

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**HELD ON**

**TUESDAY 19 JUNE 2018**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 19 JUNE 2018.**

**1. OFFICIAL OPENING**

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

**Affirmation of Civic Duty and Responsibility**

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

**2. PRESENT**

His Worship the Mayor R Aubrey

**COUNCILLORS**

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

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman ( <i>until 7.30pm</i> )	Director Corporate Services
Ms L Reid ( <i>until 7.33pm</i> )	A/Director Community Development
Mr G Ponton ( <i>until 7.30pm</i> )	A/Director Urban Planning
Mr M McCarthy ( <i>until 7.30pm</i> )	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Ms K Brosztl ( <i>until 7.30pm</i> )	Manager Engineering
Mr M Murphy ( <i>until 7.32pm</i> )	Manager City Buildings
Ms K Johnson ( <i>from 7:18pm</i> )	Executive Manager Organizational Development
Mr D McAuliffe ( <i>from 7:08pm</i> )	Employee Services Coordinator
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator
Ms T Wright ( <i>until 7.51pm</i> )	Governance Officer

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

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

Ms C Young – Director Community Development  
Mr S Cope – Director Urban Planning

**4.2 APPROVED LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Nil.

## 6. QUESTION TIME

### 6.1 Mr E Nielsen, Booragoon

Mr Mayor and also Elected Members - Cr Phelan, Cr Robartson, Cr Robins, Cr Wieland and Cr Woodall... leading up to the SME 26 April 2018 (as well as during the meeting) it was made quite clear that the City (Elected Members and Officers) WOULD NOT comment or respond to any matters raised in relation to the Specified Matters (the Topic of this SME) 'until the outcome and findings of the Inquiry are handed down.' However, at the OMC 15 May 2018 the 'tide turned' completely showing your complete disregard for the same principle when it came to voting to 'stop spending community funds on any changes to Tompkins Park until the outcome of both the Supreme Court action, and the current Local Government Inquiry into the City, are delivered'

#### Question

*I ask, why did you do a complete about-face on the principle you held at the Special Meeting of Electors held 26 April 2018?*

#### Response

Tompkins Park redevelopment does not form part of the scope of the Inquiry.

### 6.2 City of Melville Residents & Ratepayers Association (Inc.)

#### Question 1

CEO Shayne Silcox has been ordered by the State Administrative Tribunal (SAT) to arrange for the publishing of a Notice of Public Censure against Mayor Russell Aubrey as a result of SAT finding Mr Aubrey guilty of making improper use of his office causing detriment of Mr Gary Crawford; so given SAT's adverse finding against Mayor Aubrey:

*Will Council be taking all reasonable steps to recover the costs associated with SAT's order from Mayor Aubrey?*

#### Response

This question has been referred to Administration for a response.

#### Question 2

We refer to item M18/5618 – Delegation of Authority Manual, specifically DA-042 and DA-043;

*Why does Council believe it is appropriate to delegate authority to the CEO to respond to any Inquiry reports produced by the Department of Local Government and Communities (sic), particularly given such reports are far from routine and would most likely be as a result of serious issues with the operation of Council and/or the administration under the management of the CEO?*

6.2 *Question Time City of Melville Residents & Ratepayers Association (Inc.) continued.*

### Response

The preparation of a response to the Department of Local Government, Sport and Cultural Industries or to the Minister for Local Government is an administrative task that must be achieved within 35 days of the finding being provided. It is not a response that a Council would prepare.

## **7. AWARDS AND PRESENTATIONS**

Nil.

## **8. CONFIRMATION OF MINUTES**

### **8.1 ORDINARY MEETING OF THE COUNCIL – 15 MAY 2018** **Minutes 15 May 2018**

#### **COUNCIL RESOLUTION**

At 6:38pm Cr Wieland moved, seconded Cr Robins –

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 May 2018, be confirmed as a true and accurate record.**

At 6:38pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

### **8.2 NOTES OF AGENDA BRIEFING FORUM – 5 JUNE 2018** **Notes 5 June 2018**

#### **COUNCIL RESOLUTION**

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

**That the Notes of Agenda Briefing Forum held on Tuesday, 5 June 2018, be received.**

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

**CARRIED UNANIMOUSLY (13/0)**

## **9. DECLARATIONS OF INTEREST**

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

### **9.1 FINANCIAL INTERESTS**

- Item C18/5617 – Corporate Services Policy Review, Mr M Tieleman

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

Nil.

## **10. DEPUTATIONS**

At 6.40pm Mr McLerie requested to make a deputation on item M18/5618 – Review of City of Melville Delegated Authority Manual on behalf of the City of Melville Residents and Ratepayers Association. The Mayor advised that the request had already been declined by the Chief Executive Officer.

At 6:41pm the Mayor issued Mr McLerie with a first warning and requested he resume his seat.

At 6:41pm the Mayor issued Mr McLerie with a second warning.

## **11. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 6:41pm Cr Robartson moved, seconded Cr Phelan –

**That the application for new leave of absence submitted by Cr Robins on 19 June 2018 be granted.**

At 6:41pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

## **12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

- Item T18/3784 – CO24/17 – Deepwater Point and Point Walter Boat Launching Facilities Upgrade. Confidential Attachment.
- Item 17.1 - Notice of Motion Appointment of Acting CEO

## **13. PETITIONS**

Nil.

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

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)**

Ward	:	Bateman – Kardinya - Murdoch
Category	:	Operational
Application Number	:	Not Applicable
Property	:	Portion of Fiona Stanley Hospital Site, Lot 101 (No. 102-118) Murdoch Drive Murdoch
Proposal	:	Conversion of existing privately owned roads to public roads
Applicant	:	Landcorp and the Department of Health
Owner	:	State of Western Australia
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P17/3766 17 October 2017 - Murdoch Activity Centre – Conversion of Bedbrook Row and Yubarl Lane to Public Roads – Council Meeting
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Landcorp are progressing creation and sale of lots within the Health and Knowledge Precinct at Murdoch.
- Sites 7A-7C (now Lots 1, 2 and 3 of the proposed Fini mixed use development) have frontage to Yubarl Lane and Bedbrook Road, which are currently private roads owned and maintained by the Department of Health (DoH).
- Dedication of the existing private roads as public roads will assist in providing access to the proposed development sites, support the growth and vitality of the Murdoch centre and reflect the current role and appearance of the carriageways.
- Report P17/3766 (17 October 2017) conditionally supported the dedication of the roads as public roads on the basis of infrastructure maintenance issues associated with the transfer of responsibility being satisfactorily resolved.
- In particular, conditions of support noted that the City was not agreeable to ongoing maintenance of a section of bridge on Bedbrook Row which exists to provide a service access to the Fiona Stanley Hospital.
- Landcorp have adjusted access arrangements for the proposed new lots to enable the subdivision to proceed with legal access via only Yubarl Lane.
- The changed approach removes the need for the gazettal of Bedbrook Row and accordingly separates the issue of maintenance responsibility for the bridge being potentially passed onto the City.
- The Council's resolution of 17 October 2017 does not provide for the revised proposal from Landcorp and will require modification to respond only to the dedication of Yubarl Lane.
- Dedication of Yubarl Lane as a public road is supported. It is further recommended that the City take the opportunity to reiterate that it remains opposed to being assigned maintenance responsibility for the Bedbrook Row bridge should the issue be raised again in the future.

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)**



Location Plan

**BACKGROUND**

Yubarl Lane and Bedbrook Row are private roads located within lot boundaries of the Fiona Stanley Hospital. The roads are currently maintained by the Department of Health (DoH). Proposed sites 7A-7C of the Landcorp Health and Knowledge Precinct development (now Lots 1, 2 and 3 of the proposed Fini mixed use development) have frontage to Yubarl Lane and Bedbrook Row.

Report P17/3766 examined the proposed gazettal of Yubarl Lane and Bedbrook Row.

**[P17/3766 17 October 2017 - Murdoch Activity Centre – Conversion of Bedbrook Row and Yubarl Lane to Public Roads](#)**

The Council subsequently resolved on 17 October 2017 to support the conversion of the roads to public roads subject to resolution of infrastructure maintenance issues. In particular the Council indicated that support for the gazettal of the road was subject to satisfactory arrangements being put in place which avoided the City from becoming responsible for maintenance of a section of bridge on Bedbrook Row.

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)**



Source: Landcorp 2016

**Scheme Provisions**

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

**Site Details**

Lot Area	: Not Applicable
Street Tree(s)	: Verge landscaping constructed
Street Furniture (drainage pits etc)	: Road surface, lighting and footpaths constructed
Site Details	: Not Applicable

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)****DETAIL**

Access arrangements for Landcorp's proposed sites 7A-7C (now the Fini mixed use development site – Lots 1, 2 and 3) were previously to be achieved by converting both Yubarl Lane and Bedbrook Row to gazetted, public roads. Through the subdivision process and in view of the comprehensive development proposal for these sites, suitable legal access to the land can now be satisfactorily achieved with dedication of Yubarl Lane only. Accordingly Landcorp are now seeking the City's support for the dedication of portion of Yubarl Lane up to and including the existing roundabout (and not Bedbrook Row). In support of the modified request Landcorp have noted that street lighting on Yubarl Lane has been replaced with standard Western Power equipment and drainage infrastructure within the proposed road reserve has also been standardised, as per Council's previous requirements.

The Council's previous resolution on the matter responded to a proposal whereby both Yubarl Lane and Bedbrook Row were to be gazetted. The wording of the Council resolution is such that the removal of Bedbrook Row from the proposal will require amendment to Council's response.

Significantly, removal of the Bedbrook Row component in the revised proposal eliminates the concerns associated with the future bridge maintenance issues that were associated with Bedbrook Row.

**STAKEHOLDER ENGAGEMENT**

Advertising Required: Conversion of the existing private road (Yubarl Lane) does not require an advertising or notification process.

**I. COMMUNITY**

Yubarl Lane currently functions and appears as a public road. Engagement with the community on any conversion of its status is not considered to add value to the process.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Conversion of a private road to a public road can be achieved either through:

- a) Creation of the public road reserve through the subdivision process, in accordance with the Planning and Development Act; or
- b) An owner of land requesting a local government to dedicate the private roads as public roads in accordance with the Land Administration Act.

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)**

It is expected that the dedication of Yubarl Lane as a public road will be finalised through the subdivision process.

**FINANCIAL IMPLICATIONS**

Yubarl Lane (and Bedbrook Row) are currently private roads, owned and maintained by the DoH. Transfer of the roads to public roads results in maintenance costs becoming the responsibility of the City. Gazettal of the roads as public roads will assist the sale and development of sites 7A-7C, and ensure a level of access and integration in keeping with a City centre environment. Sale and development of land in the Health and Knowledge Precinct, including sites 7A-7C, will ultimately generate rate income to offset road maintenance costs. As noted in report P17/3766, Bedbrook Row includes non-standard components, namely a bridge, which may present significant cost implications to the City in the longer term. Bedbrook Row and the bridge are no longer proposed to be converted to public roads through the current process. The issue of maintenance implications is therefore avoided as part of the current application. It is noted that Department of Health may still seek conversion of Bedbrook Row to a public road in the future. The City is still of the view that it should not have to assume these non-standard maintenance costs given that the bridge is part of servicing infrastructure for the Fiona Stanley Hospital.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Conversion of Yubarl Lane to a public road will result in maintenance costs for the portion of road becoming a responsibility of the City.	Minor consequences which are likely, resulting in a <b>Medium</b> level of risk	Infrastructure within the road has been standardised to reduce ongoing maintenance costs. Rate revenue from future development sites will offset maintenance costs. Bedbrook Row (which includes a bridge) is no longer part of the public road conversion process.

**POLICY IMPLICATIONS**

Conversion of Yubarl Lane to a public road would support the objectives of the City's Local Planning Policy 4.4, Murdoch Health and Knowledge Precinct. Formalising vehicle and pedestrian access to the sites would facilitate development, ensure active frontages to future developments.

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may choose not to pursue the dedication of Yubarl Lane to a public road. This option would provide difficulty for the proposed sites in the Landcorp development to be created through the subdivision process and accordingly would delay any sale or development of the sites. Restricted pedestrian and vehicular access to the proposed sites would also constrain development options on the proposed lots and would detract from the intended vitality of the Murdoch precinct.

