000 from the Rate Equalisation Reserve account to cover the costs associated with complying with the recommendation of the Inquiry. Any funds not expended will remain or be returned to the reserve fund.

Expenditure on training and officer time to implement the recommendations will be drawn from existing budgets, however the quantum of this training is unknown and cannot be determined at this time.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the City does not fully comply with the Recommendations from the Department of Local Government, Sport and Cultural Industries	Minor consequences which are unlikely, resulting in a Low level of risk	The City fully complies with the Recommendations and continues with an ongoing review process.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)**LEGAL AND POLICY IMPLICATIONS**

The Local Government has 35 days from the date the Inquiry Report was released to provide a response. This is a requirement of the *Local Government Act 1995* at Section 8.14 (3) as below:

- (3) *Within 35 days after receiving the report or such longer period as the Minister allows, the local government is to give the Minister written advice setting out the things that it has done or proposes to do to give effect to the recommendations of the authorised person.*

The following four Council Policies are specifically mentioned in The Report and will continue to be monitored and reviewed within the established policy review cycle or as required, to ensure that they accurately reflect the position of the Council and provide transparency into any associated processes:

- CP-014 - Public Question Time at Council or Committee Meetings
- CP-107 - Managing Unreasonable Conduct by Customers
- CP-017 – Legal Representation Policy Elected Members and Employees
- CP-101 – Complaints Management Policy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option in respect to Recommendation 2 is that the Council not engage an independent person to review and act on complaints about City processes and decisions for a period of 3 months from the date of The Report, as The Report:

- has found that all questions submitted to the Council have been answered
- has determined that there have been no adverse findings by the Inquiry against the City due to its handling of complaints;
- has found that there has not been any adverse findings by any oversight bodies resulting from an investigation of complaints.

The implications of this alternative recommendation would be that the City would not incur expenditure associated with this recommendation.

CONCLUSION

The City of Melville has been subject to an Authorised Inquiry commencing on 30 November 2017. The Report of the Inquiry was dated 26 June 2019 and the City has 35 days to respond to the Recommendations contained in the Inquiry Report. This report informs the Council of the City's response to Findings and Recommendations of the Authorised Inquiry.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

Procedural motion

At 8:50pm Cr Pazolli moved, seconded Cr Mair –

That the item be deferred for consideration at the August 2019 Ordinary Meeting of Council or a Special Meeting of Council to allow the Council to consider the detail of the report and the input of the community at the Special Meeting of Electors and that the Minister be requested for an extension of time for the response.

At 8:57pm the Mayor submitted the motion, which was declared

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

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 Wieland	No
Cr Woodall	No
Mayor	No

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

During the discussion and debate on the matter, minor amendments were requested to point 3 of the Officer Recommendation, these changes were accepted by the mover and seconder.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5697)
NOTING AND ABSOLUTE MAJORITY**

At 8:58pm Cr Macphail moved, seconded Cr Phelan –

That the Council:

- 1. receives The Report ([5697 COM Inquiry Report](#)) of the Inquiry into the City of Melville, produced by the Department of Local Government, Sport and Cultural Industries, and tabled in State Parliament on 27 June 2019.**

At 9:22pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

- 2. notes and supports the Recommendations 1,3,4,5,6 and 7 of The Report of the Inquiry into the City of Melville**

At 9:23pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

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

At 9:16pm Cr Pazolli left the meeting and returned at 9:20pm.

At 9:17pm Mr L Hitchcock left the meeting and returned at 9:18pm.

M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)

3. supports Recommendation 2 and directs the Chief Executive Officer to expedite the engagement of an independent person to review and act on complaints about the City's processes and decisions for a period of 3 months from the date of engagement.

At 9:24pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

4. by Absolute Majority Decision approves a budget amendment to debit account 100.29105.7126.000 (Inquiry) and credit the Rates Equalisation Reserve Account (Funds to be used) 277.28129.7888.000 for the amount of \$150,000 to cover the costs of implementing the recommendations of The Report of the Inquiry into the City of Melville.

At 9:25pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

5. authorises the Chief Executive Officer to forward the minutes (this report and resolution of the Council) to the Minister for Local Government, Sport and Cultural Industries to meet the statutory obligation contained in Section 8.14(3) of the *Local Government Act 1995*.

At 9:25pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

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

At 9:26pm the Mayor adjourned the meeting.

At 9:26pm Ms J Arbel left the meeting and did not return.

At 9:32pm the Mayor resumed the meeting.

17 Motions without Notice**17.2 Deep Water Point Trial and Parking Arrangements****COUNCIL RESOLUTION**

At 9:33pm Cr Robartson moved, seconded Cr Phelan -

That His Worship the Mayor be permitted to present to Council a Motion Without Notice relating to Deep Water Point Trial and Parking Arrangements.

At 9:34pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (12/0)

At 9:35pm Mr Oakey entered the Council Chambers for the purpose of making a deputation in relation to Item 17.2 – Motion Without Notice Deep Water Point Trial and Parking Arrangements. The deputation concluded at 9:46pm.

At 10:18pm Mr Oakey departed the Council Chambers.

At 10:18pm the Mayor brought forward Item 17.2 – Motion Without Notice Deep Water Point Trial and Parking Arrangements

17.2 Deep Water Point Trial and Parking Arrangements**Reject and Replace**

At 10:20pm Cr Mair moved, seconded Cr -

That the Council requests the CEO in respect to Deep Water Point parking management arrangements to:

- 1. Delete paid parking for vehicles.**
- 2. Implement plan to allow vehicles without trailers to park in the trailer/vehicle bays after 11am daily without paying fees.**
- 3. Speed up the timeframe to construct 40 new car bays to alleviate parking.**

LAPSED FOR WANT OF A SECONDER

At 10:21pm the Mayor relinquished the Chair, to enable him to move his motion.

At 10:21pm the Deputy Mayor assumed the Chair.

17.2 Deep Water Point Trial and Parking Arrangements

During the discussion and debate on the matter, minor amendments were requested to point 2 of the Officer Recommendation, these changes were accepted by the mover and seconder.

At 10:20pm Mayor Aubrey moved, seconded Cr Wieland –

That the Council:

- 1. Postpones the introduction of paid vehicle without trailer parking at Deep Water Point car park within the exclusive vehicle only parking bays and undertakes a trial of paid shared vehicle and trailer/vehicle bays over the 2019-2020 winter and summer periods.**
- 2. Further considers the introduction of paid vehicle without trailer parking at Deep Water Point car park in 2020-2021 and directs the Chief Executive Officer to, following an evaluation of usage data and community consultation, then prepare a report to Council on the outcomes of the shared parking trial.**
- 3. Directs the CEO to give consideration to engaging an independent traffic management consultant to undertake the evaluation and to prepare a report to Council on the outcomes of the shared parking trial.**

At 10:26pm Mr B Taylor left the meeting and returned at 10:29pm.

At 10:30pm Cr Woodall left the meeting and did not return.

At 10:31pm Cr Phelan left the meeting and returned at 10:34pm.

Amendment

At 10:40pm Cr Kepert moved, seconded Cr Pazolli –

That a point 4 be included as follows:

“Directs the CEO to make appropriate changes to the parking signage at Deep Water Point, Mt Pleasant. The new signage is to clearly specify the situations when paid parking is required by motorists, and for which parking bays.”

At 10:43pm the Presiding Member submitted the motion which was declared.

CARRIED UNANIMOUSLY (11/0)

At 10:44 Mr B Dawkins left and returned 10:46pm.

17.2 Deep Water Point Trial and Parking Arrangements

Procedural Motion

At 10:44pm Cr Barton moved, seconded Cr Phelan –

That the motion be put.

