



**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD ON
TUESDAY, 16 APRIL 2019
AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr M McCarthy
Mr A Ferris
Mr B Taylor

Mr G Ponton
Mr J Clark
Ms C Newman
Ms J Head

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

At the commencement of the meeting there were approximately 21 members of the public and one representative from the Press in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Cr Barling advised that he had not read the late information provided in hard copy to the meeting.

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

Nil.

6. QUESTION TIME

6.1 Questions Received with Notice

Nil.

6.2 Questions Received without Notice

6.2.1 Ms J Edinger, Melville

Question 1

The Melville Talks e-news #8 - April 2019 Edition, which I received on Friday 12 April, had a link to a post titled "Green Civilization- The Benefits Of Corridors". Can the Council please advise why my, and other people's, responses to this post have been deleted, who authorized the deletions, and if discussions were held on deleting responses prior to the post being included in the Melville Talks e-news #8?

Response

Melville Talks uses Post-Moderation, see definition below from the City's provider the Hive.

Post-moderation – this takes place after a comment has been posted. Often, an external provider will monitor content and quickly remove that which falls outside the moderation guidelines. This allows conversations to take place in real time so the User's content is immediately posted on the site and then reviewed by the moderators. If the moderator finds that the content may be violating the Moderation Policies, the User's content will be referred for review and the community User may be notified via email.

In some cases, visitors or members may notice that their submitted content that was once posted no longer appears on the site. The content is only temporarily removed until the Site Admin or Project Manager has reviewed it to ensure it complies with the Moderation Policy.

The Hive 24/7 moderators view all comments within two hours of submission and make a decision to either approve or refer a comment. However, they will generally try and moderate all comments within a few minutes of a submission.

Ms Edinger's comment was one of three referred to the City for review on Saturday 13 April 2019 and was subsequently approved to be published on Monday, 15 April 2019 around 10.15am.

Question 2

Yesterday at the Perth Surf Park rally held at Tompkins Park, Andrew Ross, director of the wave park proponent Urbnsurf Pty Ltd, publicly stated that "we're starting to analyze other sites in Perth that might be suitable for a surf park so in terms of Tompkins Park, the decision from the government, I believe, means it's now basically impossible, very difficult, for us to be there but we're working really hard to try to find another surf park." Given this, can the Council please advise why Mayor Aubrey is continuing to promote Tompkins Park as the location for the wave park?

6. *Question Time, Questions Without Notice, Ms J Edinger continued*

Response

The Mayor responded: I believe that the Wave Park would be a valuable addition to the sports and recreation activities available in the City and would make a significant financial contribution of over \$700,000 per annum that could then be applied to reducing the need to increase Rates or to the cost of improving other sporting facilities in the City of Melville: a win for our Community.

Question 3

Can the Council please advise when the wave park Ground Lease will be cancelled?

Response

The Council will consider its obligations within the lease and legal advice on this matter prior to resolving further action.

6.2.2 City of Melville Residents and Ratepayers Association (Inc)

1. Mayor Russell Aubrey made a speech on Sunday 14 April at the Wave Park *supporters function, that has subsequently been widely circulated, in which he make numerous adverse allegations and comments about various community groups and individuals; given Mayor Aubrey introduced himself as the Mayor and introduced the other Councillors present please confirm;*

Question 1

- 1.1 *that Mayor Aubrey made the speech in his capacity as Mayor and on behalf of Council,*

Response

The Mayor confirmed that he was speaking as the Mayor.

Question 2

- 1.2 *Mayor Aubrey's comments were in no way directed at our Association and/or our public spokespeople, and that there was no intention on Mayor Aubrey to infer that our Association and public spokepeople were involved in the action and behaviour he outlined? and*

Response

The Mayor advised that the membership of the MRRA is unknown and he has no knowledge of the individual members or their roles.

6. *Question Time, Questions Without Notice, City of Melville Residents and Ratepayers Association (Inc) continued*

Question 3

- 1.3 *exactly which community groups and individuals was Mayor Aubrey referring to?*

Response

The Mayor advised that the matters referenced are a matter of the public record.

Question 4

2. Why has it taken the City over a month to respond to the simple questions put to the March OMC, and why has the City not responded to them by email already?

Response

The responses to questions taken on notice at the March Ordinary Meeting of Council will be included in the minutes of tonight's meeting and responses will be sent to questioners.

6.3 Questions Taken on Notice at Previous Meeting

Ordinary Meeting of Council – 19 March 2019

6.3.1 Ms M Sandford, Applecross

Question 1

At the OMC of 19.02.19 the City of Melville purported to answer my following question:

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

by saying:

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

Question 1A

The first limb of my said question requires a yes or no answer. Please answer yes or no?

Response

The answer provided at the 19 February 2019 Ordinary Meeting of Council responds to your question. The assertion of exposure to the City and Elected Members personally to risk when acting in good faith is incorrect.

6. *Question Time, Questions Without Notice, Ms M Sandford continued*

Question 1B

From what date have the elected members allegedly “always known” of the consequences of termination of the lease and what would be the source and manner of communication of such knowledge?

Response:

See response to Question 1A.

Question 1C

Does the City believe that it is common knowledge that councillors are personally exposed to risk of damages if they vote in a certain manner?

Response

All Elected Members have been advised prior to voting on such matters, of the circumstances that could trigger a potential claim against an Elected Member.