**CONCLUSION**

Dedication of portion of Yubarl Lane to a public road resolves access requirements for Sites 7A-7C (Lots 1, 3 and 3 of the proposed Fini mixed use development) and is supported. Infrastructure within the portion of road to be dedicated (street lighting and drainage has been standardised) and complications with ongoing maintenance of the Bedbrook Row bridge are no longer part of this proposal.

It is recommended that dedication of Yubarl Lane as a public road is supported. Previously identified issues in relation to complexity of the wider drainage network in the Murdoch mixed use precinct are still applicable and are recommended to again be highlighted as a matter to be addressed.

It is noted that the wider issue of long term responsibility of the bridge in Bedbrook Row is yet to be resolved. There remains the possibility that the Department of Health will seek to transfer maintenance responsibility for Bedbrook Row, including the bridge, to the City at a later date. It is recommended that opportunity again be taken to reiterate the City's view that responsibility for these ongoing maintenance costs for the bridge infrastructure should not be assigned to the City. If Bedbrook Row is to be dedicated as a public road in the future then it is considered that the City's responsibility should be limited at most to the surface level infrastructure with the bridge component being assigned to a State agency.

**P18/3783 - MURDOCH ACTIVITY CENTRE – CONVERSION OF PORTION OF YUBARL LANE TO A PUBLIC ROAD (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3783)****APPROVAL****That the Council:**

- 1. Supports the conversion of existing privately owned road known as Yubarl Lane (up to and including the existing round-a-bout) to a dedicated public road.**
- 2. Advises Landcorp that the City requires satisfactory agreements and/or compensation arrangements being put in place with respect to any identified implications and complexities associated with the ongoing maintenance of the wider road drainage network in the Landcorp Health and Knowledge precinct.**
- 3. Authorises the Chief Executive Officer to progress the proposed actions identified above.**
- 4. Reiterates advice to Landcorp and the Department of Health that the Council does not support any changes to the status of Bedbrook Row which would result in maintenance responsibility for the bridge infrastructure being transferred to the City and that such responsibility be assigned to a State agency.**

At 7:50pm the Mayor submitted the motion, which was declared

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

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET, MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

Ward : Central  
 Category : Operational  
 Subject Index : Safe Active Street  
 Customer Index : Department of Transport  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Works Programme : Design 2018-2019 and construction 2019-2020  
 Funding : \$850,000 from Department of Transport  
 Responsible Officer : Kimberly Brosztl  
 Manager Engineering

**AUTHORITY / DISCRETION**

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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>

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET,  
MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- A Safe Active Street is a quiet, low traffic, low speed local street, a family oriented route catering for short/medium local trips, local connector to amenities and higher order cycle facilities and minimises stops or delays for active travel modes.
- A Safe Active Street aims to increase safety for vulnerable road users, increase the number of people making local trips on bikes, reduce vehicle speeds, increase the 'spread' of bike trips over a typical day and utilise local roads to fill gaps in the network where separated infrastructure is not possible.
- The Safe Active Street Pilot Program is managed by the Department of Transport (DoT).
- The proposed Links Road Safe Active Street encompasses Links Road, Collier Road south of Millington Street, Millington Street east of Collier Road, Hope Road south of Millington Street onto Willcock Street at a length of 1.3 kilometres.
- The project is proposed to be an active link between Garden City and the Riseley Centre to encourage pedestrians and cyclist and to improve safety around two schools.
- The proposal is estimated to cost up to \$850,000 and will be fully funded by DoT.
- A concept plan for the Links Road project has been developed and peer reviewed by experienced consultants and DoT.
- Extensive stakeholder engagement is planned to be undertaken in 2018-2019 and a detailed design will be completed and referred to the Council for endorsement.
- Construction would take place in 2019-2020.
- The project would be delivered in partnership with DoT and is supported by Main Roads WA and local schools.
- The Council's support is needed to progress the grant funding and the next stages of the project.

**BACKGROUND**

In March 2015, a Cycling Imagineering Workshop and a Ministerial Roundtable Dinner were held with two guest Dutch transport planners who are considered as experts in their field. The aim was to explore innovative options to provide a safe and connected cycling network for people of all ages. A key outcome of the workshop and dinner was the allocation of \$3 million for demonstration bicycle boulevards (now Safe Active Streets) which was announced in October 2015. The Safe Active Street program is managed by the Department of Transport (DoT).

Completed Safe Active Street projects include:

- Leake Street and May Street – City of Bayswater
- Shakespeare Street, Mount Hawthorn – City of Vincent
- Robertson Road Cycle Way, Joondalup – City of Joondalup

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET, MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

A Safe Active Street is:

- a quiet, low traffic, low speed local street
- family oriented routes catering for short/medium local trips
- local connector to amenities and higher order cycle facilities
- minimises stops or delays for active travel modes

The aims of safe active streets are to:

- increase safety for vulnerable road users
- increase the number of women and children making local trips on bikes
- reduce vehicle speeds
- increase 'spread' of bike trips over a typical day
- utilise local roads to fill gaps in the network where separated infrastructure is not possible.

The current Safe Active Street program has three main pilot projects coming to completion and seven additional projects in design including the City of Melville's proposed project. The program has a government commitment to extend the program funding to \$3 million per year to 2021/2022. There are three remaining years in the pilot phase with pilot projects 100% funded. All projects are monitored and evaluated to measure effectiveness.

Early evaluation of the City of Vincent Shakespeare Street project shows a reduction in the 85<sup>th</sup> percentile speeds in the order of 5 to 15km/h with the average speed posted at 29.8 to 32 km/h and increased pedestrian and bike usage.

The proposed Links Road Safe Active Street encompasses Links Road, Collier Road south of Millington Street, Millington Street east of Collier Road, Hope Road south of Millington Street onto Willcock Street. The total length of the proposed Safe Active Street is 1,300m. The streets are quiet and have low traffic volumes; a maximum of 1,500 vehicles per day and are therefore well suited to the proposal. The maximum speed on the Safe Active Street would be reduced to 30km/h and motor vehicles give way to cyclists therefore encouraging families to take short and medium trips by bicycle or foot. The project will provide a safe and defined active link between the Garden City and Riseley Street Activity Centres. The Safe Active Street passes two schools creating a safer, slow speed environment encouraging students to walk and cycle to school.

Links Road Safe Active Street has been presented twice at Elected Members' Information Sessions; once in February 2018 and again in May 2108. The Safe Active Street project would be undertaken in partnership with DoT.

**DETAIL**

The construction of a Safe Active Street will connect Garden City to the Riseley Centre and involve the construction of a high quality road surface, shared path and associated traffic controls and streetscapes.

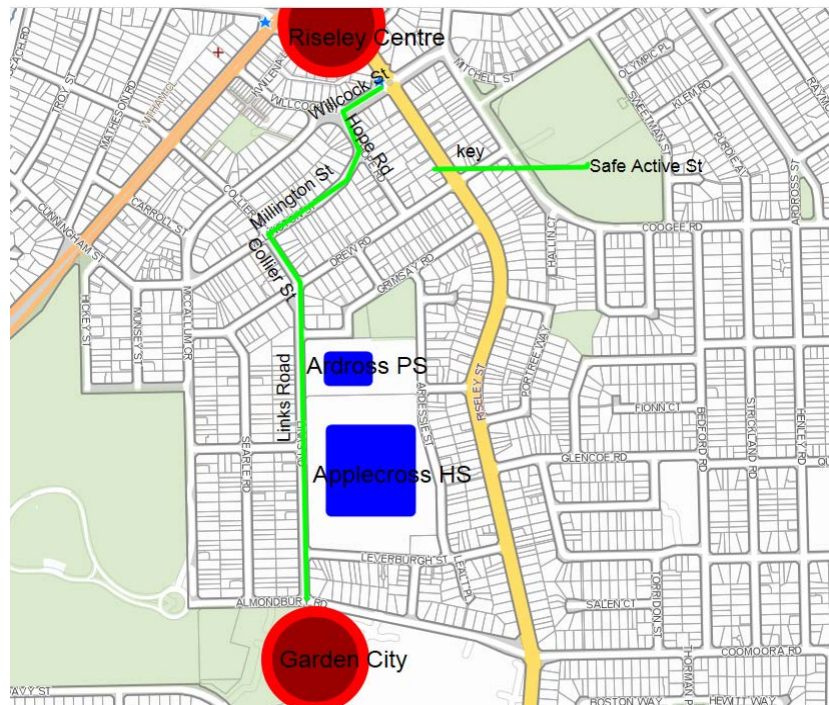
**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET, MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

The Safe Active Street will create a pedestrian/cycling corridor linking centres, passing two schools and providing a safe, pleasant journey for residents and students alike.

It is noted from community feedback in the Strategic Community Plan for the City of Melville 2016-2026 that:

- residents want our pathways to be smooth and well shaded
- would like to reduce their dependence on cars
- request better facilities to encourage cycling and walking

The proposed route for the Links Road Safe Active Street proposal is provided below.



In addition, a recent survey of the residents by the consultant Catalyse indicated a desire for better and safer walking and cycling facilities throughout the City of Melville.

By creating a Safe Active Street the City is promoting cycling and pedestrian activity in a safe environment leading to a reduction in road trauma whilst getting people out and about and fostering an active community. The idea of a Safe Active Street is not just a travel route but an activated street that can be enjoyed by all age groups as a place of recreation.

Some of the possible key features and characteristics of the Links Road Safe Active Street include;

- Reducing the speed to 30 km/h
- 4.5m wide roads
- Intersections will have distinguishing pavement
- Raised parking bays
- One way slow points at various locations

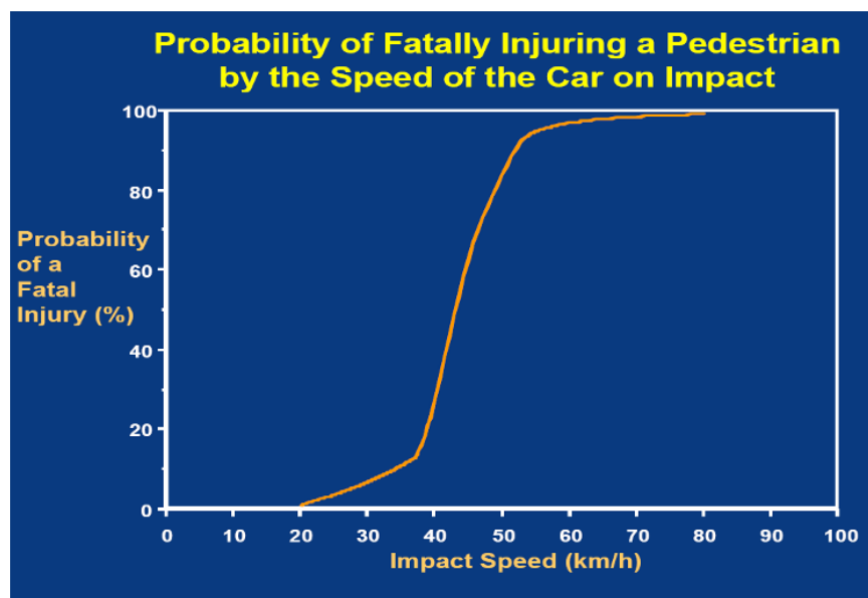
**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET, MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

- Embayed parking
- Crossing points to be a different colour/material
- Links Road and Collier Street intersection to be realigned. Change the road alignment of Drew Road
- Tighter radius kerbs
- Safe active street symbol at the entrances
- Raised platforms at various entrances
- Wide dual use path along Links Road
- Tying into existing bike parking at primary and high schools
- Modifying Hope Road and Millington Street intersection with a nib

In addition to car occupants, our roads are used by many road users including pedestrians, motorcycle riders and bicycle riders, who are more vulnerable to injury or death if hit by a speeding vehicle. Studies of the relationship between the survival of a vulnerable road user and vehicle impact speed (the speed at which the vehicle was travelling when it hit the vulnerable road user) show that small increases in travel speed can result in large increases in braking distances and impact speed - substantially increasing the risk of a pedestrian, motorcycle, bicycle rider, or baby in a pram being killed or seriously injured.