At 10:44pm the Presiding Member submitted the motion which was declared

CARRIED (10/1)

Vote Result Summary	
Yes	10
No	1

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

Substantive Motion as Amended

COUNCIL RESOLUTION

At 10:20pm Mayor Aubrey moved, seconded Cr Wieland –

That the Council:

1. **Postpones the introduction of paid vehicle without trailer parking at Deep Water Point car park within the exclusive vehicle only parking bays and undertakes a trial of paid shared vehicle and trailer/vehicle bays over the 2019-2020 winter and summer periods.**
2. **Further considers the introduction of paid vehicle without trailer parking at Deep Water Point car park in 2020-2021 and directs the Chief Executive Officer to, following an evaluation of usage data and community consultation, then prepares a report to Council on the outcomes of the shared parking trial.**
3. **Directs the CEO to give consideration to engaging an independent traffic management consultant to undertake the evaluation and to prepare a report to Council on the outcomes of the shared parking trial.**
4. **Directs the CEO to make appropriate changes to the parking signage at Deep Water Point, Mt Pleasant. The new signage is to clearly specify the situations when paid parking is required by motorists, and for which parking bays.**

At 10:46pm the Presiding Member submitted the motion which was declared

CARRIED (10/1)

17.2 Deep Water Point Trial and Parking Arrangements

Vote Result Summary	
Yes	10
No	1

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

Reasons for the Motion provide by Mayor Aubrey

- The establishment of the Dome Café at Deep Water Point in late 2018 has increased the demand for vehicle only parking at the car park.
- The car park currently has segregated vehicle and trailer parking (46 bays) and vehicle only parking (62 bays).
- A proposal to undertake a trial to enable shared paid parking of the vehicle and trailer bays by vehicles only on a seasonal basis aims to increase vehicle only parking capacity and has been developed and is planned to be introduced in mid-July 2019.
- The introduction of paid vehicle only parking was also proposed to assist in managing parking demands and to increase turnover of parking bay usage at the location, and the adoption of fees and charges for the 2019-2020 budget included the introduction of paid parking at Deep Water Point car park based on \$2.30 per hour to a maximum of \$12.00 for vehicles. These fees would also be applied to the vehicle and trailer parking bays, which currently has a \$12.00 maximum fee.
- Feedback from the community and stakeholders has been understandably negative on the introduction of vehicle only paid parking, with discussion at the Elected Members Information Session on 9 July 2019 suggesting consideration should be given to adjustments to the parking fees (first hour or two hours free) and/or reconsideration of the fee paying arrangements.
- It is understood that the shared parking trial will be the first of its kind in the Perth metropolitan area and it will be important to determine its effectiveness before implementing this arrangement in the longer term.
- The introduction of vehicle only paid parking at the same time as undertaking the shared paid parking trial adds another level of complexity and a variable which may not enable an objective assessment of the trial's performance to be properly undertaken.
- In the event that the trial is successful and is recommended to be implemented (with any adjustments) over the longer term, consideration of vehicle only paid parking as an appropriate demand management measure can be considered at this time.

At 10:48pm the Deputy Mayor relinquished the Chair.
At 10:48pm the Mayor assumed the Chair

At 10:48pm Cr Wheatland left the meeting and did not return.

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET, MYAREE (REC)**

Ward : Central
 Category : Strategic
 Application Number : Not Applicable
 Property : 11 Cottrill Street, Myaree (Phil Ward Reserve)
 Proposal : Proposal that the City relinquish the Management Order for the subject property in order for the State of Western Australia to potentially sell the site to the adjoining owner, Opal Aged Carey.

Applicant : Not Applicable
 Owner : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Previous Items : Not Applicable
 Responsible Officer : Jeremy Rae
 Strategic Property Executive

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>

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)****KEY ISSUES / SUMMARY**

- The City has been contacted by CLE Planning, acting on behalf of Principle Finance Pty Ltd (operating as Opal Aged Care), requesting the City relinquish its Management Order over Crown Reserve 39764, Phil Ward Reserve, 11 Cottrill Street, Myaree.
- Opal Aged Care owns the adjoining property, 15 Cottrill Street, Myaree and would like to purchase the site from the State Government to increase redevelopment options for their existing aged care services.
- Crown Reserve 39764 is 1,850m² with a management order to the City for 'Public Recreation' purposes.
- This report outlines the proposal and requests Council's endorsement to relinquish the management order over the site.
- Any relinquishment of management orders would require Minister for Lands approval which will be coordinated through the Department of Planning, Lands and Heritage (DPLH).

BACKGROUND

The City has been formally contacted in writing by CLE Planning on behalf of Principle Healthcare Finance Pty Ltd (operating as Opal Aged Care) with the request that the City relinquish the Management Order over Crown Reserve 39764, Phil Ward Reserve, 11 Cottrill Street, Myaree (the Site).

Opal Aged Care owns the adjoining 15 Cottrill Street, Myaree and would like to purchase the site from the State Government to increase redevelopment options for its existing aged care services.

The site is a 1,850m² Crown Reserve with a Management Order to the City for 'Public Recreation' purposes. The Department of Planning, Lands and Heritage supports the request from Principle Healthcare Finance Pty Ltd to purchase the land in its entirety and intends to dispose of the site at full market value for amalgamation into adjoining Lot 24 on Diagram 68857 for aged care development.

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)****Scheme Provisions**

MRS Zoning : Urban
LPS Zoning : Residential
R-Code : R40

Site Details

Crown Reserve 39764
Land Description Lot 10890 Diagram 68857
Certificate of Title LR3159/934
Current Owner State of Western Australia
Reserve under Management Order to the City of
Melville for the purpose of Public Recreation –
Phil Ward Reserve
Lot Area : 1,850m² as per Certificate of Title (subject to
survey)
Street Tree(s) : Willow Myrtle (Agonis Flexuosa)
Street Furniture (drainage pits etc) : Vehicle swing gate, treated pine timber bollards

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)**



DETAIL

Planning Assessment

The site is zoned R40 under the City's Local Planning Scheme No. 6 and is currently an area of Public Open Space, however is approximately 20 metres away from Marmion Reserve which is a 5.49 hectare Recreation Reserve.

The site does provide some landscape character to the surrounding area, particularly the owners of the west and north adjoining 9 Cottrill Street who have direct aspect and some access to the park. The adjoining boundary to the south is a solid 1.8m high boundary fence, with bollards along Cottrill Street frontage to prevent vehicular access.

The City's Improving Public Spaces Policy (CP – 103) sets a number of policy objectives including improvement of the quality, useability, amenity and safety of public spaces within the City. This is also referenced in the City's Public Spaces Strategy which indicates that the main issue for the City to address is not an overall lack of public spaces, but rather how to best improve existing spaces.

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)**

Under the Department of Sport and Recreation (DSR) Classification Framework for Public Open Space the site is considered a 'Small Open Space' being less than 4,000m². Generally smaller parks contribute to the landscape character and quality of the neighbourhood and make walking through the area more enjoyable and appealing. The main recreation area for the community within this location is Marmion Reserve which has a lake with walking path and is improved with public toilets, change rooms, play equipment and seating.

Site Improvements

The almost rectangular level site is currently mostly cleared with approximately 8-10 trees on site, and one tree on the verge. There is no play equipment on the reserve and there is a row of treated pine timber bollards along the Cottrill Street frontage to prevent the site from being utilised for parking. Access to the site for maintenance is via a vehicle swing gate.