Question 2

At the OMC of 19.02.19 the City of Melville purported to answer my following question:

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

By saying:

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

Question 2A

Why were Councillors of the City of Melville not afforded an exclusion of personal liability in the lease to Urbnsurf (Perth) Pty Ltd to allow for them to vote to terminate the lease in good faith in the exercise of their overriding duty under section 2.10(a) of the Local Government Act to represents the interests of electors, ratepayers and residents of the district?

Response

The Elected Members are afforded an exclusion of personal liability when they exercise their vote in good faith as required by the *Local Government Act 1995*.

6. *Question Time, continued*

6.3.2 City of Melville Residents and Ratepayers Association (Inc)

Question 1

1. *In relation to former CEO Shayne Silcox (Silcox);*
1.1. *What date did Silcox finish his contract of employment with the City?*

Response

Dr Silcox concluded his employment with the City on 30 July 2018.

Question 2

- 1.2. *Did the City authorise and/or remunerate Silcox for presenting at the 10 August 2018 LG Professionals Australia WA Better Practice Program; what are the details of any approval and/or remuneration?*

Response

Since Dr Silcox was not an employee of the City on 10 August 2018 he was not required to obtain the authorisation of the City to attend nor was he remunerated by the City to attend.

Question 3

- 1.3. *How many formal events and/or meetings has Silcox attended with City employees or Elected Members since he finished employment with the City; what were the dates of the events and/or meetings and who was at the events and/or meetings?*

Response

The City is aware of one attendance by Dr Silcox at the City of Melville annual dinner held on 7 December 2018. The guest list will not be provided.

Question 4

- 1.4. *How much in total has the City remunerated Silcox, in cash or kind, since he finished with the City?*

Response

Mr Silcox has not received remuneration in cash or kind since the date of termination.

6. *Question Time, Questions Without Notice, City of Melville Residents and Ratepayers Association (Inc) continued*

Question 5

2. *In relation to the vulgar comment Cr Patricia Phelan directed to Cr Steve Kepert at the 19 February OMC, and as reported in the Melville Times "City of Melville rejects majority of Annual General Meeting of Electors motions" article the next day:*
- 2.1. *Why has the City not complied with section 9.18 if its (sic) local laws 2017 and recorded the vulgar comments in the minutes?*

Response

The City has complied with the Meeting Procedures Local Law 2017 Section 9.18 (a). The Council was not requested to resolve to record any comments in the Minutes of the meeting.

Question 6

- 2.2. *Why has the City included the false statement that follows the record of Cr Kepert's request "however the Council did not vote on the matter as required by the relevant Local Law" as this is clearly not a requirement under section 9.18 of the City of Melville Meeting Procedures Local Law 2017?*

Response

There is no false statement as alleged and the statement contained in the Minutes is correct.

Question 7

- 2.3. *Were the words "*****" (expletives deleted) used by Cr Phelan towards Cr Kepert as reported by the Melville Times the same words Cr Kepert requested be recorded in minutes in accordance with section 9.18 of the local laws?*

Response

The words Cr Kepert attributed to Cr Phelan were those Cr Kepert requested be recorded in the Minutes. For any words to be recorded in the Minutes, the Council must resolve to do so and that motion was not moved at the meeting.

Question 8

- 2.4. *Why hasn't CEO Tieleman submitted a Standards Panel complaint in relation to Cr Phelan's misconduct at the OMC; given Cr Phelan's conduct was an unambiguous breach of her Code of Conduct and the LG Rules of Conduct regulations?*

6. *Question Time, Questions Without Notice, City of Melville Residents and Ratepayers Association (Inc) continued*

Response

The matter was resolved by Cr Phelan withdrawing her comment and apologising to Cr Kepert.

Question 9

- 2.5. *At the same OMC Mayor Aubrey ejected one of our members who was participating in the deputation, before that member had even said a word; why did Mayor Aubrey eject our member for no good reason and despite our member having apologised for any unknown and unintentional offense caused.*

Response

The group of three community representatives making the deputation entered the Council Chambers and were directed to their seats by the Presiding Member.

Prior to the commencement of the deputation one member of the group proceeded to move through the Council Chamber distributing material to select Elected Members and passing between the Presiding Member and the Elected Member Group during the proceedings of the meeting.

The "Guidelines and Protocols for Deputations at the Council Meeting" document provides that any material for distribution is to be provided to officers for distribution. Officers approached the community representative seeking to distribute the information in accordance with the guidelines, these approaches were ignored. A copy of the "Guidelines and Protocols for Deputations at Council Meetings" document was provided to the community representative that requested the deputation.

The two speakers as nominated on the request for deputation remained in the chamber to make their presentation.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

At 6:51pm Cr Kepert moved, seconded Cr Pazolli –

That the Council;

Delete the following words on page 72 of the 19 March 2019 Ordinary Meeting of Council draft Minutes.

“At 10:00pm the Deputy Mayor, as Presiding Member, requested Cr Kepert to withdraw offensive comments.

At 10:01pm Cr Kepert declined to withdraw the comments.”

COUNCIL RESOLUTION

Deferral Motion

At 6:56 Cr Barton moved, seconded Cr Wheatland -

That the motion to delete words on page 72 of the 19 March 2019 Ordinary Meeting of Council unconfirmed Minutes be deferred to the May 2019 Ordinary Meeting of Council to allow for the matter to be reviewed, and the minutes remain unconfirmed until that time.

At 6:58pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

Vote Result Summary	
Yes	10
No	3

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

8. *Confirmation of Minutes, continued*

8.1 ORDINARY MEETING OF THE COUNCIL – 19 MARCH 2019
Minutes 19 March 2019

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 19 March 2019, be confirmed as a true and accurate record.

Matter deferred - See page 11.