Consistent with this, slight reductions in vehicle speed will significantly reduce the severity of outcomes for pedestrians in the event of a crash. Drivers are twice as likely to kill a pedestrian if they are travelling at 50km/h, than if they are travelling at 40km/h. Additionally, a motor vehicle driver is 90% more likely to kill a pedestrian when travelling at 50km/h than 30km/h.

(See diagram below from Waltz et al depicting the probability of fatal injury versus impact speed).



**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET, MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

Streetscaping and water sensitive urban design will be integral to the Safe Active Street, utilising landscaping and strategic vegetation planting to calm streets. The resultant shade and visually appealing amenity will provide a place of higher amenity to recreate.

The streets involved in the Safe Active Street proposal would be due for resurfacing in the next 10 years at a cost of \$400,000, with Links Road programmed for resurfacing in 2019-2020 at a cost of \$200,000. Given that the Safe Active Street project will be funded through grant funds provided by the DoT, the City will not be required to fund the proposed resurfacing works, thereby saving this \$400,000 Capital Works Program allocation over the next 10 years.

To date, a concept design has been prepared which was funded 50% by the DoT. The concept design has been peer reviewed by three transport consulting companies and the DoT. All recommendations have been considered and amendments that were deemed achievable incorporated into the design.

**[T18 3782 Safe Active Street Route Change Design Drawing](#)**

All projects must be evaluated under the program to ensure effectiveness. Therefore before traffic surveys are currently being undertaken. A video survey measuring pedestrians and cyclists particularly on the affected streets was completed in the beginning of May. Traffic counters have also been set up to measure traffic speeds and volumes.

Community consultation will be a key component of the process in developing a detailed design and will aim to capture stakeholder feedback, views and issues.

The project timeline is as follows:

- 2017-2018** Concept Plan development
  - Council Endorsement of the project
  - Grant Agreement Contract
- 2018-2019** Stakeholder Engagement
  - Detailed Design
  - Council Endorsement of the Detailed Design
- 2019-2020** Construction
  - Evaluation

Now that the concept design has been developed, DoT requires Council's endorsement to continue with the project and to enter into the grant agreement. The project will be delivered in partnership with the DoT.

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

The focus of the community engagement program will be to "Consult" and "Involve", noting that for some aspects it will be required to "Collaborate" (e.g. schools).

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET,  
MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

The predominant level of communication in accordance with the Stakeholder Engagement Policy CP-002 for this item is to “Involve” the community because the Safe Active Street will directly affect the residents on the Safe Active Street and in the surrounding streets. Gaining community and stakeholder support for the project will allow for more orderly and comfortable transition to the implementation of road and verge improvements.

Community engagement is proposed to include:

- Creation of a Community Focus Group
- Technical Tour to visit existing Safe Active Streets in Perth and the proposed project site
- Letter to residents along proposed route with link to Melville Talks
- Street signage directing residents to Melville Talks
- Develop Melville Talks project page to include social map for resident feedback on draft plan
- Information session/s
- Community input important in shaping the detailed design

The Stakeholder Engagement Plan will consider these and other activities in more detail prior to implementation during 2018-2019. Community input is important in shaping the detailed design. Council will be kept informed and opportunities for Councillor involvement will be identified.

**II. OTHER AGENCIES / CONSULTANTS**

DoT will work in partnership with the City of Melville in delivering this project. Main Roads WA is fully supportive of the Safe Active Street proposal. Applecross Senior High School and Ardross Primary School also support the concept of a Safe Active Street and will be heavily involved in the engagement process.

**STATUTORY AND LEGAL IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

DoT have put forward the following budget parameters for the Links Road Safe Active Street project, based on experience gained from other projects,:

- Average Cost Per Metre = \$500
- Length of Melville Safe Active Street Route = 1.3km
- Estimated Cost for Design and Construction = \$650,000
- Estimated Cost for Consultation & Evaluation = \$50,000
- Contingency Funds = \$150,000
- Total estimated project funds = \$850,000

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET,  
MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

DoT have advised that the project as outlined above will be fully funded, noting that any additional costs related to value add components will be identified and included for Council consideration as part of the 2019-2020 budget if required.

The DoT proposed payment schedule based on detailed design in 2018-2019 and construction in 2019-2020 is as follows (excluding any contingency funds):

- **2017-2018** Grant Agreement Contract and Design/Construct/Evaluation 40% - Payment \$280,000.
- **2018-2019** Communications Plan and Project Plan 20% - Payment \$140,000. Detailed Design & Further Consultation 20% - Payment \$140,000.
- **2019-2020** Construction Balance paid on completion 20% - Payment \$140,000.

The ongoing maintenance costs for the Safe Active Street project are not expected to be significantly greater than would otherwise be allocated for road resurfacing and streetscape maintenance. There may be additional upgrades or replacement costs taking into account the higher quality of finish and diversity of hard and soft infrastructure, however this can be managed using standard asset maintenance schedules. For example, an allowance for an extra 99 cents per square metre would be added to the maintenance costs for landscaping to reflect the higher quality and standard of finish. Further information regarding maintenance and replacement costs will be determined once the detailed design completed.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The recommendations in this report align with the strategies from the Community Plan - People, Places, Participation 2012 – 2022 Aspiration of Sustainable and Connected Transport such as:

- *“Plan for and maintain a network of shared-use walkways, footpaths and cycle ways that provide access to facilities and services across the City.*
- *Identify and work to manage the impacts of transport on our communities.”*

The design of the Safe Active Street will include water sensitive urban design elements to improve drainage and will include soft and hard landscaping. The project is expected to increase the number of pedestrians and cyclists in the area therefore reducing a reliance on car vehicle trips. The project would have positive environmental and social implications for the area.

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET, MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
As a result of changing traffic priority at the intersection of Millington St and Collier Rd, Collier Road and Drew Road and Millington St and Hope Rd vehicles not familiar with the change may fail to stop.	Major consequences which are unlikely, resulting in a <b>Medium</b> level of risk	New Stop signs, education campaigns and raised platforms to reduce vehicular speeds and make drivers aware there is a modified driving environment. (This mitigation would reduce the risk to <b>Low</b> )
Risk of vehicles not yielding to cyclists.	Major consequences which are unlikely, resulting in a <b>Medium</b> level of risk	Road design includes self-explaining streets that create caution and raised platforms result in low vehicular speeds. Education and awareness campaigns. (This mitigation would reduce the risk to <b>Low</b> )
Risk of residents not wanting a Safe Active Street	Moderate consequence which are possible in a <b>Medium</b> risk level	Comprehensive community engagement will be undertaken to involve the community in the project progression to provide a state of the art Safe Active Street. (This mitigation would reduce the risk to <b>Low</b> )

**POLICY IMPLICATIONS**

There is no policy implication associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The alternative option is to continue business as usual and not progress the Safe Active Street opportunity. The roads in the project would not have any of the road safety, travelsmart, and community health and well-being benefits associated with a Safe Active Street. There would be no safe and active transport link between Garden City and the Riseley Centre. Links Road would then need to be resurfaced at an estimated cost of \$200,000 in 2019-2020 and other roads will also come to the end of their design life in the next 10 years and also need remediation. It is estimated that the resurfacing of the roads encompassing the Safe Active Street project would cost the City approximately \$400,000.

**T18/3782 – PROPOSED SAFE ACTIVE STREET – LINKS ROAD, COLLIER STREET,  
MILLINGTON STREET AND HOPE ROAD, ARDROSS (REC) (ATTACHMENT)****CONCLUSION**

Linking Activity Centres with safe transport routes to foster active transport without road closures or hindrance to motor vehicle users is a high priority. The construction of a Safe Active Street in partnership with DoT along Links Road, Collier Street, Millington Street and Hope Road in Ardross, with associated street scaping provides a superior outcome for the residents and community and with significant cost savings to Council compared to regular road resurfacing. The State Government is fully supportive of the Safe Active Street installation and will commit to 100% funding the project. DoT needs Council's support to continue with the grant agreement and to move onto the stakeholder engagement and detailed design stage.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3782)****APPROVAL****That the Council:**

- 1. Approves in principle the proposal for a Safe Active Street link between Garden City and Riseley Street Activity Centres along Links Road, Collier Street, Millington Street and Hope Road, Ardross.**
- 2. Authorises the Chief Executive Officer to sign off on the Grant Agreement between the Department of Transport and the City of Melville for the Safe Active Street link project between Garden City and Riseley Street Activity Centres along Links Road, Collier Street, Millington Street and Hope Road, Ardross.**

At 7:50pm the Mayor submitted the motion, which was declared

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

**T18/3784 - CO24/17 – DEEPWATER POINT AND POINT WALTER BOAT LAUNCHING FACILITY UPGRADES (REC) (CONFIDENTIAL ATTACHMENTS)**

Ward	: Applecross - Mt Pleasant Bicton - Attadale – Alfred Cove
Category	: Operational
Subject Index	: Tenders
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: \$2,500,000 in the 2018-2019 draft budget
Responsible Officer	: Mario Murphy Manager City Buildings Steven Vo A/ Project Coordinator

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**T18/3784 - CO24/17 – DEEPWATER POINT AND POINT WALTER BOAT LAUNCHING FACILITY UPGRADES (REC) (CONFIDENTIAL ATTACHMENTS)****KEY ISSUES / SUMMARY**

- To recommend the acceptance of a tender as contained in the confidential attachment for the Deepwater Point and Point Walter Boat Launching Facility Upgrades subject to Council approving the 2018-2019 budget for the works.

**BACKGROUND**

The City of Melville (“City”) is seeking to engage a suitably qualified and experienced Contractor to demolish existing boat ramps and construct new boat launching facilities at the following two Sites on the Canning and Swan Rivers respectively:

- Deepwater Point, Mount Pleasant
- Point Walter, Bicton

Both projects will be financed through a combination of grant funding and money from the City. The total grant funding for both projects totals \$1,400,000.

Grant funding from the Department of Transport for the value of \$700,000 each has been approved for the Deepwater Point and Point Walter Boat Ramp Projects.

Works is scheduled to start early next financial year subject to the Council approving the 2018-2019 budget for the works.

**DETAIL****Tender Evaluation Process**

Qualitative scores were achieved by joint agreement of the panel members at the evaluation meeting after each panel member had scored the submission individually. Stage 1 was a weighted comparison against the following qualitative criteria – Relevant Experience, Capacity to Deliver and Methodology. Stage 2 was a weighted comparison against price.

This evaluation panel reviewed all tender submissions and prepared an Evaluation Report, identifying a recommended Tenderer. The recommended tenderer achieved the highest score.

The Evaluation Report and associated confidential attachments were distributed to Elected Members on Friday 25 May 2018 under confidential cover.

The Evaluation Report was presented to the Contract and Tender Advisory Unit (CTAU) for acceptance and recommendation to the Council to accept the recommended Tenderer as the most advantageous to the City.

The CTAU unanimously carried the acceptance of the recommendation by the Evaluation Panel.

**T18/3784 - CO24/17 – DEEPWATER POINT AND POINT WALTER BOAT LAUNCHING FACILITY UPGRADES (REC) (CONFIDENTIAL ATTACHMENTS)**

The CTAU Minutes and associated attachments were distributed to Elected Members on Friday 1 June 2018 under confidential cover.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The following engagement process has been undertaken. Appropriate signage detailing the development of the Deep Water Point Site is currently on Site. Signage includes estimated dates for boat ramps construction and inaccessibility. A communication plan is currently being prepared by the City for both boat ramps.

**II. OTHER AGENCIES / CONSULTANTS**

Specifications were developed by MP Rogers and Associates.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

Approved Budget Details	\$2,500,000 in the 2018-2019 draft budget including consultants and project management fees
Account Cost Centres or Capital Works Project Number	BOR01922

**T18/3784 - CO24/17 – DEEPWATER POINT AND POINT WALTER BOAT LAUNCHING FACILITY UPGRADES (REC) (CONFIDENTIAL ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Strategic implications of these works relate only to the consequences of not carrying out the works. Replacements of boat ramps are necessary to ensure that the facilities remain fit for purpose and meet the users' expectations.

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

The provision of these services has environmental implications in relation to waste material produced during the removal of the old boat ramps and contamination to the Canning-Swan River. The Contractor is required to abide by the strict environmental requirements set out by the Departments of Biodiversity, Conservation and Attractions in their development approval.