Removal of trees could have implications for the City's Urban Forrest and could be a perceived cost to the community by way of loss of amenity. The City would encourage the retention of any trees at the time of lodgement of a Development Application and Landscaping Plan. Verge trees would be required to be retained in accordance with the City's Tree Policy CP-029.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No broad community engagement has been carried out. If this proposal is endorsed, it is suggested the City independently appoint a consultant (funded by Principle Healthcare Finance Pty Ltd) to engage the surrounding community; and the community and sporting groups of Marmion Reserve. This will include the adjoining strata titled units, some of which have direct access to the Reserve and some of which have established their own garden beds within the Reserve.

II. OTHER AGENCIES / CONSULTANTS

The Department of Planning, Lands and Heritage will conduct necessary referrals, seeking comments from other relevant Government Agencies such as the Department of Planning, Lands and Heritage's Land Use Planning Division; Department of Mines, Industry Regulation and Safety; Water Corporation; Main Roads and Landgate Valuation Services.

STATUTORY AND LEGAL IMPLICATIONS

The disposal of Reserve 39764 will be at the discretion of the Minister for Lands to approve the sale (via amalgamation) based on the Department of Planning, Lands and Heritage's understanding that the development of the subject land will increase the supply of aged care accommodation and also complement the existing aged care facility located on the adjoining Lot 24 on Diagram 68857.

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)**

In order to facilitate the proposal from Principle Healthcare Finance Pty Ltd, the Department of Planning, Lands and Heritage have requested the City carry out the following:

1. Undertake a public consultation with regards to the proposed disposal of a Section 20A reserve set aside for the purpose of "Public Recreation"
2. Obtain support from the Council to revoke its management order and subsequent disposal of Reserve 39764 to enable aged care development; and
3. Provide a Statutory Declaration to the Department confirming there are no contaminations or known interests on the subject land.

FINANCIAL IMPLICATIONS

There are no financial implications for the City in considering revocation of the Management Order for the site, other than the Officer's time in preparing any Council Report and liaising with the Department of Planning, Lands and Heritage to administer the relinquishment if approved. There would be an annual reserve maintenance cost saving to the City but there may however be a perceived cost to the community if vegetation from the site is removed and not replaced and replanted.

The City has no financial interest in this proposal and would not benefit financially from the sale of the land by the State Government to Principle Healthcare Finance Pty Ltd, except that it may derive annual rate revenue from any redevelopment on the site. Any costs associated with the removal of garden beds within the reserve or new fencing requirements would be the responsibility of the State Government and the proponent.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

Risk Statement	Level of Risk	Risk Mitigation Strategy
There is a risk that the Community do not support the loss of this public open space and vegetation	High level of risk	The local community be consulted prior to any management order revocation being finalised
There is a risk that the Community perceive the City is making the decision to support the proposal purely for financial gain	Medium level of risk	The City would need to clearly communicate that there is no financial gain to the City in the revocation of the management order to the State for the potential sale of the land. Any financial proceeds from the sale would go to State government

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)****POLICY IMPLICATIONS**

The following City policies apply and have been considered:

- (CP-005) Land and Property Retention, Disposal and Acquisition
- (CP-029) Tree Policy
- (CP-103) Improving Public Spaces Policy and Public Spaces Strategy
- Corporate Business Plan 2016-2020
- Urban Forest Strategy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Retain the site as a Reserve for the Purpose of 'Public Recreation.

This option would retain the site "as is", a Crown Reserve owned by the State of Western Australia with Management Order to the City for the Purpose of 'Public Recreation'. This is not recommended given the site is within 20m of the main recreation reserve for the area, Marmion Reserve, and the site is zoned Residential R40 for development. The proposed aged care redevelopment concepts are consistent with the planning objectives for the site under the City's Local Planning Scheme.

CONCLUSION

The Principle Healthcare Finance Pty Ltd (Opal Aged Care) proposal is to acquire the site from the Department of Planning Lands and Heritage subject to the approval of the Minister for Lands, to facilitate redevelopment and expansion of their existing aged care facility. The redevelopment proposal would be required to meet the planning requirements of the City's Local Planning Scheme and surrounding development. A large amount of recreation space exists at Marmion Reserve within 20 metres of the subject site. The City can support the proposal from Opal Aged Care dependent on successful community consultation, Council support; and the revocation of the management order and any associated land exchange occurring at no cost to the City.

The City's Executive considered the proposal and considered that relinquishment of the Management Order could be supported subject to the Council approval and subject to the following:-

- a. In principle support from the Minister for Lands;
- b. Community engagement process by the City; and
- c. Existing verge trees and existing Peppermint trees on the western side of the site to be retained kept to maximise tree retention and advise the proponent and State Government that they are responsible for the fencing and financial impact on current residents

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)**

OFFICER RECOMMENDATION (3812)

APPROVAL

At 10:48pm Cr Phelan moved, seconded Cr Robartson–

That the Council:

1. Approves the relinquishment of the City’s Management Order of Reserve 39764 in order for the Minister for Lands to approve the sale (via amalgamation into the adjoining Lot 24 on Diagram 68857) to enable aged care development subject to:
 - a. Public consultation with regard to the proposed disposal of the reserve set aside for “Public Recreation”; and
 - b. Existing verge trees and existing Peppermint trees on the western side to be retained, kept to maximise tree retention and advise the proponent and State Government that they are responsible for the fencing and financial impact on current residents

2. Subject to the public consultation indicating overall community support; approves the Chief Executive Officer writing to the Department of Planning Lands and Heritage to approve the relinquishment of the Management Order and approves submission of a Statutory Declaration confirming there are no contaminations or known interests on the subject land.

Amendment

At 10:48pm Cr Mair moved, seconded Cr Barton–

That the Council add Point 3 to the Officer Recommendation:

3. Approval to relinquish the City’s Management Order of Reserve 39764 does not set a precedent for other Crown Land managed by the City.

At 10:58pm the Mayor submitted the motion, which was declared

CARRIED (6/4)

Vote Result Summary	
Yes	6
No	4

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

**P19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)****Reasons for the Amendment as provided by Cr Mair**

1. This land which is proposed for disposal is Crown Land Section 20A reserve set aside for the purpose of "Public Recreation".
2. We have a number of Reserves across our City which are under the City's Management Orders which may come under scrutiny or have come under scrutiny for development.
3. We should not allow this current approval to be an endorsement of the State Government's desire to revenue raise by selling of Crown Land for whatever purpose at the expense of our community.
4. With increased density, public open space will become more important to our community. It may not be apparent now but in the future it will become an issue. A verge tree is not considered a viable public open space even though it may be considered part of the equation.
5. With Doctors now prescribing 2 hours in nature a week. Research has found that two hours spent in the outdoors is enough time for adults to boost good health and wellbeing. I am sure the same applies to all ages. This highlights the importance of our Public Recreational and Open Space areas.
6. Therefore, we must ensure that the State Government understand that this one off relinquishment of Management orders over public open space is just that – one off – and not a signal for a raft of public open space closures in the City of Melville.

**19/3812 - RELINQUISHMENT OF MANAGEMENT ORDER FOR PHIL WARD RESERVE,
11 COTTRILL STREET MYAREE (REC)**

Substantive Motion as Amended

COUNCIL RESOLUTION

At 11:00pm Cr Barling moved, seconded Cr Robartson –

That the Council:

1. Approves the relinquishment of the City’s Management Order of Reserve 39764 in order for the Minister for Lands to approve the sale (via amalgamation into the adjoining Lot 24 on Diagram 68857) to enable aged care development subject to:
 - a. Public consultation with regard to the proposed disposal of the reserve set aside for “Public Recreation”; and
 - b. Existing verge trees and existing Peppermint trees on the western side to be retained, kept to maximise tree retention and advise the proponent and State Government that they are responsible for the fencing and financial impact on current residents
2. Subject to the public consultation indicating overall community support; approves the Chief Executive Officer writing to the Department of Planning Lands and Heritage to approve the relinquishment of the Management Order and approves submission of a Statutory Declaration confirming there are no contaminations or known interests on the subject land.
3. Approval to relinquish the City’s Management Order of Reserve 39764 does not set a precedent for other Crown Land managed by the City.