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 APRIL 2019

COUNCIL RESOLUTION

At 6:59pm Cr Kepert moved, seconded Cr Barton –

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

At 6:59pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Barling – Item 16.2 Motion With Notice - Surf Wave Park Agreement following Ministerial Decision
- Mayor Aubrey – Item 17.2 Motion Without Notice - Remediation of John Connell Reserve
- Cr Mair – Item C19/6001 Schedule of Accounts Paid for February 2019
- Cr Robins – Item 17.2 Motion Without Notice Remediation of John Connell Reserve
- Cr Robins – Item 17.3 Motion Without Notice Upgrade to Canning Bridge Public Transport Interchange

10. DEPUTATIONS

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- 16.2 - Motion With Notice Surf Wave Park Agreement Following Ministerial Decision

The presiding member advised that the meeting be closed to the members of the public to allow for items deemed confidential in accordance with sections 5.23 (d) of the *Local Government Act 1995*, to be discussed behind closed doors.

13. PETITIONS

Nil.

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER**P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, BOORAGOON (REC)****Item deferred**

See page 22

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Application Number : None
 Property : None
 Proposal : Review of local planning policies
 Applicant : N/A
 Owner : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Ordinary Meeting of Council 20 September 2016: P16/3718 Review of Planning Policies.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Development and Non-Residential Policy (LPP1.3) is proposed to be revoked and replaced by Waste Management Guideline for New Development (the Guidelines).
- Local Planning Policy 1.14 Temporary Structures (LPP1.14) is proposed to be amended to remove the need for Development Approval for temporary structures within the reserve.
- Local Planning Policy 1.9 Height of Buildings (LPP1.9) is proposed to be amended to provide greater clarity with regard to the measurement of building height.
- The *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) outline the process for amending local planning policies. The proposed changes are considered to be minor in nature and therefore are not required to be advertised.
- It is recommended that the minor changes to the policies are adopted by the Council and an advertisement placed in a local newspaper and on the City's website to inform customers of these changes.

BACKGROUND

The local planning policies, referred to in this report have been operational for a number of years and have been the subject of regular review to ensure they meet the City's requirements. In 2016, the whole policy suite was the subject of administrative changes, to update their naming as required by the *Planning and Development (Local Planning Schemes) Regulations* (the Regulations) and to make reference to Local Planning Scheme No.6.

DETAIL

The following changes to the City's Local Planning Framework are proposed:

- Revoke Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Development and Non-Residential Policy (LPP1.3)

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)

- Minor modifications to Local Planning Policy 1.14 Temporary Structures (LPP1.14) to remove the need for Development Approval for temporary structures within the reserve.
- Minor modifications to Local Planning Policy 1.9 Height of Buildings (LPP1.9) to provide greater clarity with regard to the measurement of building height.

Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Development and Non-Residential Policy (LPP1.3)

- LPP 1.3 has been operational since 2014 when it was first adopted by the Council. This policy aims to ensure waste management is taken into account at the design stage of development and also promotes waste minimisation.
- Since 2014, there have been changes to the way the City deals with waste including the procurement of new fleet vehicles and the proposed roll out of the Three Bin, Food Organic and Garden Organic (FOGO) system in July 2019 following a successful trial in 2017-2018 which is ongoing in the trial sites.
- The Waste Management Guideline for New Development (the Guidelines) have been recently prepared by the City and represent a wide ranging, more prescriptive, robust and modern document which will assist developers, designers and landowners to ensure waste management is given appropriate consideration at the design stage of development.
- The Guidelines can be updated regularly to take into consideration further developments in the resource recovery and waste service area, responding to issues such as waste generation, further changes to the fleet network and the implementation of the three bin FOGO system across the City without the need for formal Council approval.
- In order to accommodate this change, the City's standard condition relating to waste management would be modified to refer to the Guidelines.
- Revoking LPP 1.3 and placing reliance on the Guidelines will not have a material impact on the operations. City officers will continue to ensure that waste management and resource recovery is taken into consideration at the design stages of development and appropriate waste management plans are approved and implemented. This change will ensure that the City can quickly respond to any changes to the resource recovery and waste management framework by modifying the guidelines accordingly.

Local Planning Policy 1.14 Temporary Structures (LPP1.14)

- Under the current legislative framework, a person wanting to place a temporary structure in the road reserve needs to go through a two part process, applying to both Planning and Building Services for approval.
- The proposed policy change, to remove the need for Development Approvals for Temporary Structures within the road reserve will simplify this process. An applicant will be required to liaise with Building Services only to determine if approval is required.

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)

- Where approval is required Building Services will ensure the placement of the temporary structure in a location which ensures the retention of street trees and ensures sightlines are maintained.
- A number of administrative modifications to the policy are proposed to ensure wording is consistent with the Regulations, other local planning policies and to provide guidance where temporary structures are proposed on land reserved under the Metropolitan Region Scheme.

3808 LPP1.14 Temporary Structures**Local Planning Policy 1.9 Height of Buildings (LPP1.9)**

- It is proposed to modify Clause 2.2 to give greater clarity with regard to the measurement of building height and to delete Clause 2.4 of LPP1.9 to remove reference to sloping sites.
- The proposed wording of Clause 2.2 is consistent with *State Planning Policy 3.1 Residential Design-Codes* (the R-Codes).
- Clause 2.4 is considered to be surplus to requirements in the policy, causing some confusion for applicants. The Design Principles contained in Clause 5.3.7 Site Works of the R-Codes require a development to respond to the natural topography of the land. It is therefore considered unnecessary to refer to this in the City's Height of Building policy.