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

The CTAU is satisfied that the recommended Tenderer demonstrated that they have the relevant experience, capacity to deliver the works and follow a methodology in line with the City's expectations.

**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION AND COUNCIL  
RESOLUTION (3784) APPROVAL****That the Council:**

- 1. Accepts the recommendation as contained in the Confidential Attachment – CO24/17 Contract and Tender Advisory Unit Minutes.**
- 2. Upon resolving the recommendation, directs that the successful Tenderer's name and lump sum amount be inserted below this point 2:**

**D.B.Cunningham Pty Ltd t/a Advantearing Civil Engineers, ABN: 45 009 144  
414, ACN: 009 144 414, Lump Sum: \$1,498,552.68**

At 7:50pm the Mayor submitted the motion, which was declared

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

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

Ward	:	All
Category	:	Strategic
Subject Index	:	Delegated Authority
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	M17/5549 Review of City of Melville Delegated Authority Manual – Ordinary Meeting of Council 16 May 2017
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Advisor

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

This report seeks the Council's consideration in reviewing and adopting certain delegations of authority that permit officers to perform functions within a prescribed parameter.

**BACKGROUND**

The *Local Government Act 1995* (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by the Council's instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have reviewed the delegations and this report requests the Council to consider and endorse the reviewed delegations as submitted by officers.

**DETAIL**

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are, still necessary. Although the provisions of the *Local Government Act 1995* do not affect delegations made under other legislation, it is also considered an appropriate time to review those delegations.

"Delegated Authority" refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he feels appropriate.

[5618 Delegated Authority Manual](#) the City of Melville Delegated Authority Manual is attached. This attachment provides specific detail as to the extent of each delegation.

All Delegations have been reviewed by officers and suggestions have been included in Delegations for changes to descriptions and sub-delegations to or from positions. The review process was undertaken by all Directors and their suggestions have been noted on each Delegation.

It was apparent to officers that due to the extensive work on the Delegation Authority Manual over the past years, the main amendments recommended are fine tuning of the existing delegations. A listing of all Council Delegations is provided as an attachment with notes identifying any specific change to a delegation. [5618 Listing of Council Delegations](#)

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)****Amendments to Delegations.**

There are instances where delegations have been amended to note the change of officer position titles; minor amendments have also been made to various Delegations to reflect changes to the enabling legislation as follows.

**Delegation DA-007** Leasing/Licensing of Property – Change of Officer Title.

**Delegation DA-009** Renegotiation of Community and Sporting Rentals/Leases & Management Licences - Change to Officer Title and correction to title of CP-005 to “Land and Property Retention Disposal and Acquisition”.

**Delegation DA-010** Representation on Raffles Waterfront Strata Company - Change of Officer Title and titles of sub delegates.

**Delegation DA-011** Assignment of Commercial Leases - Change of Officer Title.

**Delegation DA-020** Planning and Related Matters – Changes made in accordance with Council Resolution, Item 16.1 Changes to Delegations Manual – Ordinary Meeting of Council 21 November 2017.

**Delegation DA-026** Determination of Criteria for Acceptance of Tender - Change of DA title, DA Description and title "Related Policy Reference" for CP-023 from "Procurement of Products and Services" to "Procurement Policy". DA updated to include DA-119.

**Delegation DA-027** Rejecting and Accepting Tenders - Change of DA title, DA Description, and title of "Related Policy Reference" for CP-023 from "Procurement of Products and Services" to "Procurement Policy". DA updated to include DA-116, DA-118 and DA-029.

**Delegation DA-028** Contract Variation and Selection of Next Successful Tenderer - Change of title of "Related Policy Reference" for CP-023 from "Procurement of Products and Services" to "Procurement Policy". Change to definition of Minor Variation.

**Delegation DA-029** Expressions of Interest – Delegation cancelled as consolidated into DA-027.

**Delegation DA-030** Consideration of Expressions of Interest to Supply Goods or Services - Change of title of "Related Policy Reference" for CP-023 from "Procurement of Products and Services" to "Procurement Policy".

**Delegation DA-035** Payment of Accounts from Municipal and Trust Funds - Added Director Urban Planning as a sub delegate - Category A authoriser

**Delegation DA-037** Reimbursement of Expenses & Payments of Allowances/ Advances to Elected Members and Committee Members - Change of Officer Title.

**Delegation DA-038** District Boundary Adjustment - Change of Process Owner and Sub delegation from Director Corporate Services to Executive Manager Governance and Legal Services.

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

**Delegation DA-041** Seek Legal Services outside the Approved Panel of Legal Advisors - Added Executive Manager Governance and Legal Services as sub-delegate.

**Delegation DA-042** Inquiry Report - Change of title to Department of Local Government, Sport and Cultural Industries.

**Delegation DA-059** Prosecution Offences Against Dogs - Added Coordinator Rangers and Emergency Management as Sub Delegate.

**Delegation DA-060** Keeping More Than Two Dogs - Added Coordinator Rangers and Emergency Management as Sub Delegate.

**Delegation DA-064** Limited Short Term Commercial Activities on Reserves – Transferred responsibility to Director of Community Development.

**Delegation DA-072** Changes of Title and Description.

**Delegation DA-078** Authority to Sanction Major Sporting, Recreation and Leisure Events within the City of Melville - Correction to title of CP-002 and correct reference to CP-099.

**Delegation DA-080** Road Construction, Private Works, Cash Deposits and Performance Bonds - Added Manager Engineering as a sub delegate.

**Delegation DA-086** Parking Fees – Delegation superseded, to be deleted.

**Delegation DA-087** Commercial Parking Leases - Change of Officer Title.

**Delegation DA-116** Establishment of Panels of Qualified Suppliers – To be deleted as combined with DA-027.

**Delegation DA-118** Rejecting and Accepting Pre-Qualified Suppliers - To be deleted as combined with DA-027.

**Delegation DA-119** Determination of Criteria for Acceptance of Pre-Qualified Suppliers - To be deleted as combined with DA-026.

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

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

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)****II. OTHER AGENCIES / CONSULTANTS**

The City of Melville Delegated Authority Manual has been modelled on the Department of Local Government's guidelines introduced in the February 2007. These guidelines were prepared in collaboration between Department of Local Government, Sport and Cultural Industries staff, McLeod's Barristers and Solicitors, and officers from various local governments including the City of Melville.

**STATUTORY AND LEGAL IMPLICATIONS**

The following are the key issues under the Act affecting delegated authority:

- Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16 (1) and s.5.42 (1)].
- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2) and s.5.44(2)].
- All Delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely. Any decision to amend or revoke a delegation must be by absolute majority [s.5.16 (3)].
- Any of the Council powers or duties under The Act can be delegated to a Committee comprising Council members only, EXCEPT any power or duty requiring absolute or special majority decisions; or any other power or duty as prescribed [s.5.17 (1)(a)].
- Delegations CANNOT be made to Committees comprised of "other persons" only [s.5.9 (2)(f)] (i.e. with no council members or employees). Following from this, delegations cannot be made to a committee comprised of employees only [such a committee cannot exist by virtue of s.5.9 (2)].

A Local Government may delegate to the Chief Executive Officer, by absolute majority, any of its powers or duties under the Act [s.5.42(1)], EXCEPT those identified in s.5.43 as listed below:

- (a) *any power or duty that requires an absolute or special majority decision or seventy five percent (75%) majority of the Local Government;*
- (b) *accepting a tender which exceeds an amount determined by the Local Government;*
- (c) *appointing of an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;*
- (e) *any powers under s.5.98 (fees for Council Members), s.5.99 (annual fee for Council Members in lieu of fees for attending meetings), or s.5.100 (payments for certain Committee Members);*
- (f) *borrowing money on behalf of the local government;*

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

- (g) hearing or determining an objection of a kind referred to in s9.5*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the Local Government*
- (h) any power or duty requiring the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*
  - *Any powers or duties which can be delegated to the Chief Executive Officer in accordance with s.5.42 and s.5.43, can be delegated to a Committee comprising Council members and employees [s.5.17(1)(b)]. Further, the Chief Executive Officer may delegate to any employee any of these powers or duties (other than the power of delegation) [s.5.44(1)]*
  - *Any powers or duties that are necessary or convenient for the proper management of the City of Melville's property or related to an event in which the City of Melville is involved, can be delegated to the following types of Committee:*
    - (i) comprised of council members, employees and other persons*
    - (ii) comprised of council members and other persons*
    - (iii) comprised of employees and other persons [s.5.17(1)(c)]*
  - *Registers must be kept of all Delegations made to Committees, the Chief Executive Officer and employees, and such Delegations are to be reviewed at least once every financial year. [s.5.18, s.5.46(1) & (2)]*
  - *The Chief Executive Officer and any other employee who has been delegated a power or duty under The Act is required to keep a written record of:*
    - (i) how and when the power was exercised or the duty discharged*
    - (ii) the persons or classes of persons directly affected (other than Council or Committee members, or employees) by the use of the delegation [s.5.46(3) and Reg. 19].*

**FINANCIAL IMPLICATIONS**

Should the Council choose not to delegate authority to its officers, additional financial cost will be incurred in the extra administrative resources that would need to be applied in order to prepare reports seeking authorisation for individual actions from the Council.

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

**STRATEGIC, ENVIRONMENT AND RISK MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
An issue arises that requires urgent attention of officers to ensure public safety.	Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.	Implementation of delegation of power to authorise officers to enter site to make a situation safe.
That officers exercise a delegation that results in a decision being made that is contrary to the wishes of the Council	Moderate consequences which are unlikely resulting in a <b>Medium</b> level of risk.	Clear Council policy is established to guide delegated officers/committees in the exercise of the delegation.

**POLICY IMPLICATIONS**

A number of Council policies adopted by the Council have enabling delegation to the Chief Executive Officer who in turn may on-delegate to other appointed officers.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

All delegations are subject to the discretion of the Council and can be removed at any time. The Council may choose to remove delegations which in turn will then require formal consideration of relevant matters or items at the next available meeting of the Council.

Should delegations to officers not be granted, customers would experience increased delay in obtaining approvals and authorisations.

**CONCLUSION**

It is important to note that major decisions or actions made under delegation are as a matter of procedure referred on to Elected Members for their information. In addition whilst many decisions may be procedural, circumstances may make a decision contentious and therefore may be referred onto the Council for formal decision despite the enabling delegation

**OFFICER RECOMMENDATION (5618)**

**ABSOLUTE MAJORITY**

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

**That the Council by Absolute Majority decision adopts the amended City of Melville Delegated Authority Manual as attached [5618 Delegated Authority Manual](#)**

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**Amendment 1

At 6:45pm Cr Woodall moved, seconded Cr Pazolli –

**That the Council amend DA – 011 (Assignment of Commercial Leases) in the Combined Delegated Authority Manual 2018-19 by inserting the following words as a new line below the first paragraph of the ‘Description’ section:**

***“This delegation only applies where the annual property rental value of the lease is equal to or less than \$100,000 per annum (excl. GST).”***

At 6:51pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

Reasons:

1. Currently Council approval is required for the City to enter into a lease with a value of over \$100,000 per annum. This threshold is appropriate as it ensures that significant/major commercial leases come before Council for consideration and public comment/scrutiny.
2. It is appropriate that Council also has oversight of any proposed assignment of a significant commercial lease (>\$100,000 p.a.). This will allow Council to consider and satisfy itself that the proposed assignee is reputable and of good financial standing.
3. This amendment will provide consistency in how commercial leases are dealt with and ensure that any proposed assignment of a commercial lease comes before Council.