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

LOST (4/6)

Vote Result Summary	
Yes	4
No	6

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

Reason for the Council Resolution

The City may potentially wish to utilise the land (Reserve 39764) for its own Community uses.

At 11:07pm Cr Robartson left the meeting and returned at 11:08pm.

At 11:13pm Mr J Rae left the meeting and did not return.

M19/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 29 May 2019 up to and including 18 June 2019 for the Council's noting.

M19/5000 – 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
CS2118	City of Melville & Lucy Aboagye	Lucy Aboagye - Heathcote Admin Ceramic Agreement. Commencing on 4 June 2019 and expiring on 31 December 2019.	5149392
CS2119	City of Melville and Sete Tele	Sete Tele - Heathcote Admin Studio 5 Hire Agreement. Commencing on 4 June 2019 and expiring on 31 December 2019.	5149382
CS2121	City of Melville and Melville History Society Inc.	Hire of "The Millers Bakehouse" for one year commencing on 1 July 2019 and expiring 30 June 2020	5162125

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M19/5000 – 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 contract advised above.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION (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 29 May 2019 up to and including 18 June 2019.

At 11:14pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (10/0)

C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & 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 2019 for the Council's information and noting.

C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)

BACKGROUND

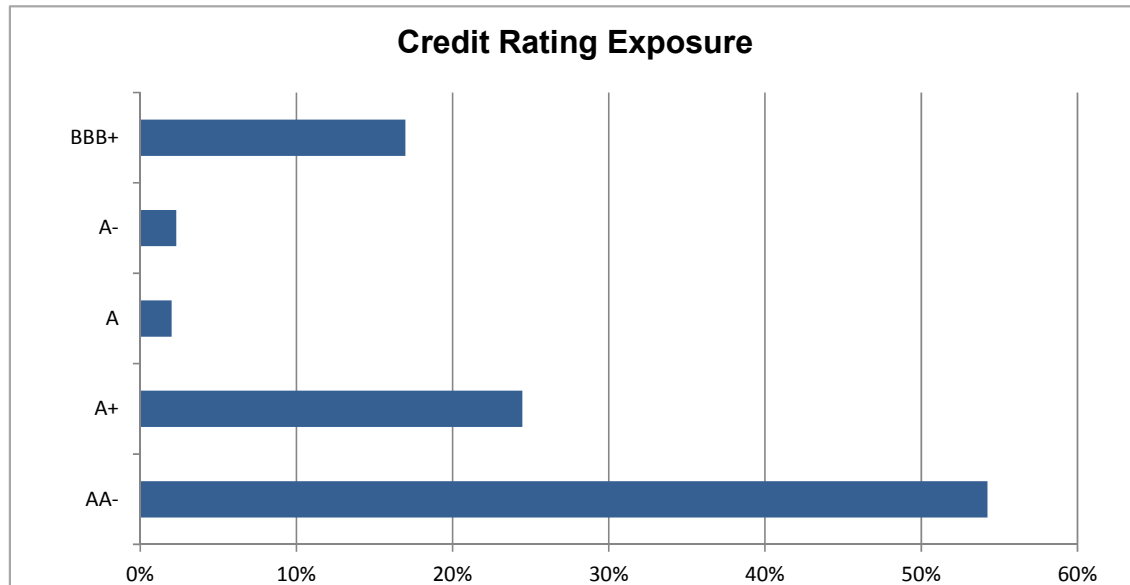
The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

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

DETAIL

The following statement details the investments held by the City as at 31 May 2019.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MAY 2019	
SUMMARY BY FUND	
	\$
Municipal	\$ 26,627,901
Reserve	\$ 146,094,928
Trust	\$ 993,055
Citizen Relief	\$ 218,371
TOTAL	\$ 173,934,255
SUMMARY BY INVESTMENT TYPE	
	\$
11AM	\$ 1,141,560
31Days at Call	\$ 6,000,000
60Days at Call	\$ 2,000,000
90Days at Call	\$ 13,100,000
Term Deposit	\$ 151,517,524
Units (Local Govt Hse)	\$ 175,171
TOTAL	\$ 173,934,255
SUMMARY BY CREDIT RATING	
	\$
AA-	\$ 94,259,083
A+	\$ 42,500,000
A	\$ 3,500,001
A-	\$ 4,000,000
BBB+	\$ 29,500,000
Units (Local Govt Hse)	\$ 175,171
TOTAL	\$ 173,934,255

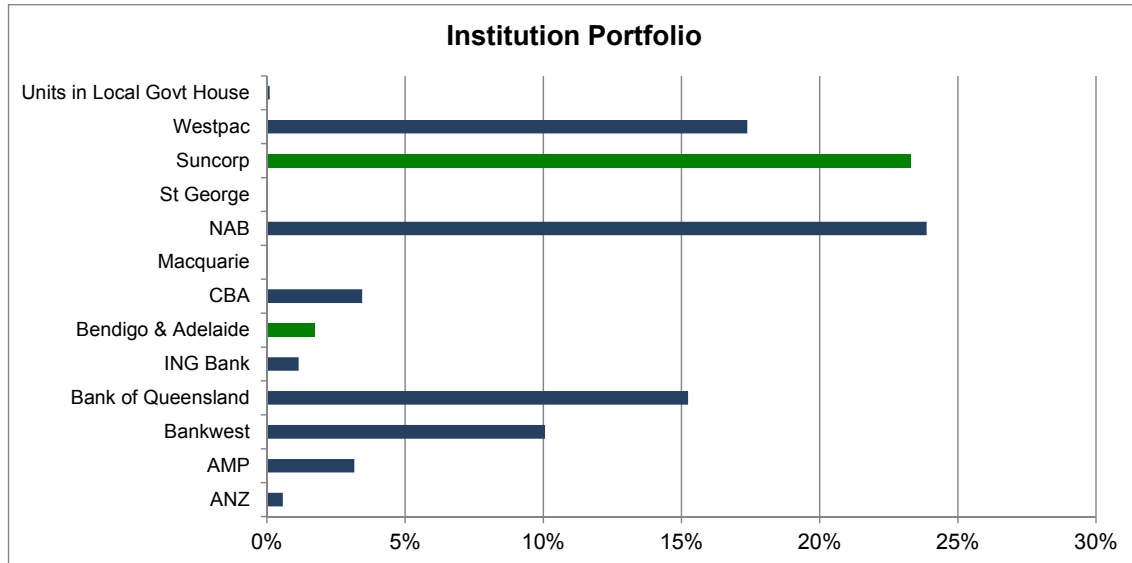
C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)