3808 LPP1.9 Height of Buildings

The local planning policy amendments proposed in this report are of a minor administrative nature designed to improve the customer experience and in the case of the revocation of LPP1.3, to ensure that Resource Recovery and Waste provisions can be updated swiftly. These administrative amendments will not result in any changes to the objectives of the City, and will not change the purpose or intent of the respective LPPs. On that basis, and subject to approval by the Council, it is recommended that the necessary changes be implemented by officers at the earliest opportunity.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The *Regulations* came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. In accordance with subclause 5(2) the local government may amend a local planning policy without advertising if in the opinion of the local government the proposed changes are minor in nature. In this instance the changes to the policy are of an administrative nature to reflect the current planning framework and advertising of the policy is not recommended.

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy. The proposed changes are of an administrative nature only and do not change the intent or operation of the policies. Therefore the WAPC is not required to be consulted.

STATUTORY AND LEGAL IMPLICATIONS

Local planning policies augment the provisions of Local Planning Scheme No.6 and provide a sound basis for planning decisions. Provided a policy is soundly based, they are given strong regard when a decision is under review in the State Administrative Tribunal. The proposed minor modifications will improve the operations of the City.

FINANCIAL IMPLICATIONS

There are no financial implications for the City which result from this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Local Planning Policy 1.3 is proposed to be revoked and local planning policies 1.9 and 1.14 are proposed to be updated as detailed above.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could resolve to require the modifications to the existing policies to be advertised to the community.

This is not recommended as it is considered the changes are minor in nature and will not impact on the objectives or operations of the City.

CONCLUSION

The report recommends revocation of Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Development and Non-Residential Policy (LPP1.3) and minor modifications to Local Planning Policy 1.14 Temporary Structures (LPP1.14) and Local Planning Policy 1.9 Height of Buildings (LPP1.9) to improve the customer experience.

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3808)****APPROVAL**

That the Council resolves:

- 1) To update the City's Local Planning Policies as follows:
 - i) Revoke Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Development and Non-Residential Policy (LPP1.3) and replace with the Waste Management Guideline for New Development. (*Attachments will be available on 1 April 2019*)
 - ii) To amend Local Planning Policy 1.14 Temporary Structures to remove the need for a Development Application to be lodged with the City for Temporary Structures within the Road Reserve and make minor administrative changes.
3808 LPP1.14 Temporary Structures
 - iii) To amend Local Planning Policy 1.9 Height of Buildings to provide greater clarity to the measurement of building height and to remove reference to sloping sites. 3808 LPP1.9 Height of Buildings
 - iv) Update the Policy review date of each policy to reflect this Council decision
- 2) To endorse the publication of a notice of revocation of LPP 1.3 in the newspaper as required by Schedule 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 3) To endorse the minor modifications to LPP 1.9 and LPP 1.14 without advertising as permitted by Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Officers provided advice proposing changes to the officer recommendation for the following reasons:

1. With regard to Point 1, the Waste Management Guideline for New Development (the Guidelines) are being updated to incorporate provisions relating to FOGO and as such are not ready to be finalised and made public at this stage.
2. With regard to Point 2, State Planning Policy 3.1 will be revoked and replaced by State Planning Policy 7.3 (Volumes 1 and 2), this review is the first opportunity for this change to be incorporated.

The amendments to the officer Recommendation were accepted and the meeting moved to vote on the substantive motion as amended by the Officers.

P19/3808 - REVIEW OF LOCAL PLANNING POLICIES (REC) (ATTACHMENT)

Motion as Amended

COUNCIL RESOLUTION

At 7:03pm Cr Barling moved, seconded Cr Wieland –

That the Council resolves:

- 1) **To update the City's Local Planning Policies as follows:**
 - i) ***Defers the revocation of Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Development and Non-Residential Policy (LPP1.3) to a future meeting of the Council to give additional time for the Waste Management Guideline for New Development (the Guidelines) to be finalised and made public.***
 - ii) **To amend Local Planning Policy 1.14 Temporary Structures to remove the need for a Development Application to be lodged with the City for Temporary Structures within the Road Reserve and make minor administrative changes.**
[3808 LPP1.14 Temporary Structures](#)
 - iii) **To amend Local Planning Policy 1.9 Height of Buildings to provide greater clarity to the measurement of building height and to remove reference to sloping sites.** [3808 LPP1.9 Height of Buildings](#)
 - iv) ***To amend Local Planning Policy 1.14 Temporary Structures (LPP1.14) and Local Planning Policy 1.9 Height of Buildings (LPP1.9) to remove reference to State Planning Policy 3.1 Residential Design Codes and to insert reference to State Planning Policy 7.3 Residential Design Codes (Volumes 1 and 2).***
 - v) **Update the Policy review date of each policy to reflect this Council decision**
- 2) **To endorse the publication of a notice of revocation of LPP 1.3 in the newspaper as required by Schedule 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3) **To endorse the minor modifications to LPP 1.9 and LPP 1.14 without advertising as permitted by Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

At 7:06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:03pm Mr. Ponton left the meeting, and returned at 7:07pm.

At 7:05pm Mr. Taylor left the meeting, and returned at 7:07pm.