*At 7:08pm Mr McAuliffe entered the meeting.*

*At 7:18pm Ms Johnson entered the meeting.*

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

Amendment 2

At 6:52pm Cr Pazolli moved, seconded Cr Kepert –

**That the Council:**

**1. Revokes the following Delegated Authorities:**

**DA-042: Inquiry Report**

**DA-043: Advice on Inquiry Reporting**

**2. By Absolute Majority decision adopts the amended City of Melville Delegated Authority Manual as attached after deletion of DA-042 and DA-043  
5618 Delegated Authority Manual**

At 7:26pm the Mayor submitted the motion, which was declared

**CARRIED (8/5)**

<b>Vote Result Summary</b>	
Yes	8
No	5

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

**M18/5618 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**Reasons:

1. DA-042 delegates responsibility to the CEO to prepare & submit a written response to the DLGSCI to any Departmental Inquiry regardless of whether it is undertaken by a Departmental officer or by an "authorised person" appointed as per Section 8.3 of the Local Government Act 1995. Any inquiry by the Department of Local Government is likely to be a serious matter for the City of Melville. This delegation allows the CEO to submit a response to an Inquiry and any associated recommendations without obtaining any comments, input or report to the full Council.
2. One would expect, given the seriousness of a Departmental Inquiry (like the current Inquiry into the City by Mr Ron Murphy as an authorised person under the Act), that a CEO would bring before Council any response to a Departmental Inquiry before it is submitted to the Department. However, this delegation allows the CEO to submit a response to an Inquiry without the approval / knowledge of Council. For example, under the current delegation, the situation could arise where the CEO decides to submit a response to an Inquiry recommending that Council be dismissed or placed into administration, without providing any opportunity for Council to consider that response before it is submitted. Simply, this delegation is not safe and should be revoked.
3. There is no detriment or disadvantage that could result from the revocation of the delegation since a Special Meeting of Council can be called to deal with an Inquiry response so that the 35 day deadline can be met or, alternatively, Council can request an extension of time from the Minister. Should a circumstance arise where the Departmental Inquiry involves only operational or City employee matters not requiring Council input, the CEO can submit a report/recommendation to Council requesting Council approval for the CEO to respond to the Department in advance of receiving the Departmental Inquiry report. In the 10 years on Council I am only aware of one Departmental Inquiry being called for the City of Melville, so that a case-by-case request to Council by the CEO would not be an onerous requirement.
4. DA-043 is similar to DA-042 except it refers to the CEO responding to an Inquiry Panel report. As far as I'm aware there has not been an inquiry Panel report on the City of Melville in the last 10 years. An Inquiry Panel report would again be a very serious issue for the City of Melville and I cannot envisage a situation where the Council would not want to consider a report from the CEO ahead of allowing the CEO to submit a response to an Inquiry Panel report.

Substantive Motion as Amended

**That the Council by Absolute Majority decision adopts the amended City of Melville Delegated Authority Manual as attached [5618 Delegated Authority Manual](#) subject to:**

- 1 Amendment to DA – 011 (Assignment of Commercial Leases) in the Combined Delegated Authority Manual 2018-19 by inserting the following words as a new line below the first paragraph of the ‘Description’ section:**

*“This delegation only applies where the annual property rental value of the lease is equal to or less than \$100,000 per annum (excl. GST).”*

- 2 Revokes the following Delegated Authorities:**

- **DA-042: Inquiry Report**
- **DA-043: Advice on Inquiry Reporting**

At 7:28pm the Mayor submitted the amendment, which was declared

**CARRIED (12/1)**

<b>Vote Result Summary</b>	
Yes	12
No	1

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

**M18/5000 – COMMON SEAL REGISTER (REC)**

Ward	:	All
Category	:	Operational
Subject Index	:	Legal Matters and Documentation
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works 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 &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 17 April 2018 up to and including 18 May 2018 for the Council's noting.

**M18/5000 – COMMON SEAL REGISTER (REC)**

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
CS2032	City of Melville and Melville Theatre Company	Melville Theatre Company Management Licence for one year commencing 1 July 2018 and expiring 30 June 2019	4578370
CS2037	City of Melville and Stock Road Senior Citizens Club	Stock Road Senior Citizens Club - Management License for One Year commencing 1 July 2018 expiring 30 June 2019	4578432
CS2042	City of Melville and The Department of Transport	Updated license agreement to coincide with Boat ramp upgrade	4615723
CS2048	City of Melville and Activate Life Rehabilitation	Activate Life Rehabilitation Management Licence 2020	4641020
CS2050	City of Melville and Chief Executive Officer	Contract Variation - CEO Contract of Employment Council Resolution C18/5623	Personal File

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**M18/5000 – COMMON SEAL REGISTER (REC)****II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for the Council's information.

**M18/5000 – COMMON SEAL REGISTER (REC)****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 17 April 2018 up to and including 18 May 2018.**

At 7:50pm the Mayor submitted the motion, which was declared

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

Disclosure of Interest

Item No. C18/5617  
 Officer Mr M Tieleman, Director Corporate Services  
 Type of Interest Financial  
 Nature of Interest Section 5.60A of the *Local Government Act 1995*. Policy CP-007 – Acting Chief Executive Officer, may receive an acting salary when undertaking the CEO role  
 Request Stay and observe  
 Decision Not Required

**C18/5617 – POLICY REVIEW – CORPORATE SERVICES (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Subject Index : Corporate Policy  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item C16/5484 Policy Review – Corporate Services - Ordinary Meeting of the Council – 17 May 2016  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Marten Tieleman  
 Director Corporate 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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C18/5617 – POLICY REVIEW – CORPORATE SERVICES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The policies within the responsibility of Corporate Services have been examined and those due for review have been brought forward with amendments for consideration and adoption.
- Policies that are defined as a Council Policy require the approval of the Council whereas Operational Policies are approved by the Chief Executive Officer.
- This report recommends that the reviewed policies be adopted.

**BACKGROUND**

A two yearly review cycle has been implemented to ensure all policies remain current. Officers have again reviewed all Corporate Services Council policies which are due for review.

**DETAIL**

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by the Council relate to:

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

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

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

Corporate Services Directorate has 15 Council Policies. This report provides comment on 13 of the policies under the responsibility of the Corporate Services. Two policies have not been included in this review CP-106 Elected Members Social Media Policy was adopted by the Council at the meeting held 20 February 2018 and CP-023 Procurement Policy was reviewed by the Council at the April 2018 meeting.

**C18/5617 – POLICY REVIEW – CORPORATE SERVICES (REC) (ATTACHMENT)**

A summary of changes made to policies is outlined below:

**CP-003 Public Relations**

Change in accountable Officer and strengthening of the legislative and Code of Conduct requirements. Deleted 1 d. and 1 e. as wording incorporated into other clauses.

**CP-007 Acting Chief Executive Officer**

Changed to clarify that the role of Acting CEO must be filled by a Senior Employee of the Council as defined by the Act and for a maximum period of three months with periods in excess of that and up to the 12 month statutory limit being decided by the Council.

**CP-008 Financial Sustainability - Forward Financial Planning and Funding Allocation**

Amended policy to clarify that whilst the Long Term Financial Model is updated annually by administration to reflect changes brought about by the adoption of the Annual Budget by the Council and other factors that emerge, the Model itself is not re-adopted annually and that it is in fact the Long Term Financial Plan that is adopted by the Council. Other minor changes as highlighted in document.

**CP-009 Investment of Funds Policy**

Minor changes – Additional references to applicable Regulations and Accounting Standards.

**CP-010 Self Supporting Loans**

No changes proposed.

**CP-024 Borrowings and Asset Financing**

Change to reflect how unspent loans will be managed and disclosed, and arrangements for loan refinancing and paying off loans in advance of their final repayment date.

**CP-025 Accounting**

Changes to the Assets section to align with current standards and best practice concerning types of assets, classes of assets, componentisation and depreciation. Further detail provided around the revaluation of assets. Minor changes to Clause 14 Bad Debts Write Offs to correctly record sub-delegations from CEO to Directors and Manager Financial Services.

**CP-026 Employee Appointments**

Amendment of title of officer accountable for the Policy. Inclusion of the People Framework as a relevant document

**CP-027 Severance Policy**

Minor changes to definitions, exclusions for severance payment and references that policy maybe applicable to.

**CP-030 Environmental Policy**

Clarification that the Environmental Policy relates to the City of Melville as an organisation and acknowledgement of the leadership role within the broader community. Inclusion of relevant standards and updating naming of strategic documents.

**CP-039 Quality Policy**

Update of relevant version of the applicable standards and stronger definition of the scope.

**C18/5617 – POLICY REVIEW – CORPORATE SERVICES (REC) (ATTACHMENT)**

**CP-099 Risk Management Policy**

Major revision – Policy Objectives and Scope revised, Definitions added, Addition of Risk Appetite explanation and tolerance levels. Update to Roles and Responsibilities,

**CP-104 Related Party Disclosures Policy**

No changes proposed.

**STAKEHOLDER ENGAGEMENT**

No public consultation or communication is applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

This review of policies has particularly included references to legislation to support the policy position. The policies are consistent with the current *Local Government Act 1995* and relevant Regulations.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council as a result of this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The process of policy review will serve to minimise both strategic and risk management implications by ensuring the policies are consistent with current legislation.

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

**POLICY IMPLICATIONS**

There are no identified policy implications that have been identified in this review.

**C18/5617 – POLICY REVIEW – CORPORATE SERVICES (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council has policies to provide direction to officers on the Council's expectation of how a variety of matters will be addressed. This direction provides a consistent approach to all persons who make similar applications to the City. Should the Council resolve to remove

Council Policies, officers would not have the understanding of the Council's intent in the great variety of matters and circumstances with the potential that persons would receive different responses from the City on similar matters. By providing a consistent approach, people will have confidence in the City's application of judgement on matters and that decisions are applied against a structure.

**CONCLUSION**

The individual policies have been reviewed by senior officers and their amendments are consistent with the current provisions of the *Local Government Act 1995* and Regulations.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5617)                      APPROVAL**

**That the 13 policies reviewed by Corporate Services as contained in the following attachments be approved.**

**CP-003 Public Relations**  
**CP-007 Acting Chief Executive Officer**  
**CP-008 Financial Sustainability - Forward Financial Planning and Funding Allocation**  
**CP-009 Investment of Funds Policy**  
**CP-010 Self Supporting Loans**  
**CP-024 Borrowings and Asset Financing**  
**CP-025 Accounting**  
**CP-026 Employee Appointments**  
**CP-027 Severance Policy**  
**CP-030 Environmental Policy**  
**CP-039 Quality Policy**  
**CP-099 Risk Management Policy**  
**CP-104 Related Party Disclosures Policy**

At 7:50pm the Mayor submitted the motion, which was declared

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

**C18/6000 - INVESTMENT STATEMENTS AS AT 30 APRIL 2018 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

**C18/6000 - INVESTMENT STATEMENTS FOR APRIL 2018 (REC)**

**BACKGROUND**

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

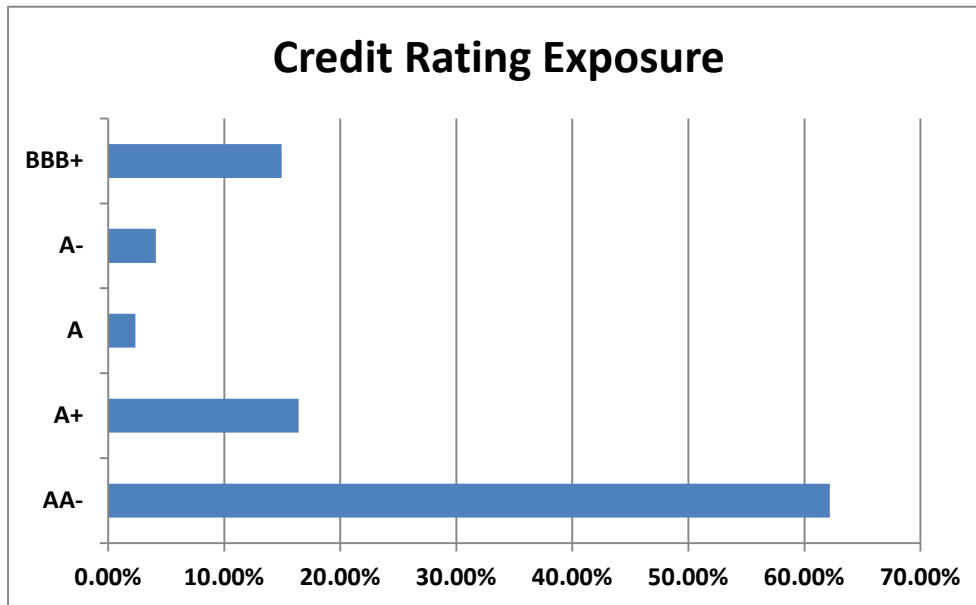
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