As at: 31 May 2019

DIVERSIFICATION RISK & GREEN INVESTMENTS								
Institution	Investment Type	S & P Rating	Amount	Actual Proportion	Institution Proportion	Max % with any one institution	Non Fossil Fuel	Investment with ADI with non Fossil Fuel
ANZ BANK (TERM)	TERM	AA-	\$ 1,000,000	0.57%	0.57%	30%	No	
AMP BANK (TERM)	TERM	A	\$ 5,500,001	3.16%	3.16%	25%	No	
BANKWEST (TERM)	TERM	AA-	\$ 17,500,000	10.06%	10.06%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	\$ 26,500,000	15.24%	15.24%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	\$ 3,000,000	1.72%	1.72%	15%	Yes	3,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	\$ 6,000,000	3.45%	3.45%	30%	No	
ING BANK (TERM)	TERM	A-	\$ 2,000,000	1.15%				
ING BANK (FRTD)	FRTD	A-	\$ -	0.00%	1.15%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	\$ -	0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	\$ 41,517,523	23.87%	23.87%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	\$ -	0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	\$ 40,500,000	23.28%	23.28%	25%	Yes	\$ 40,500,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	\$ 0	0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	\$ -	0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	\$ 1,141,560	0.66%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	\$ 6,000,000	3.45%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	\$ 2,000,000	1.15%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	\$ 13,100,000	7.53%				
WESTPAC (TERM)	TERM	AA-	\$ 8,000,000	4.60%	17.39%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	\$ 175,171	0.10%	0.10%		N/A	
TOTAL			\$ 173,934,255	100%	100%			\$ 43,500,000
Total Non Fossil Fuel Lending ADI								25%

As at: 31 May 2019

C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)



As at: 31 May 2019

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

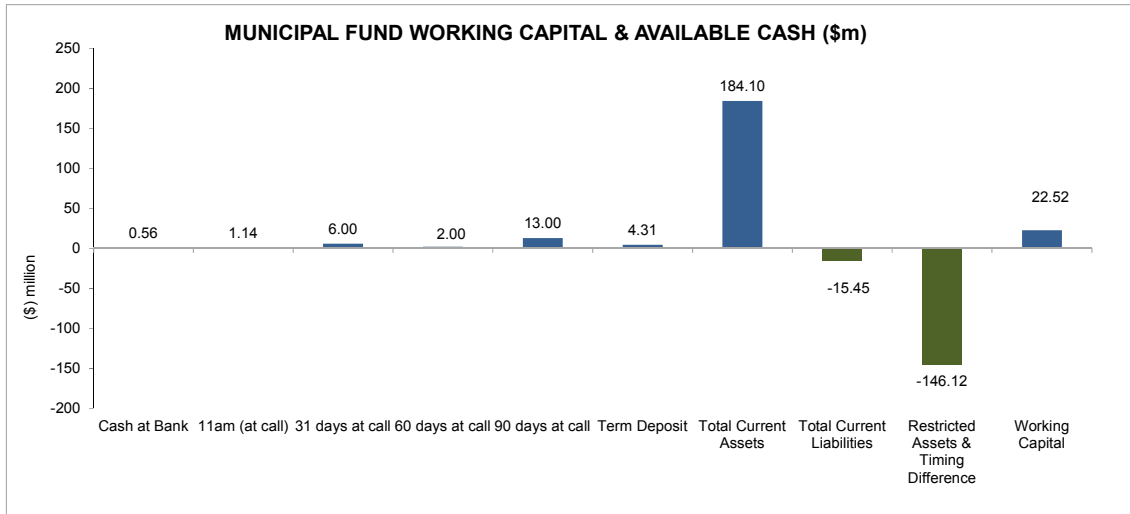
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 May 2019 was \$43,500,000 or 25% of total investment holdings being in non-fossil fuels institutions. This compared to \$36,500,000 (20%) in April 2019. The amount of investment holdings in non-fossil fuels institutions increases from April and the total percentage of the holding has also increased. The total investment holding for May was \$173,934,255, which is down from the \$180,434,255 invested in April.

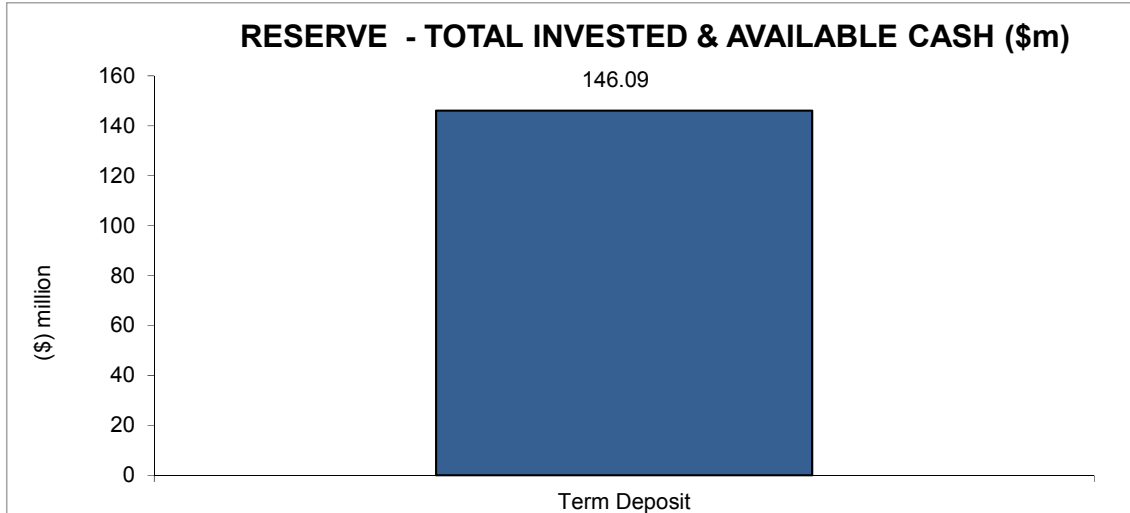
C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)

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 2019.



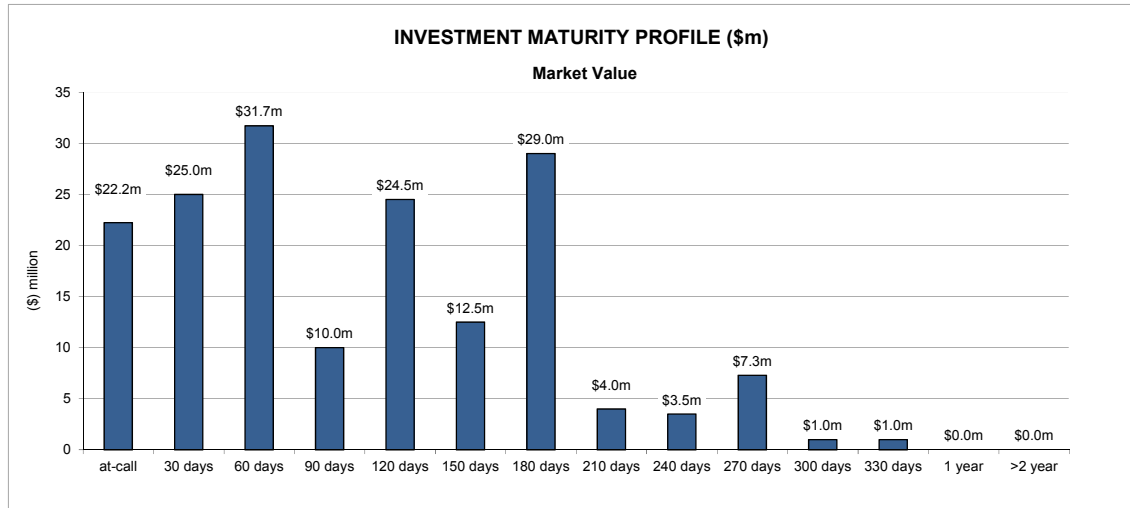
As at: 31 May 2019



As at: 31 May 2019

C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 31 May 2019.