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

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

AUTHORITY / DISCRETION

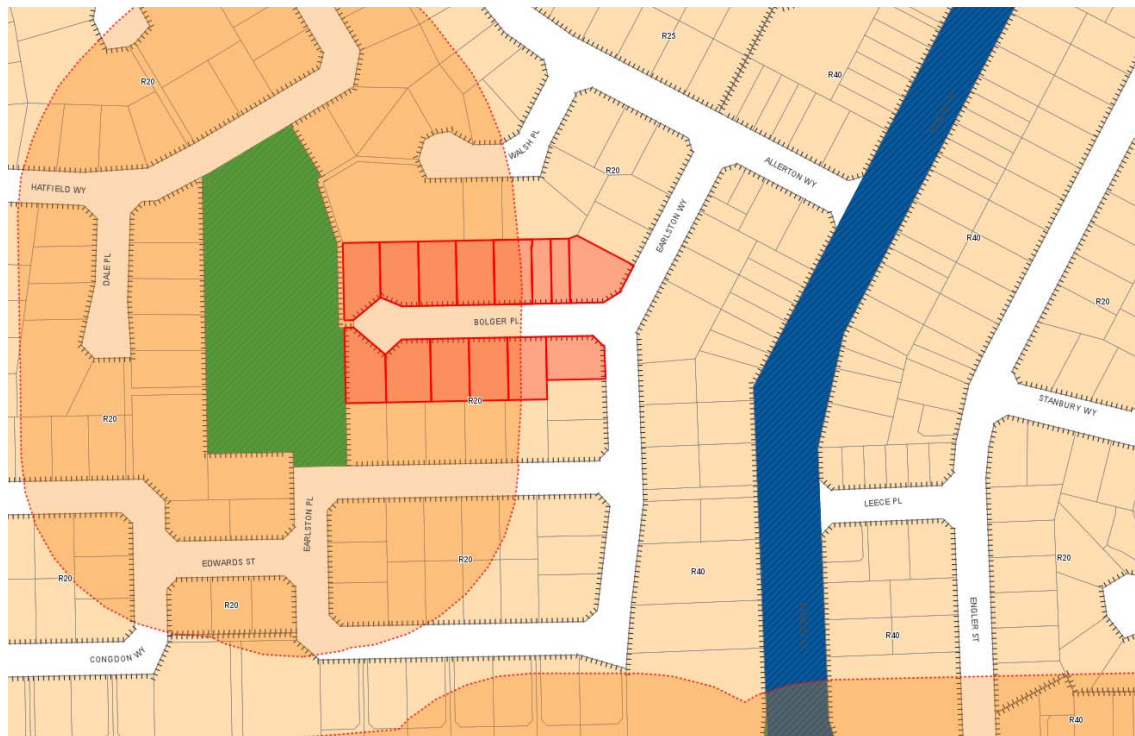
DEFINITION

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

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

KEY ISSUES / SUMMARY

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



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

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

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

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

This item in response was presented to Ordinary Meeting of Council in March where Council passed a procedural motion:

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

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

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

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

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

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

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

Scheme Provisions

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

Site Details

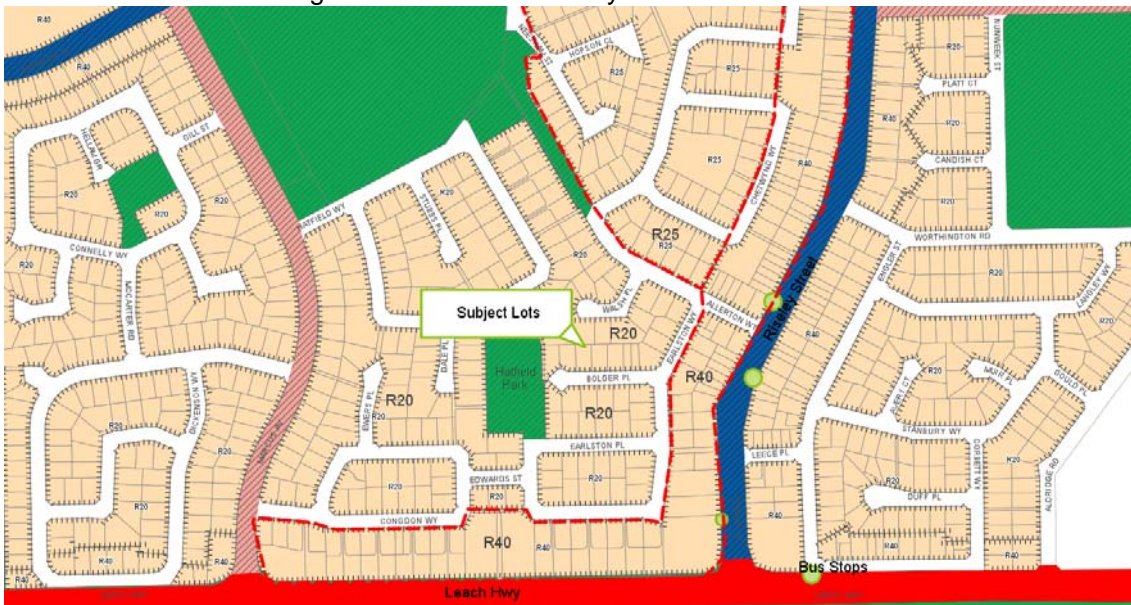
Lot Area	: Not Applicable
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Not Applicable

DETAIL

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

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

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



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

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

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

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

P19/3802 - RESPONSE TO REQUEST FOR A HIGHER DENSITY CODING AT BOLGER PLACE, BOORAGOON (REC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

COMMENT

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

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

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

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

CONCLUSION

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

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3802) REFUSAL

At 7:06pm Cr Wieland moved, seconded Cr Woodall –

That the Council:

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

At 7:23pm the Mayor submitted the motion, which was declared

CARRIED (9/4)

Vote Result Summary	
Yes	9
No	4

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

At 7:07pm Cr Wheatland left the meeting, and returned at 7:08pm

At 7:23pm Cr Wieland left the meeting, and returned at 7:24pm.
At 7:23pm Mr Ponton left the meeting and did not return.