**DETAIL**

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

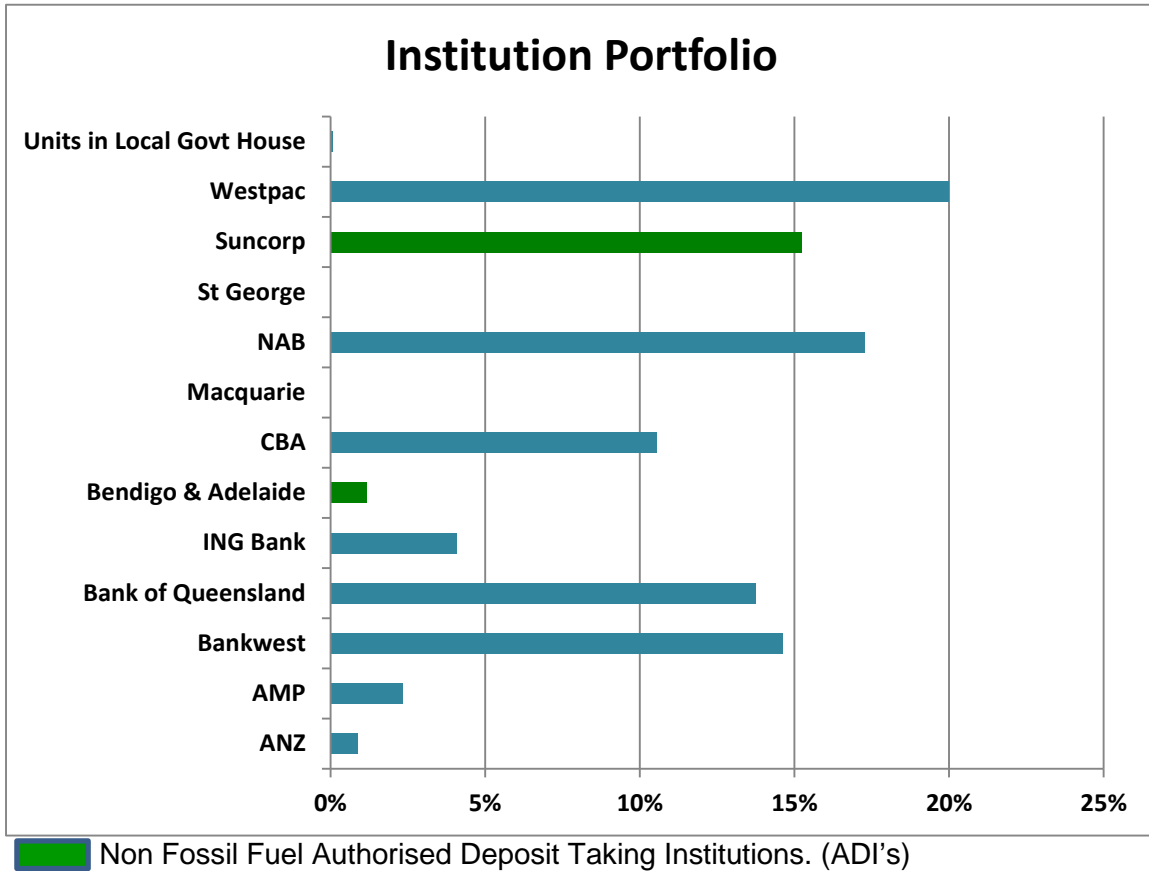
<b>CITY OF MELVILLE</b>	
<b>STATEMENT OF INVESTMENTS</b>	
<b>FOR THE PERIOD ENDING 30 APRIL 2018</b>	
<b>SUMMARY BY FUND</b>	<b>AMOUNT</b> <b>\$</b>
MUNICIPAL	\$ 36,014,525
RESERVE	\$ 133,396,239
TRUST	\$ 1,179,846
CITIZEN RELIEF	\$ 212,868
	<b>\$ 170,803,478</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	<b>AMOUNT</b> <b>\$</b>
11AM	\$ 3,536,790
31DAYS AT CALL	\$ 20,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 136,512,020
UNITS (Local Govt Hse)	\$ 154,668
	<b>\$ 170,803,478</b>
<b>SUMMARY BY CREDIT RATING</b>	<b>AMOUNT</b> <b>\$</b>
AA-	\$ 106,148,810
A+	\$ 28,000,000
A	\$ 4,000,000
A-	\$ 7,000,000
BBB+	\$ 25,500,000
UNITS (Local Govt Hse)	\$ 154,668
	<b>\$ 170,803,478</b>

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



DIVERSIFICATION RISK & GREEN INVESTMENTS									
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,500,000		0.88%	0.88%	30%	No	
AMP BANK (TERM)	TERM	A	4,000,000		2.34%	2.34%	25%	No	
BANKWEST (TERM)	TERM	AA-	25,000,000		14.64%	14.64%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	23,500,000		13.76%	13.76%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	2,000,000		1.17%	1.17%	15%	Yes	2,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	18,000,000		10.54%	10.54%	30%	No	
ING BANK (TERM)	TERM	A-	7,000,000		4.10%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	4.10%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	29,512,020		17.28%	17.28%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	26,000,000		15.22%	15.22%	25%	Yes	26,000,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,371,114		1.39%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,048,416		0.61%				
WESTPAC (MAXI DIRECT)	11AM	AA-	117,260		0.07%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	20,000,000		11.71%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.17%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		5.04%				
WESTPAC (TERM)	TERM	AA-	-		0.00%	19.99%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	154,668		0.09%	0.09%		N/A	
			<b>170,803,478</b>		<b>100%</b>	<b>100%</b>			<b>28,000,000</b>
<b>Total Non Fossil Fuel Lending ADI</b>									<b>16%</b>

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



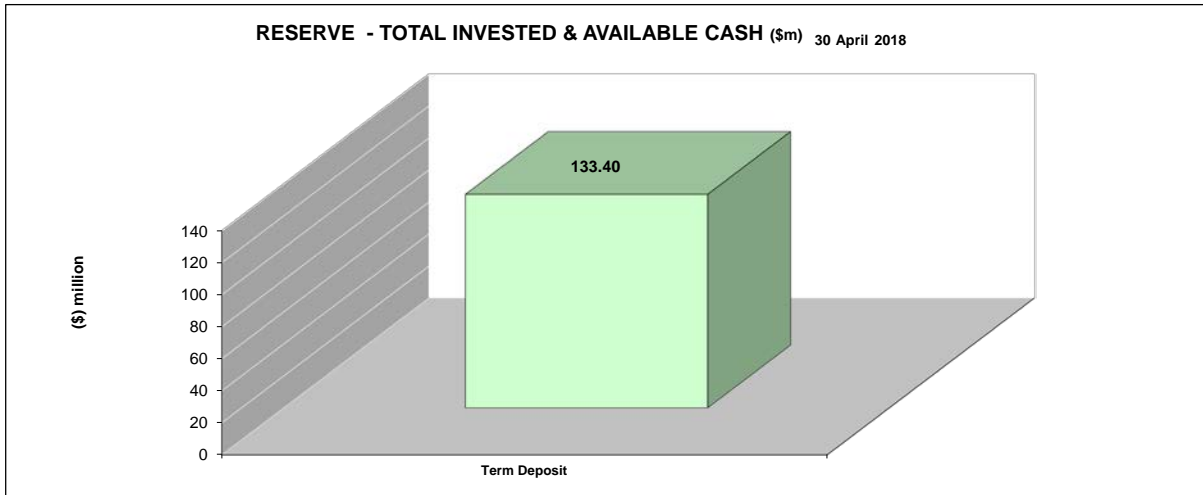
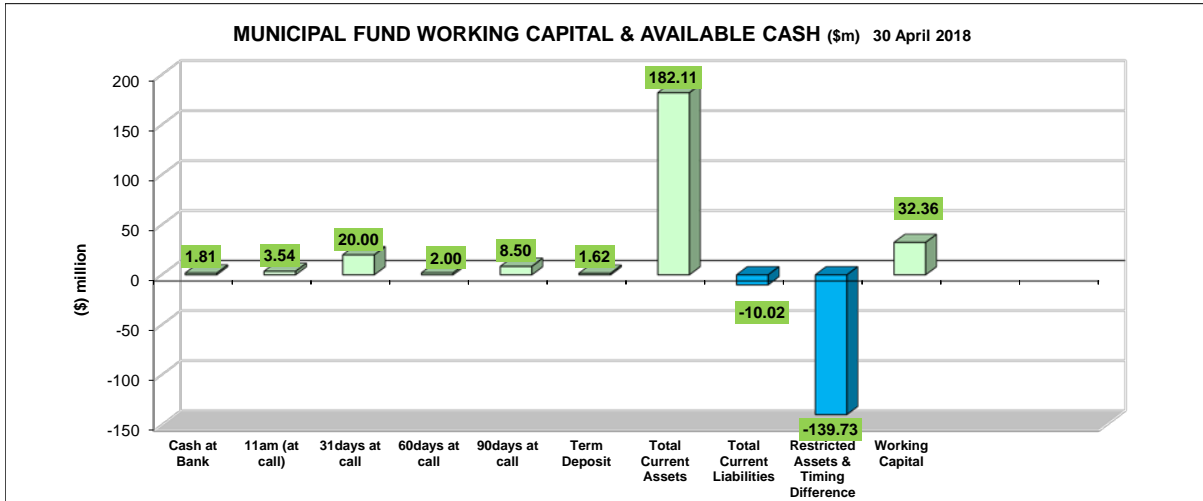
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 April 2018 was \$28,000,000 or 16% of total investment holdings being in non-fossil fuels institutions. This compared to \$25,800,000 (15%) in March 2018. The amount of investment holdings in non-fossil fuels institutions increased from March as well as the percentage of the holding. The total investment holding for March was \$177,102,497 and April was \$170,803,478.

**C18/6000 - INVESTMENT STATEMENTS FOR APRIL 2018 (REC)**

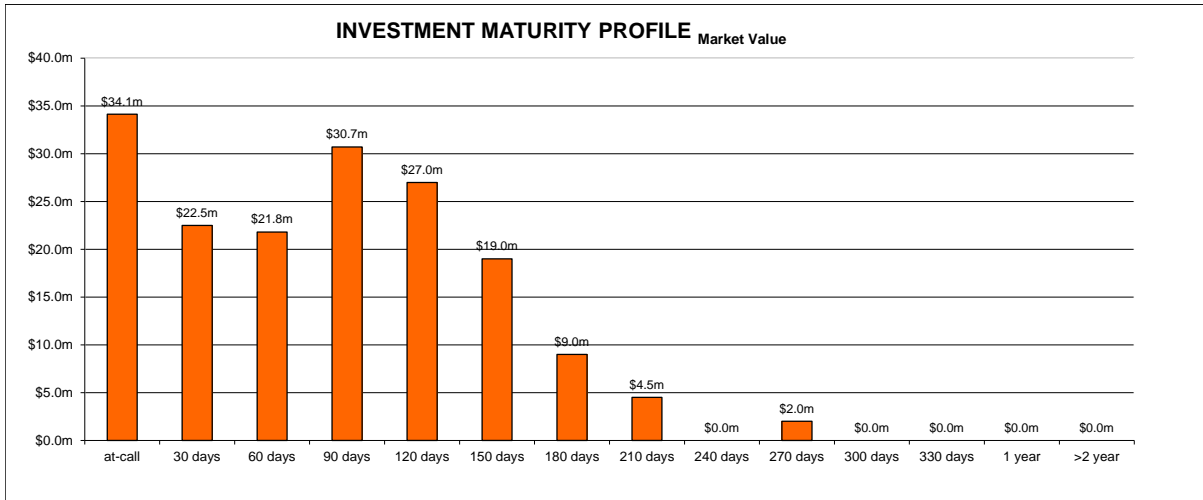
**Net Funds Held**

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



**C18/6000 - INVESTMENT STATEMENTS FOR APRIL 2018 (REC)**

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



**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

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

**C18/6000 - INVESTMENT STATEMENTS FOR APRIL 2018 (REC)**

**FINANCIAL IMPLICATIONS**

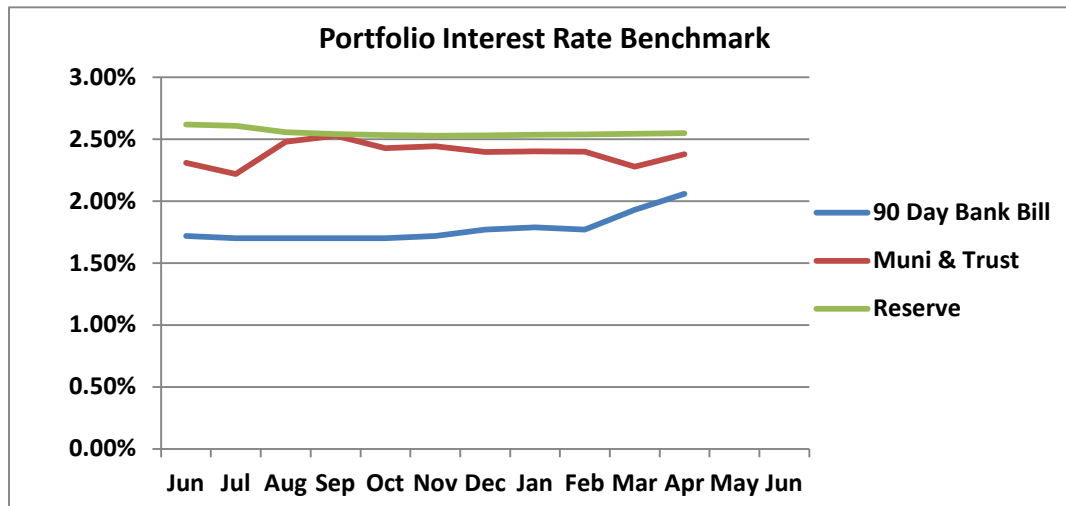
For the period ending 30 April 2018:

- Investment earnings on Municipal and Trust Funds were \$727,522 against a year to date budget of \$529,914 representing a \$197,608 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 April 2018 was 2.38% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.06%.

- Investment earnings on Reserve accounts were \$2,766,636 against a year to date budget of \$2,785,473 representing a \$18,837 negative variance.

The weighted average interest rate for Reserve account investments as at 30 April 2018 was 2.55% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.06%.



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

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

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

**Risk**

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

**C18/6000 - INVESTMENT STATEMENTS FOR APRIL 2018 (REC)****Environmental**

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

**POLICY IMPLICATIONS**

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

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report only presents information for noting.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.38% to 2.55% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 2.06%.

16% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 15% in March 2018.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)****NOTING****That the Council notes the Investment Report for the period ending 30 April 2018.**

At 7:50pm the Mayor submitted the motion, which was declared

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

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

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

**BACKGROUND**

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

**DETAIL**

The Schedule of Accounts Paid for the period ending 30 April 2018 including Payment Registers numbers, Cheques 652-656 and Electronic Funds Transfers batches 501 - 503, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 June 2018. Payments for the period totalled \$9,432,993.10 for the Municipal Fund and \$83,717.04 for the Trust Fund whilst new investment transactions totalled \$4,700,000.00. Details of the payments are shown in attachment [6001 April 2018](#).

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

Supplier Name	Remittance Number	Remittance Details	Amount
AES Electrical Services	Chq 068988	Supply and installation of floodlight towers at Peter Ellis and John Connell Reserve	\$438,298.19
Asphaltech Pty Ltd	E063565	Road resurfacing at various sites	\$304,976.86
Bibliotheca Australia Pty Ltd	E063253	Purchase of sorting machine for AH Bracks Library	\$55,569.24
Building & Construction Industrial Training Fund	Chq 007166	Remittance of the building construction training levy collected by the City with building licence applications	\$35,996.34
Calibre Coatings Pty Ltd	E063146 & E063453	Painting services	\$28,733.10
City of Cockburn	E063102	Commercial waste tip fees for March	\$30,914.36
Contraflow Pty Ltd	E063555	Traffic management services	\$26,254.37
DB Cunningham Pty Ltd	E063307	Progress claims for wetlands drainage construction at four sites and foreshore revetment at Deep Water Point and Mount Henry Jetty	\$330,712.98
Department of Commerce	E063097	Remittance of Building Service Levy collected on building licence applications	\$47,720.70
Department of Fire & Emergency Services	E063240	ESL remittance for March	\$1,122,690.65
Devco Holdings Pty Ltd T/A Devco Builders	E063223	Building maintenance	\$44,920.80
EMSO Maintenance	E063171 & E063479	Building maintenance	\$44,733.75
Flexi Staff	E063126 & E063437	Temporary employment	\$75,979.89
Hays Specialist Recruitment (Australia) Pty Ltd	E063250 & E063564	Temporary employment	\$31,363.70
Horizon West Landscape and Irrigation Pty Ltd	E063296 & E063595	Sump maintenance City wide	\$50,160.00
JMG Air Conditioning & Electrical Services Pty Ltd	E063267	Service and maintenance to air conditioners City wide	\$37,873.00

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

Supplier Name	Remittance Number	Remittance Details	Amount
LGC Traffic Management (ATF) LGC Group Pty Ltd	E063337	Traffic management services	\$34,564.20
Maitland Consulting Group Pty Ltd	E063138 & E063449	Facilitation of Leadership Program	\$35,872.10
MMM WA Pty Ltd	E063199 & E063523	Construction works at Harry Baker Reserve and drainage installation at 53 Dunkley Avenue	\$104,386.63
Natural Area Management & Services	E063373 & E063659	Weed control at various sites and maintenance to bushland reserves	\$35,969.19
Optus Billing Services	E063430	Cisco WAN routers	\$78,290.12
Pearmans Electrical & Mechanical Services	E063222 & E063543	Electrical services	\$30,270.50
Southern Metropolitan Regional Council	E063500	Green waste, MRF & MSW gate fees for March and MSW gate fees for April	\$706,098.01
Synergy	E063125 & E063436	Electricity charges	\$272,188.75
Technology One Ltd	E063377 & E063665	Annual support and maintenance fee	\$120,168.88
Titan Ford	E063150 & E063458	Purchase of 2 Ford Rangers	\$69,457.89
Tree Care WA Pty Ltd	E063366 & E063653	Tree lopping services	\$37,921.40
Tree Planting & Watering (ATF) Baroness Holdings Pty Ltd	E063249	Street tree watering	\$61,097.72
Triton Electrical Contractors Pty Ltd	E063245 & E063562	Electrical services	\$31,342.60
Veraison Enterprises Pty Ltd	E063210	Leadership Styles Inventory and Culture Improvement Team facilitation	\$32,589.70
Water Corporation	Chq's 68986 & 069035	Water charges	\$36,311.35

**Payroll**

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 04/04/2018 & 18/04/2018	Payment of salaries and wages to City employees net of tax and deduction for pays 20 and 21.	\$2,147,926.56
Australian Taxation Office	Direct Bank Transfers 04/04/018 & 18/04/2018	Pay as You-Go taxation and other deductions from employee payroll for pays 20 and 21.	\$657,032.00
Creditors & Advances	Direct Bank Transfers 04/04/018 & 18/04/2018	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 20 and 21.	\$510,146.77
<b>Total</b>			<b>\$3,315,104.33</b>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2018 (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

**CONCLUSION**

Payments for the period totalled \$9,432,993.10 for the Municipal Fund and \$83,717.04 for the Trust Fund whilst new investment transactions totalled \$4,700,000.00.

The report and attached Schedule of Accounts Paid is 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 ending 30 April 2018 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 April 2018](#)**

At 7:50pm the Mayor submitted the motion, which was declared

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

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 April 2018 and recommends that they be noted by the Council.
- The variances for the month of April 2018 and recommends that they be noted by the Council.
- The Budget amendments required for the month of April 2018 and recommends that they be adopted by Absolute Majority decision of the Council.

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

The Statements of Financial Activity for the period ending 30 April 2018 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**DETAIL**

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

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

**Variances**

RATE SETTING STATEMENT <small>by Program</small>							
EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE IN EXCESS OF \$50,000							
for the Period 1 July 2017 to 30 April 2018							
	April Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
<b>OPERATING ACTIVITIES</b>							
<b>Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)</b>							
General Purpose Funding	425,477	8,156,735	8,497,672	340,938	4%	10,206,355	10,999,670
Law, Order, Public Safety	22,610	2,580,731	2,640,147	59,415	2%	2,640,836	2,710,901
Community Amenities	98,441	3,222,789	3,322,162	99,374	2%	3,480,202	3,589,789
Recreation and Culture	736,275	6,698,953	6,805,020	106,068	9%	8,570,847	8,112,196
Transport	104,231	1,037,234	1,108,893	71,659	2%	1,381,713	1,381,884
Economic Services	421,814	2,338,120	2,885,947	547,828	23%	2,613,767	2,513,346
Other Property and Services	26,110	2,379,669	253,156	(2,126,513)	-89%	1,881,450	2,591,525
	1,870,643	27,028,468	26,118,651	(909,817)		31,450,827	32,586,278
<b>Expenditure from operating activities</b>							
Governance	(366,449)	(4,191,334)	(3,730,190)	461,144	-11%	(5,263,277)	(5,405,189)
General Purpose Funding	(46,474)	(657,674)	(751,620)	(93,946)	14%	(3,232,581)	(3,236,203)
Law, Order, Public Safety	(311,039)	(3,369,570)	(3,225,549)	144,021	-4%	(4,118,059)	(4,191,587)
Health	(85,506)	(928,443)	(876,179)	52,264	-6%	(1,168,492)	(1,132,184)
Education & Welfare	(215,795)	(2,276,501)	(2,114,732)	161,769	-7%	(2,729,585)	(2,753,750)
Community Amenities	(1,680,963)	(20,389,559)	(19,415,070)	974,489	-5%	(24,667,337)	(25,748,300)
Recreation and Culture	(2,035,804)	(24,585,681)	(23,115,577)	1,470,104	-6%	(29,988,278)	(29,800,055)
Transport	(1,416,555)	(14,452,387)	(14,010,607)	441,780	-3%	(17,725,955)	(17,728,094)
Economic Services	(174,137)	(2,008,449)	(2,068,594)	(60,145)	3%	(2,390,021)	(2,415,934)
Other Property and Services	(543,222)	(7,878,838)	(5,910,005)	1,968,833	-25%	(10,369,279)	(10,814,754)
	(6,881,304)	(80,792,422)	(75,276,494)	5,515,928		(101,719,144)	(103,288,353)
<b>Investing Activities</b>							
Non-operating grants, subsidies and contributions	1,023,475	2,696,312	3,177,071	480,759		2,236,267	4,128,606
Proceeds from Disposal of Assets	5,900	1,819,476	1,900,693	81,217	4%	2,158,950	2,624,802
Purchase of Furniture & Equipment	(258,884)	(1,884,113)	(1,450,958)	433,155	-23%	(2,173,668)	(3,432,075)
Purchase of Land & Buildings	(1,070,144)	(3,659,695)	(2,885,163)	774,532	-21%	(12,992,772)	(21,643,183)
Purchase of Infrastructure Assets	(1,797,587)	(13,691,551)	(11,356,642)	2,334,909	-17%	(17,552,829)	(25,174,934)

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

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

**Revenue**

\$85.42 million in Rates was raised to 30 April 2018, compared to \$82.59 million being \$2.83m or 3.4% more than for the same reporting period last year. This is compared with a revised year to date budget of \$85.46 million, resulting in a negative variance of \$39,256 (0.05%).

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

Not applicable for April 2018.

**Budget Amendments**

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

- \$192,000 – Consolidation of budget for Harry Baker sump renewal project.
- \$921,798 – Transfer from Land and Property Reserve for the purchase of 7 Willcock Street.
- \$50,000 – Creation of a new budget for the Raffles Bike Node funded by a capital contribution from Cash in Lieu Car Parking Funds account.
- \$65,000 – Transfer of budget from road remediation project to Durdham Crescent carpark for associated works.
- \$200,000 – Transfer budget to consolidate funding for Murdoch Drive shared path project.

**Rates Debtors**

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$874,907 were collected over the course of the month. Rates collection progress for the month of April is 0.3% below the target of 95%. This represents a dollar value of \$267,820. As at 30 April 94.7% of 2017-2018 rates including prior year arrears had been collected compared with 94.8% collected for the same time last year. Rates collection for 2017-2018 excluding prior year rate arrears is 97.7%.