As at: 31 May 2019

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (REC)

FINANCIAL IMPLICATIONS

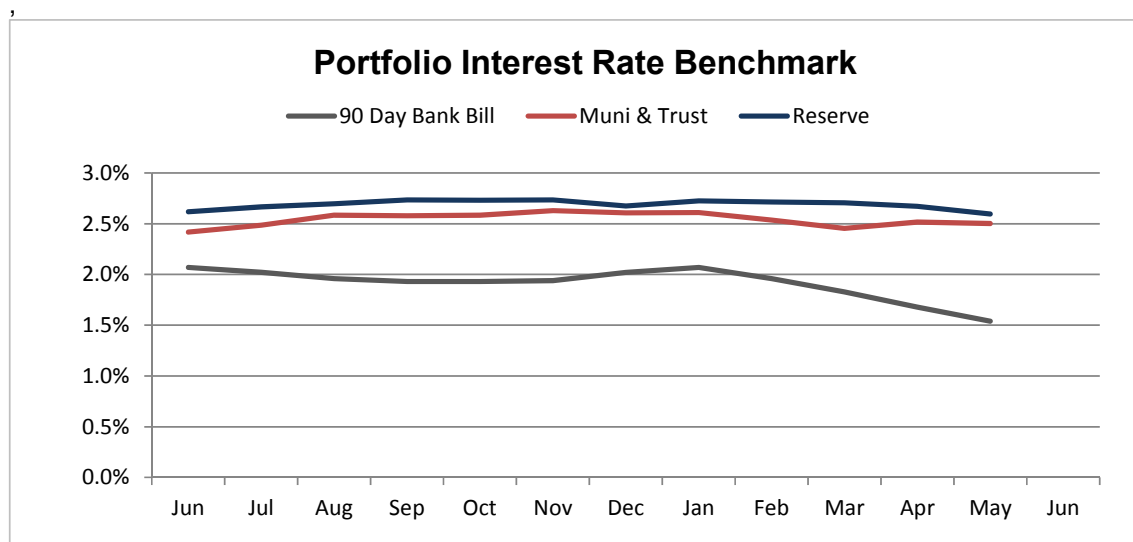
For the period ending 31 May 2019:

- Investment earnings on Municipal and Trust Funds were \$732,758 against a year to date budget of \$832,552 representing a negative variance of \$99,794.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 May 2019 was 2.50%.

- Investment earnings on Reserve accounts were \$3,799,686 against a year to date budget of \$2,786,667 representing a positive variance of \$1,013,019.

The weighted average interest rate for Reserve account investments as at 31 May 2019 was 2.59%.



As at: 31 May 2019

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C19/6000 - INVESTMENT STATEMENTS FOR MAY 2019 (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 City's 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 2.50% to 2.59% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.54%.

25% 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 compares to 20% in April 2019.

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

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

That the Council notes the Investment Report for the period ending 31 May 2019.

At 11:14pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (10/0)

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2019 (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of May 2019 and recommends that the Schedule of Accounts Paid be noted.

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2019 (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 May including Payment Registers numbers, Cheques 709 - 712 and Electronic Funds Transfers batches 572 – 579, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 28 June 2019. Payments for the period totalled \$12,159,590.04 for the Municipal Fund and \$108,656.65 for the Trust Fund whilst new investment transactions totalled \$19,000,000.00. Details of the payments are shown in attachment [6001 May 2019](#).

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

Supplier Number	Supplier Name	Description of Supply	Amount
14964	Access Without Barriers	Building maintenance	\$25,752.68
16793	Acero Construction Pty Ltd	Construction and streetscape services	\$51,510.25
13515	Arbor Centre Pty Ltd	Arborists and tree services	\$32,340.00
14313	Asphaltech Pty Ltd	Roads resurfacing works	\$635,876.29
10004	Building and Construction Industrial Training Fund	Regulatory fees and government charges	\$58,307.05
99995	Building Commission	Regulatory fees and government charges	\$50,349.60
10442	Christou Design Group Pty Ltd	Architectural and design services	\$30,403.67
10056	City of Cockburn	Commercial waste tip fees	\$32,049.65
13935	Contraflow Pty Ltd	Traffic control services	\$56,479.35
14051	Department of Fire and Emergency Services	ESL remittance for April	\$533,513.33
13309	Drainflow Services Pty Ltd	Drainage services	\$25,575.00
11380	EMSO Maintenance	Building maintenance	\$79,873.92
10235	Exteria Landmark Engineering & Design	Parkway benches and tables	\$37,254.80
16433	Facilities First Australia	Cleaning services	\$36,019.46
114473	Forrest Hills Spraying Services	Pest & weed control	\$58,806.00
16626	Hays Specialised Recruitment (Australia) Pty Ltd	Temporary labour hire	\$43,960.68
16223	Holton Connor Architects & Planners	Consultancy for Tompkins Park redevelopment project	\$72,575.80

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2019 (REC) (ATTACHMENT)

Supplier Number	Supplier Name	Description of Supply	Amount
15489	Horizon West Landscape & Irrigation	Irrigation and watering systems	\$47,115.75
10501	Hydroquip Pumps & Irrigation	Irrigation and watering systems	\$53,540.30
16619	Infor Global Solutions	Software licensing and support	\$193,178.92
11115	Landgate Western Australia	Regulatory fees and government charges	\$65,625.59
16451	Living Turf	Turf and equipment	\$31,262.00
15475	Lochness Landscape Services	Landscaping services and supplies	\$36,532.08
16622	Moore Stephens (WA) Pty Ltd	Auditing services	\$26,497.24
17940	Natural Area Management & Services	Bush regeneration and foreshore maintenance	\$165,296.97
13563	Pearmans Electrical & Mechanical Services Pty Ltd	Electrical maintenance	\$141,795.90
13681	Perfekt Pty Ltd	IT firewall support and subscription	\$119,350.00
16558	Professional Search Group Australia	Temporary labour hire	\$29,602.54
13693	QED Environmental Services Pty Ltd	Environmental consultancy services	\$36,327.58
16280	Quantum Building Services Pty Ltd	Plumbing services	\$33,544.36
16704	Satterley Property Group	Reimbursements on costs incurred for the Carawatha redevelopment project	\$69,006.11
12203	Southern Metropolitan Regional Council	MSW gate fees for April and May	\$785,751.57
16268	Sohan Ariel Hayes	Public art at Riseley Street	\$28,325.00
16605	Synergy	Electricity charges	\$307,314.49
18870	Technology One	Annual licensing, support and maintenance	\$125,981.46
15243	Timberscapes Pty Ltd	Building construction services	\$27,423.00
17037	Tree Care WA Pty Ltd	Tree pruning services	\$102,519.36
14271	Tree Planting & Watering Pty Ltd	Street tree watering	\$123,440.17
14158	Triton Electrical Contractors Pty Ltd	Electrical services	\$42,583.75
12075	Turf Care WA Pty Ltd	Turf laying and maintenance	\$91,244.15
16754	Urban Asset Solutions Pty Ltd	Water treatment services	\$59,642.00
12334	Water Corporation	Water charges	\$35,267.28
10674	West Coast Turf	Turf laying and maintenance	\$37,430.80

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2019 (REC) (ATTACHMENT)

Supplier Number	Supplier Name	Description of Supply	Amount
10311	Western Power Electricity	Cash call for Alfred Cove East underground power project	\$658,378.00

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 01/05/2019, 15/05/2019 & 29/05/2019	Payment of salaries and wages to City employees net of tax and deduction for pays 22, 23 and 24.	\$3,287,741.82
Australian Taxation Office	Direct Bank Transfers 01/05/2019, 15/05/2019 & 29/05/2019	Pay as You-Go taxation and other deductions from employee payroll for pays 22, 23 and 24.	\$1,021,355.00
Creditors and Advances	Direct Bank Transfers 01/05/2019, 15/05/2019 & 29/05/2019	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 22, 23 and 24	\$780,342.59
Total			\$5,089,439.41

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2019 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for the period totalled \$12,159,590.04 for the Municipal Fund and \$108,656.65 for the Trust Fund whilst new investment transactions totalled \$19,000,000.00.