M19/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 21 February 2019 up to and including 18 March 2019 for the Council's noting.

M19/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2097	City of Melville and Guides Western Australia	Lease of Portion of Melville Reserve Corner stock Road & Kitchener Road Melville for 5 years commencing 1 July 2019 and expiring 30 June 2019	5057026
CS2105	City of Melville and Kishorn Rd Apartments Pty Ltd	Deed of Agreement for the Provision and Maintenance of Community benefit Items and the Transfer of Community Tenancy Lot: Stage 1 Kishorn Rd Apartments (Lot 702 on Deposited Plan 45678 and Lot 100 on Deposited Plan 402312)	DA 2015 659

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

j

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

(a) *the mayor or president; and*

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

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000) NOTING

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 21 February 2019 up to and including 18 March 2019.

At 7:25pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 28 February 2019 for the Council's information and noting.

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

BACKGROUND

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

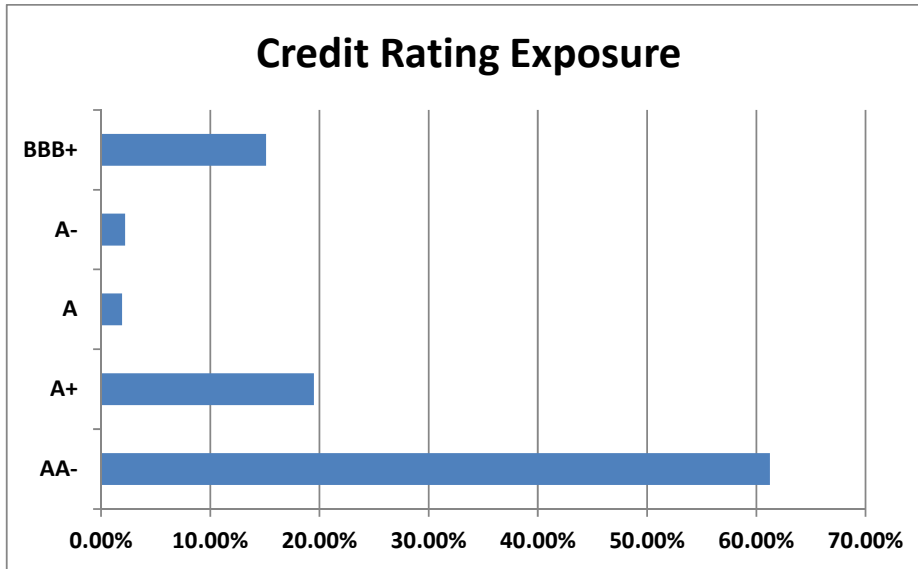
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at 28 February 2019 are shown in the tables below. The following statements detail the investments held by the City as at 28 February 2019.

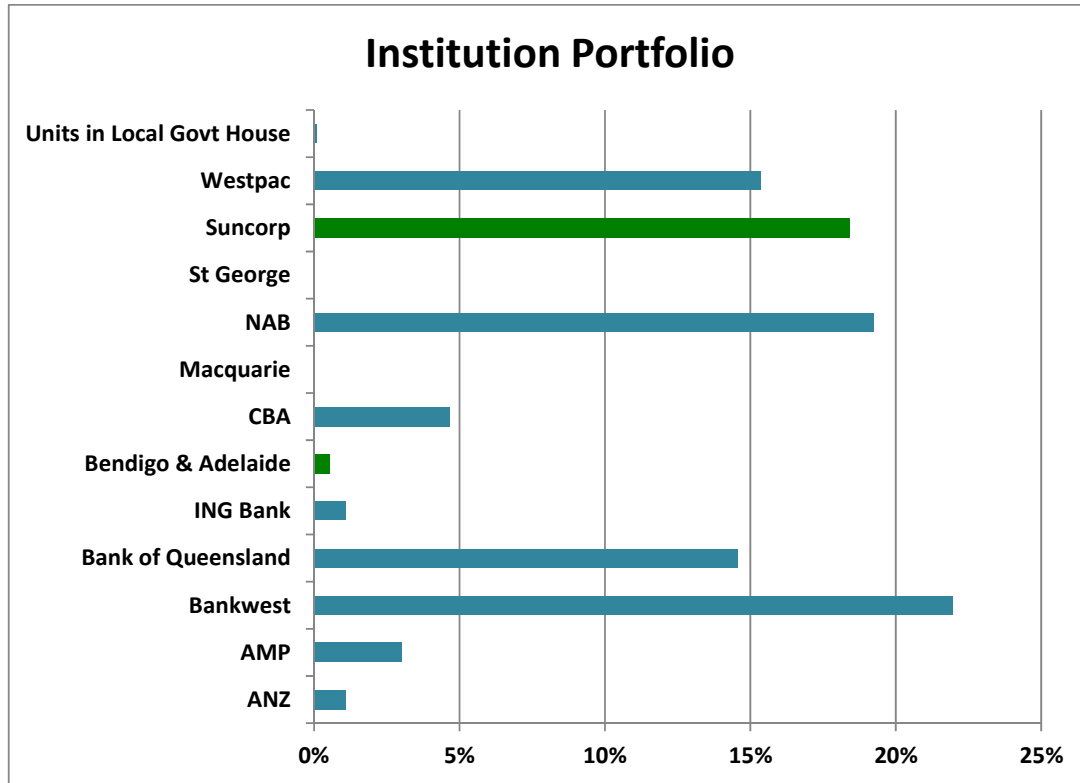
CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 28 FEBRUARY 2019	
SUMMARY BY FUND	
	AMOUNT
	\$
MUNICIPAL	\$ 34,796,837
RESERVE	\$ 146,094,928
TRUST	\$ 1,074,118
CITIZEN RELIEF	\$ 218,371
	\$ 182,184,255
SUMMARY BY INVESTMENT TYPE	
	AMOUNT
	\$
11AM	\$ 2,391,560
31DAYS AT CALL	\$ 2,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 167,017,524
UNITS (Local Govt Hse)	\$ 175,171
	\$ 182,184,255
SUMMARY BY CREDIT RATING	
	AMOUNT
	\$
AA-	\$ 111,509,083
A+	\$ 35,500,000
A	\$ 3,500,001
A-	\$ 4,000,000
BBB+	\$ 27,500,000
UNITS (Local Govt Hse)	\$ 175,171
	\$ 182,184,255