Total sundry debtor balances increased by \$35,474 over the course of the month from \$338,978 to 374,452. The 90+ day's debtor balance increased by \$3,929 from \$154,010 to \$157,939.

**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 April 2018.

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

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

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2018 (AMREC)  
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS****Variances**

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

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**CONCLUSION**

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

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

At 7:29pm Cr Wieland moved, seconded Cr Barling –

**That the Council:**

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

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

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendments Report for the month of April 2018 [6002J April 2018](#).**

At 7:29pm the Mayor submitted the motion, which was declared

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

At 7:30pm Mr Ponton left the meeting and did not return.  
 At 7:30pm Mr Tieleman left the meeting and did not return  
 At 7:30pm Mr McCarthy left the meeting and did not return  
 At 7.30pm Ms Brosztl left the meeting and did not return  
 At 7.30pm Mr Murphy left the meeting and returned at 7.31pm  
 At 7.30pm Ms Reid left the meeting and returned at 7.32pm  
 At 7.31pm Cr Woodall left the meeting and returned at 7.34pm  
 At 7.32pm Mr Murphy left the meeting and did not return  
 At 7.33pm Ms Reid left the meeting and did not return.

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

- The Council are required to approve a selection process for the Chief Executive Officer role prior to the vacancy being advertised, and a proposed process is outlined for consideration of the Council.
- The proposed process is based on use of an independent external Recruitment Consultant and authorising the Governance Committee to assist with key stages up to the point that the Council are required to consider and select the preferred Applicant by Absolute Majority decision.
- The Council needs to identify the remuneration package range available for the advertised vacancy of the Chief Executive Officer role, and there is a requirement to not exceed the Total Reward Package Determination of the Salaries and Allowances Tribunal.
- A draft Employment Contract is provided which is based on the Model contract developed by the Local Government Professionals Association and WALGA, and further refined through legal comment and alignment with City of Melville employment conditions.

**BACKGROUND**

The Chief Executive Officer, Dr Shayne Silcox tendered his resignation on Thursday 24 May 2018, effective 30 July 2018.

The process to select a Chief Executive Officer must be in line with best practice standards and in a manner that complies with Local Government Legislation, and as such needs to be determined through a resolution of the Council before the process can commence.

In respect to best practice, the City of Melville has an extremely professional and competent Employee Service Team that is able to manage the recruitment process internally. However to ensure the process is seen as transparent and perceived as providing a strong merit based selection process, it is proposed that an independent external Recruitment Consultant be utilised.

The Executive Manager Organisational Development is able to liaise and advise the Governance Committee in respect to utilising the services of an independent external Recruitment Consultant. They can also liaise with the Consultant, the Governance Committee, and the Council, to advise and ensure compliance with the Local Government Act, best practice and the ability to be present at any meetings to record minutes and the overall process on behalf of the organisation.

To facilitate the process beyond the appointment of a Consultant it is recommended that Council authorise the Governance Committee to coordinate the process to advertise, interview and recommend the preferred Applicants to the Council. The final approval of the recommended Applicant and the associated contract will require an Absolute Majority decision of the Council.

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)**

In support of best practice as detailed in the Local Government Operational Guidelines for Appointing a CEO *“Elected Members should declare any previous association with a potential applicant at the time of short-listing if they are part of the interview panel/selection committee established for the purpose. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence.”*

If a Member’s relationship with an applicant is deemed by the Governance Committee to be significant and may be perceived as nepotism or patronage, the member should exclude himself/herself from the selection process.

The Guideline also states that *“Elected Members may act as referees for applicants... When this occurs it is recommended that the member provide a written referee report prior to interview.”*

**DETAIL**

The proposed process is attached as [5625 CEO Recruitment – Proposed Process](#), and is based on the use of an external independent Consultant.

The inclusion of a Confidentiality Agreement, which requires all persons involved in the selection process to agree to appropriate levels of confidentiality, is a suggestion from the Local Government Operational Guidelines for Appointing a CEO. The Guideline highlights that any information which finds its way into the public domain before a recommendation is made to the Council may well compromise the selection process.

The draft Employment Contract [5625 Draft Contract of Employment CEO](#) is based on the Model contract developed by the Local Government Professionals Association and WALGA, and further refined through legal comment and alignment with City of Melville employment conditions.

The Council will assess preferred Applicants through a presentation and questions session and refer to information in the Selection Report from the Governance Committee. The Council will then select the preferred Applicant in accordance with section 5.36 of the *Local Government Act 1995*. Approval to appoint the preferred Applicant and the final contract is to be by Absolute Majority decision.

Following the selection of the preferred Applicant by the Council, the Applicant is to be offered the position by the Consultant. The contract is to be finalised, in consultation with the Executive Manager Organisational Development, through the Consultant and under the direction of the Council. It is noted that the value of the remuneration and benefits cannot be greater than the amount advertised.

If, as the recruitment process is undertaken, any changes to the proposed process are required, they are able to occur with the authorisation of the Governance Committee. Any variation to the process will, however need to be noted in the final report to the Council that identifies the recommended applicant.

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The advertising process will be the key public communication aspect of this process.

**II. OTHER AGENCIES / CONSULTANTS**

If the Council determine to utilise a Consultant, recruitment agencies will be engaged with a scope document developed and distributed based on the City of Melville's requirements.

**STATUTORY AND LEGAL IMPLICATIONS**

There are a variety of legal and policy requirements as detailed below. The key requirement to note at this point is that under *Local Government (Administration) Regulations 1996*, Regulation 18C it is required that "*The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.*"

The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.36,5.39,5.40) ;
- Relevant sections of the *Local Government (Administration) Regulations 1996* (18A, 18B, 18C, 18E, 18F);
- Local Government Operational Guideline Number 10 – Appointing a CEO;
- Local Government Management Association and WALGA Model Contract for Local Government CEOs ;
- *Equal Opportunity Act 1984*;
- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Policy OP-003).

Under Section 5.39 (7) of the *Local Government Act 1995* it states that the recruitment process needs to take into account "*a report made by the Salaries & Allowances Tribunal, under Section 7A of the Salaries & Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO.*" The latest report from the Salaries and Allowances Tribunal on recommendations for CEO salaries has recommended a Total Reward Package range for City of Melville of between \$247,896 - \$375,774.

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)**

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

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

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts a suitable applicant.	<b>Medium</b> level of risk	Use of external consultant based on quote evaluation that includes referees. Use of confidentiality agreements. Broad advertisement of vacancy.

**POLICY IMPLICATIONS**

The organisational Purchasing Policy is relevant to this matter.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could determine to coordinate the selection and appointment process internally through the Employee Services Team. This has not been recommended on the basis that it is considered an external Consultant will be seen as more transparent and promote more interest from potential applicants.

**Advantages**

1. The City's Employee Services team has demonstrated ability to support and advise on the Executive recruitment process, including finalising the position description, setting up selection panels, shortlisting against the desired attributes and essential skill areas and carrying out of reference and qualification checks.
2. The City controls the process and can co-opt nominated participants into different elements of the selection process, including short listing and interviews through to arranging for relevant testing and validation (such as psychometric testing for preferred candidates).
3. Costs can be controlled and will be lower as a 'success fee' for recruiting agencies would not apply.

**Disadvantages:**

1. Reputational Risk - An internal process does not offer the same opportunity to solicit applications and 'sell' the benefits of the role, using a range of innovative sourcing solutions (e.g. "Headhunt").
2. Probity - managing perceptions in the wider community of fairness and equity, especially if there are internal candidates.

**LATE ITEM - C18/5625 - PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (REC) (ATTACHMENTS)****CONCLUSION**

To formally commence the recruitment process for the Chief Executive Officer role the Council needs to confirm whether to select and appoint a Consultant to assist with the process, determine the process to be followed, remuneration range to be advertised and draft employment contract.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5625)                      APPROVAL**

At 7:49pm Cr Phelan moved, seconded Cr Robins –

1. That an external Recruitment Consultant be contracted to coordinate the recruitment process, with the Executive Manager Organisational Development to assist the Consultant, Governance Committee and the Council as required.
2. That the Council authorises the Governance Committee to coordinate the Chief Executive Officer recruitment process to the point of recommendation of the preferred applicants for final decision by the Council.
3. That the recruitment process [5625 CEO Recruitment – Proposed Process](#) be endorsed.
4. That the Council authorises the Governance Committee to make variations to the recruitment process should the need to do so arise, and that any variations made be reported back to the Council in the final report that recommends the preferred applicant.
5. That the value of the total remuneration package for the Chief Executive Officer position be advertised in accordance with the Salaries and Allowances Tribunal Chief Executive Officers Total Reward Package Determination of 10 April 2018.
6. That the draft Employment Contract [5625 Draft Contract of Employment CEO](#) be endorsed as the base document for finalisation by the Council once the preferred Applicant is decided.

At 7:50pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

**15. EN BLOC ITEMS**

At 7.50pm C Woodall moved, seconded Cr Wieland –

**That the recommendations for items P18/3783, T18/3782, T18/3784, M18/5000, C18/5617, C18/6000 and C18/6001 be carried En Bloc.**

At 7:50pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

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

Nil.

**17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL****17.1 Appointment of Acting Chief Executive Officer**

The matter is confidential in accordance with section 5.23 (2) (a), (b) and (e) of the *Local Government Act 1995*, a matter affecting an employee or employees; the personal affairs of any person; and a matter that if disclosed would reveal – information about the business, professional, commercial or financial affairs of a person.

At 7.50pm Cr Kepert moved, seconded Cr Woodall -

**That the meeting be closed to the public to permit discussion on confidential matters (Item 17.1 Appointment of Acting Chief Executive Officer covered under section 5.23 (2) (a), (b) and (e) of the *Local Government Act 1995*.**

At 7:51pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

*At 7:51pm Ms Wright left the meeting*

**17.1 Appointment of Acting Chief Executive Officer****COUNCIL RESOLUTION****APPROVAL**

At 7:57pm Cr Phelan moved, seconded Cr Wieland –

**That the Council resolves:**

- 1. That the Director Corporate Services, Marten Tieleman be appointed as the Acting Chief Executive Officer from 31 July 2018 until the commencement of the new Chief Executive Officer.**
- 2. That the Director Community Development, Christine Young be appointed as the Acting Chief Executive Officer from 31 July 2018 until the commencement of the new Chief Executive Officer for periods that Marten Tieleman is on leave.**
- 3. That the Director Urban Planning, Steve Cope be appointed as the Acting Chief Executive Officer from 31 July 2018 until the commencement of the new Chief Executive Officer in the event that Marten Tieleman and Christine Young are both on leave.**
- 4. That leave requests for the Director Corporate Services, Marten Tieleman for the period 31 July 2018 to the commencement of the new Chief Executive Officer will require approval from the Mayor.**
- 5. That the payroll system higher duties allowance applicable to this role as at 31 July be made to the Officer during their period of Acting Chief Executive Officer.**

At 7:57pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

**Reasons:**

The incumbent Chief Executive Officer, Dr Shayne Silcox will resign effective 30 July 2018.

As part of the Ordinary Meeting of Council 19 June 2018 amendments to the Council Policy 007 - Acting Chief Executive Officer have been approved.

The changes adopted now require Council to determine Acting Chief Executive Officer arrangements for periods of three months or more. Given the recruitment and appointment process will be over three months it is suggested that the Council decide which of the Senior Employees will be designated to Act as Chief Executive Officer effective 31 July until the commencement of the new Chief Executive Officer.

The rationale of the choice proposed for the Acting Chief Executive Officer is that the policy was previously that the Director Corporate Services was the first option for Acting Chief Executive Officer. The following recommendations relating to if the Director Corporate Services is on leave have been based on length of service with the City of Melville.

The purpose of nominating one person for the period is to ensure continued momentum and consistency of the strategic direction from the Council, as discussed in the recent Chief Executive Officer performance review process.

At 7:57pm Cr Kepert moved, seconded Cr Phelan –

**That the meeting come out from behind closed doors and the public be invited back into the meeting.**

At 7:57pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

At 7:58pm one member of the public entered the meeting and was advised of the outcome of the Notice of Motion.

**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 7.58pm.