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

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

That the Council notes the Schedule of Accounts paid for the period of May 2019 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 May 2019](#).

At 11:14pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (10/0)

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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>
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<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 2019 and recommends that they be noted by the Council.
- The variances for the month of May 2019 and recommends that they be noted by the Council.
- The Budget amendments required for the month of May 2019 and recommends that they be adopted by Absolute Majority decision of the Council.

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 May 2019 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

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE OVER \$50,000 for the Period 1 July 2018 to 31 May 2019							
	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	760,159	9,115,817	10,143,316	1,027,498	11%	10,568,752	9,422,923
Recreation and Culture	624,424	7,468,265	7,759,987	291,722	4%	8,160,171	8,181,753
Transport	247,278	1,297,289	1,648,245	350,956	16%	1,585,458	1,496,343
Economic Services	91,849	2,752,357	3,354,203	601,847	22%	2,762,888	2,922,310
Other Property and Services	11,697	811,059	(153,904)	(964,963)	-119%	334,849	862,483
	1,877,508	28,757,890	30,112,044	1,354,154		30,082,837	30,787,819
Expenditure from operating activities							
Governance	(467,210)	(4,791,018)	(4,097,711)	693,307	-14%	(5,612,027)	(5,953,944)
General Purpose Funding	(716,508)	(4,801,565)	(4,656,560)	145,004	-3%	(7,469,373)	(7,452,373)
Law, Order, Public Safety	(438,298)	(3,939,536)	(3,626,096)	313,439	-8%	(4,259,141)	(4,267,396)
Health	(116,649)	(1,065,032)	(1,001,942)	63,091	-6%	(1,162,818)	(1,157,157)
Education & Welfare	(281,516)	(2,783,078)	(2,556,566)	226,512	-8%	(2,819,942)	(3,022,111)
Community Amenities	(2,182,816)	(24,138,011)	(22,616,553)	1,521,458	-6%	(25,607,458)	(27,724,812)
Recreation and Culture	(3,339,231)	(31,820,451)	(30,662,361)	1,158,090	-4%	(31,042,439)	(34,732,351)
Transport	(1,752,244)	(16,168,791)	(15,789,884)	378,907	-2%	(18,503,353)	(18,042,233)
Economic Services	(272,654)	(2,212,396)	(2,526,274)	(313,878)	14%	(2,316,255)	(2,425,405)
Other Property and Services	(1,399,814)	(10,746,889)	(9,794,434)	952,455	-9%	(9,865,826)	(11,648,000)
	(10,975,357)	(102,553,749)	(97,418,565)	5,135,184		(108,727,124)	(116,519,776)
Investing Activities							
Non-operating grants, subsidies and contributions	170,000	1,949,946	2,116,625	166,679		4,963,126	6,285,638
Proceeds from Disposal of Assets	31,461	647,192	591,432	(55,760)	-9%	784,650	1,192,592
Purchase of Furniture & Equipment	(213,838)	(2,284,339)	(1,600,690)	683,649	-30%	(1,863,602)	(2,960,659)
Purchase of Plant & Equipment	(720)	(1,393,232)	(1,138,553)	254,679	-18%	(2,171,707)	(3,010,307)
Purchase of Land & Buildings	(272,425)	(6,871,835)	(5,415,567)	1,456,268	-21%	(11,831,681)	(27,418,783)
Purchase of Infrastructure Assets	(1,409,740)	(18,357,702)	(15,706,232)	2,651,470	-14%	(23,494,859)	(31,812,798)
	(1,695,261)	(26,309,970)	(21,152,986)	5,156,984		(33,614,073)	(57,724,317)

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (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 2019](#) and [6002H May 2019](#).

Revenue

\$87.92 million in Rates (including Rates of \$86.82 million and Rates in Advance of \$1.1 million) was raised as at 31 May 2019 compared to a year to date budget of \$86.52 million. There is a variance of \$1.4 million compared to the Rate Setting Statement. The adjustment of prepaid rates of \$1.1 million is an accounting treatment and will be adjusted at year end. There is a positive variance of \$300,627 (0.35%), excluding the prepayments, when compared to year to date actual.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for May 2019.

Budget Amendments

Details of Budget Amendments requested for the month of May 2019 are shown in attachment [6002J May 2019](#). There were two budget amendments, greater than \$50,000, processed in May 2019:

- \$331,542 – Reallocation of funds within engineering capital projects.
- \$130,199 – Transfer of Deep Water Point Playscape project funds to a different budget responsible officer.

Proposed Budget Amendments

The City of Melville has an opportunity to partner with Perth Festival for a key event in the 2020 program. This significant event is supported by the Western Australian State Government and other key partners. The event will involve major musical acts from across the globe as well as roaming entertainment. The City is keen to partner with Perth Festival to assist in making this unique event possible.

As a result, the City is proposing to re-allocate event funds from the 2018-2019 budget and the 2019-2020 budget to the Perth Festival to support this major event.

Reallocation of 2018-2019 funds:
\$25,000 Cultural Plan Projects underspend
\$25,000 Events underspend
\$30,000 Community Partnership Fund underspend

Reallocation of 2019-2020 funds:
\$90,000 Point Walter Concert Budget

Note: The Point Walter Concert will not be held in 2019-2020.

This would result in a total of \$170,000 being reallocated to Perth Festival. These amendments have not been reflected in the month end accounts but it's proposed they will be processed during the 2018-2019 year end processes and in the 2019-2020 financial year.

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (AMREC)
(ATTACHMENTS)

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$862,593 were collected over the course of the month. Rates collection progress for the month of May is 1.9% below the target of 95.8%. This represents a dollar value of \$1,817,599. As at 31 May 93.9% of the 2018-2019 rates, including prior year arrears had been collected compared with 95.1% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 97.5%.

Total sundry debtor balances decreased by \$102,498 over the course of previous months from \$735,847 to \$633,349 in May. The 90+ day's debtor balance increased by \$66,833 from \$352,789 to \$419,622.

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 2019.

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – May 2019	<u>6002A Nature Type May 2019</u>
Rate Setting Statement by Program – May 2019	<u>6002B Program May 2019</u>
Rate Setting Statement by Sub-Program – May 2019	<u>6002C Sub Program May 2019</u>
Representation of Net Working Capital – May 2019	<u>6002E May 2019</u>
Reconciliation of Net Working Capital – May 2019	<u>6002F May 2019</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – May 2019	<u>6002H May 2019</u>
Details of Budget Amendments requested – May 2019	<u>6002J May 2019</u>
Summary of Rates Debtors – May 2019	<u>6002L May 2019</u>
Graph Showing Rates Collections – May 2019	<u>6002M May 2019</u>
Summary of General Debtors aged 90 Days Old or Greater – May 2019	<u>6002N May 2019</u>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (AMREC)
(ATTACHMENTS)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

34. Financial activity statement report — s. 6.4

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

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

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

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

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

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

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

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

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

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

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (AMREC)
(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H May 2019](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 May 2019.