C19/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2019 (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-	2,000,000		1.10%	1.10%	30%	No	
AMP BANK (TERM)	TERM	A	5,500,001		3.02%	3.02%	25%	No	
BANKWEST (TERM)	TERM	AA-	40,000,000		21.96%	21.96%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	26,500,000		14.55%	14.55%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	1,000,000		0.55%	0.55%	15%	Yes	1,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	8,500,000		4.67%	4.67%	30%	No	
ING BANK (TERM)	TERM	A-	2,000,000		1.10%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	1.10%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	35,017,523		19.22%	19.22%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	33,500,000		18.39%	18.39%	25%	Yes	33,500,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	0		0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	-		0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	2,391,560		1.31%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	2,000,000		1.10%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.10%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		4.72%				
WESTPAC (TERM)	TERM	AA-	13,000,000		7.14%	15.36%	30%	No	
UNITS IN LOCAL GOVT HOUSE	NA	NA	175,171		0.10%	0.10%		N/A	
			182,184,255		100%	100%			34,500,000
Total Non Fossil Fuel Lending ADI									19%

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



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

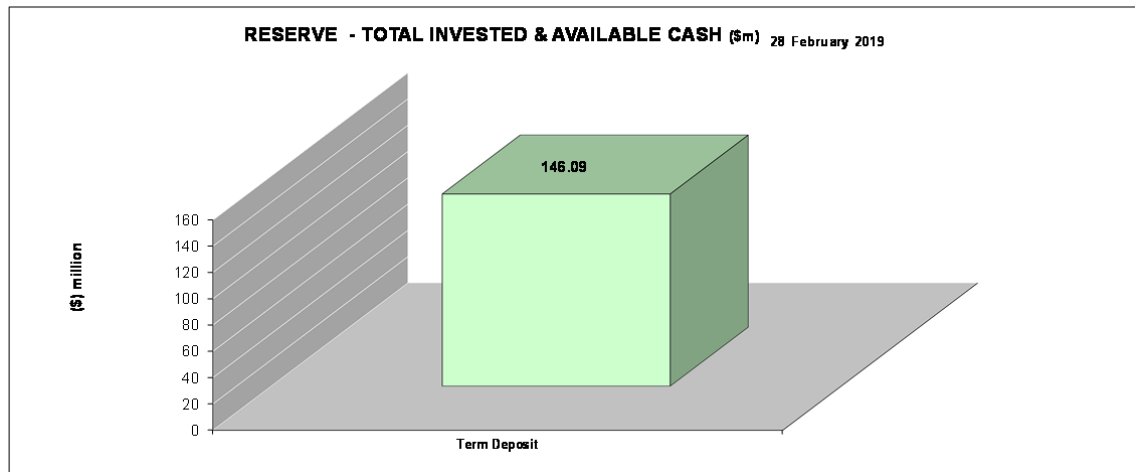
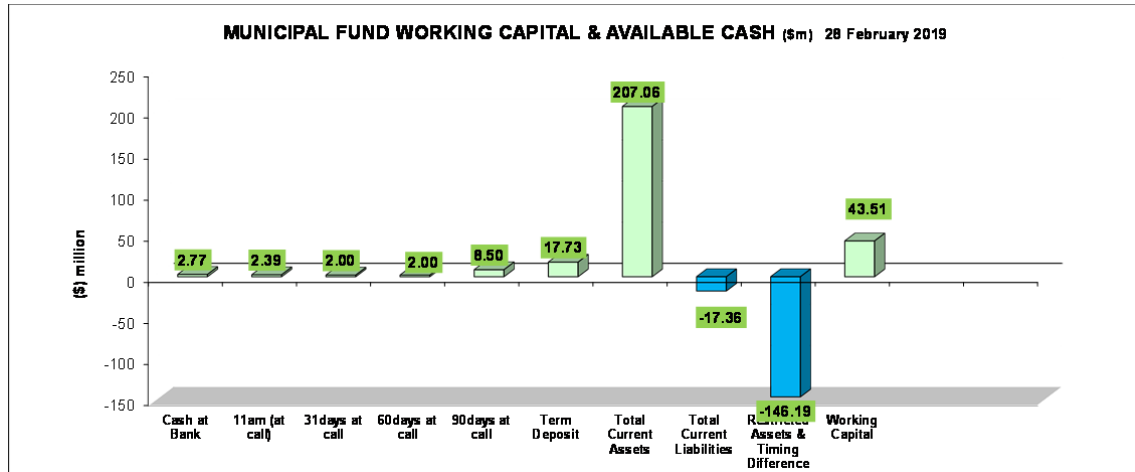
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 28 February 2019 was \$34,500,000 or 19% of total investment holdings being in non-fossil fuels institutions. This compared to \$34,500,000 (18%) in January 2019. The amount of investment holdings in non-fossil fuels institutions stay the same between January and February, however the percentage of holding increased as less funds are being invested in February. The total investment holding for February was \$182,184,255 down slightly from the \$186,884,254 invested in January.