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2019 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION (6002)

NOTING AND ABSOLUTE MAJORITY

At 11:13pm Cr Wieland moved, seconded Cr Barling –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 May 2019 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – May 2019	<u>6002A Nature Type May 2019</u>
Rate Setting Statement by Program – May 2019	<u>6002B Program May 2019</u>
Rate Setting Statement by Sub-Program – May 2019	<u>6002C Sub Program May 2019</u>
Representation of Net Working Capital – May 2019	<u>6002E May 2019</u>
Reconciliation of Net Working Capital – May 2019	<u>6002F May 2019</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – May 2019	<u>6002H May 2019</u>
Details of Budget Amendments requested – May 2019	<u>6002J May 2019</u>
Summary of Rates Debtors – May 2019	<u>6002L May 2019</u>
Graph Showing Rates Collections – May 2019	<u>6002M May 2019</u>
Summary of General Debtors aged 90 Days Old or Greater – May 2019	<u>6002N May 2019</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for May 2019 [6002J May 2019](#).**

At 11:14pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (10/0)

**M19/5697 - REPORT ON THE OUTCOME REPORT OF THE AUTHORISED INQUIRY
INTO THE CITY OF MELVILLE (REC) (ATTACHMENT)**

Item brought forward
See page 10.

15. EN BLOC ITEMS

At 11:14pm Cr Robartson moved, seconded Cr Phelan—;

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

At 11:14pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (10/0)

Procedural Motion

At 11:14pm Cr Barling moved, seconded Cr Wieland -

That the remaining items:

- **16.1 Treatments for 50km Roads**
- **16.2 Additional Playground Equipment at Wireless Hill**
- **17.1 Verge Treatment**
- **17.3 Imposition of New Parking Fees and Charges**

be deferred to the 20 August 2019 Ordinary Meeting of Council.

At 11:15pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (10/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Treatments for 50km Roads**

That the Council requests the Chief Executive Officer to investigate future road treatments on 50km roads:

- 1. That enable street parking on local roads**
- 2. That footpaths are upgraded to include bicycles.**
- 3. That island line markings and street trees are removed from the centre of these roads and verge trees are planted where there are none.**
- 4. That crossovers for vehicles are made level with footpaths or dual use paths.**

Reasons for the Motion provided by Cr Mair

1. On-street parking has traffic calming abilities and can be used as a complete street package that offers pedestrians a safer and more comfortable built environment (Austroads/ Marshall)
2. Allowing on street parking in areas with 50km speed limits and less will encourage more community access to friends and families. The lack of parking forces people to meet at alternative locations. Traditional home visits become difficult where there is little or no parking on streets. This in turn causes more vehicular movements on the roads.
3. Trees in the centre of roads often get damaged by vehicles and can be a traffic obstruction leading to unsafe behaviours on the road.
4. Foot paths and dual use paths that follow the curvature of a crossover can be unsafe for pedestrians and cyclists. Pedestrian and dual use paths should take precedence over crossovers.

16.2 Additional Playground Equipment at Wireless Hill

That the Council requests the Chief Executive Officer to investigate installing additional playground equipment at Wireless Hill, such as a traditional swing and slide, in this or next financial year.

Reasons for the Motion provided by Cr Mair

1. Residents in Ardross have approached me and requested some additional playground equipment because their families and many other families enjoy visiting Wireless Hill and find the playground equipment deficient.
2. At present there is only a basket swing which has limited use since is not appropriate for all children.
3. This will have no impact on the interpretive area with the basket swing but will provide more entertainment for the children of our community. One basket swing is not enough for all the children that visit the park with their families and friends.

16.3 Minimising Elected Member Travel and Conference Expenses

That the Council directs the Chief Executive Officer to amend Council Policy CP-092 (Elected Members Professional Development) on the following basis:

- 1) No allowances or entitlements will be provided by the City in respect of accompanying person costs. Any additional costs resulting from an Elected Member being accompanied by their partner will not be paid by the City¹;**
- 2) Amend the Conditions of Approval² so that:**
 - a. prior approval must be obtained from the Council if any of the circumstances in paragraph 4.1 apply; and**
 - b. an Elected Member seeking to use their allowance under the Policy to attend a conference/seminar/training outside Australia (i.e. overseas) must also obtain prior approval from Council.**
- 3) An Elected Member who uses their allowance under this Policy, but who does not complete and submit to the CEO a written report relating to the event within 60 days of their return from the conference/training/seminar, will be required to refund to the City the costs of their attendance at the conference/seminar/training.³**
- 4) Elected Members who attend a conference/training seminar should have the option (and be encouraged) to provide a brief presentation (no more than 15 minutes) to other Elected Members at an EMIS.**

Reasons for the Motion as provided by Cr Woodall

1. Recently the Council supported a motion to include a register of Elected Member travel (outside the metropolitan area) on the City's website (as part of a 'Governance and Accountability' portal).
2. It is inappropriate for ratepayer funds to be used for accompanying persons costs. There is no benefit to ratepayers in an Elected Member's partner accompanying them on an interstate or overseas conference. If an Elected Member would prefer to travel with their partner, then they should personally bear any additional costs associated with their partner's travel.
3. The current Policy says that approval *should* be obtained from Council in specific circumstances.⁴ Changing the wording to *must* will make it a mandatory requirement for Elected Members to obtain Council approval if those circumstances apply.
4. Adding a new category that requires Elected Members to obtain Council approval if they wish to use their allowance for any overseas conferences will ensure that any proposed overseas travel comes before Council. This will provide additional scrutiny and is likely to result in Elected Members being more selective in which overseas conferences they wish to attend. Elected Members will need to justify why they wish to attend the conference and explain the benefits it will provide to the Council. Elected Members who do not obtain Council approval will be required to pay the costs of travel/attendance personally.

¹ Refer paragraph 2.6

² Refer paragraph 4

³ Refer paragraph 5

⁴ Refer paragraph 4.1

16.3 Minimising Elected Member Travel and Conference Expenses cont'd

5. The purpose of having an Elected Member attend a conference/seminar/training is to not only increase their own knowledge, but to share their knowledge with other Elected Members. Whilst the current Policy does require an Elected Member to submit a written report on the event they attended, there is no detriment to an Elected Member for their delay or failure to comply. Requiring City financial support to be conditional on the submission of a written report will ensure that Elected Members share their knowledge with Council in a timely and comprehensive manner.
6. Elected Members who attend a conference/seminar/training should have the opportunity to share their knowledge at an Elected Member Information Session. This would provide an additional means of knowledge sharing between Elected Members and may be more effective than the provision of a written report. Allowing a brief question and answer session after the presentation may also be beneficial.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**17.1 Verge Treatment**

That the Council requests the CEO to investigate the inclusion of a general condition for verges where there is not a foot path or dual use path, the verge must have access by pedestrians the approximate width of a dual path to ensure their safe passage without having to go onto a road.

Reasons for the Motion provided by Cr Mair

1. Residents have complained about verges that are fully vegetated and do not allow pedestrians safe passage.
2. The Verge Policy does not allow for setbacks for clear pedestrian passage which forces pedestrians to walk on roads including intersections
3. Raising the matter now means it will not be overlooked when the policy is due to be reviewed which will be this year.

17.2 Deep Water Point Trial and Parking Arrangements

Item brought forward
See page 30

17.3 Imposition of New Parking Fees and Charges

The Council directs the CEO to formulate a policy which specifies that the imposition of new parking fees and charges to come before Council for approval. The policy is to outline that the imposition of new parking fees and charges first requires an absolute majority of the Council. The new policy is to be drafted and brought before Council for approval at the Ordinary Meeting of Council in August 2019.

Reasons for the Motion without Notice as provided by Cr Kepert

A recent move by the City to introduce paid parking for cars using the car park at Deep Water Point, Mt Pleasant has highlighted the need for Council involvement before the imposition of new fees and charges for car parking.

This issue is best rectified by the formulation of a new policy which requires Council approval for the imposition of new fees and charges for car parking in the City of Melville.

The imposition of fees and charges is outlined in Section 6.16 of the *Local Government Act 1995*, requiring an absolute majority of Council for their implementation.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 11:15pm.