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

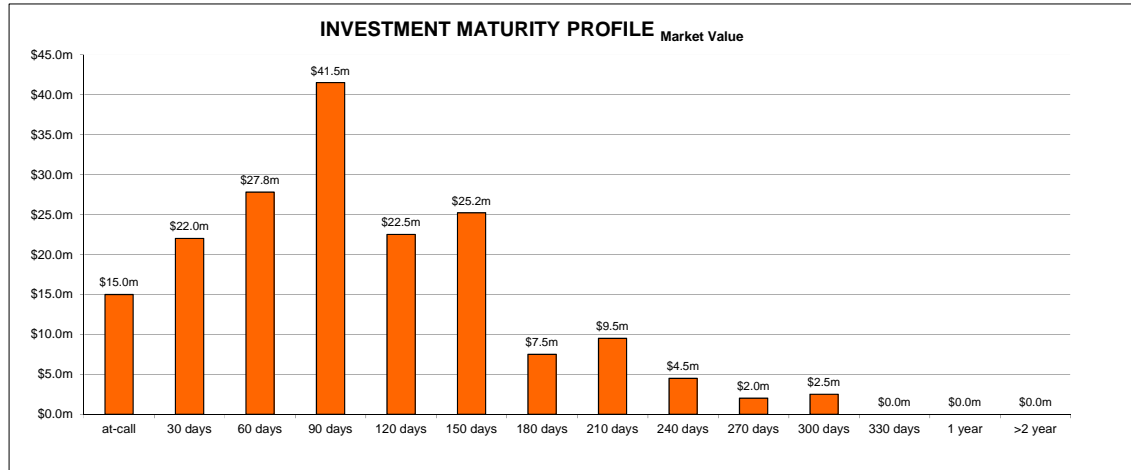
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 28 February 2019.



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

The graph below summarises the maturity profile of the City's investments at market value as at 28 February 2019.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

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

FINANCIAL IMPLICATIONS

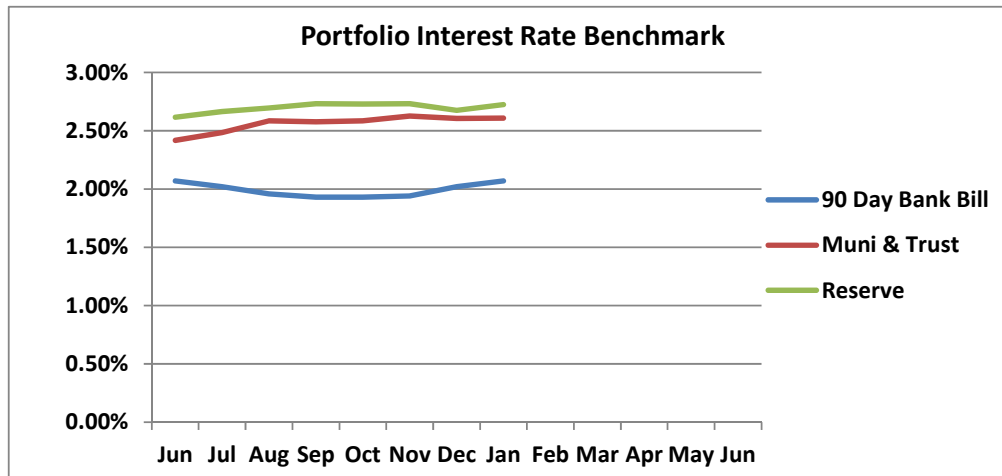
For the period ending 28 February 2019:

- Investment earnings on Municipal and Trust Funds were \$571,222 against a year to date budget of \$590,947 representing a \$19,725 negative variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 28 February 2019 was 2.54% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate 1.96%.

- Investment earnings on Reserve accounts were \$2,763,528 against a year to date budget of \$1,706,667 representing a \$1,056,861 positive variance.

The weighted average interest rate for Reserve account investments as at 28 February 2019 was 2.72% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.96%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C19/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2019 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.54% to 2.72% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.96%.

19% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 18% in January 2019.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)**NOTING****That the Council notes the Investment Report for the period ending 28 February 2019.**

At 7:25pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

Disclosure of Interest

Item	C19/6001
Member	Cr Mair
Type of Interest	Interest under the code
Nature of Interest	Is a contractor to Murdoch University but not involved in any way with matter for which they received funding
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Ward	: All
Category	: Operational
Subject Index	: Financial Statement and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: Not Applicable
Funding	: Annual Budget
Responsible Officer	: Debbie Whyte – A/Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

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

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for February including Payment Registers numbers, Cheques 699 - 702 and Electronic Funds Transfers batches 555 – 560, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 March 2019. Payments for the period totalled \$11,849,397.60 for the Municipal Fund and \$78,166.04 for the Trust Fund whilst new investment transactions totalled \$4,500,001.00. Details of the payments are shown in attachment [6001 February 2019](#).

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

Supplier Number	Supplier Name	Description of Supply	Amount
15719	Advanteering Civil Engineers	Deep Water Point and Point Walter boat ramp upgrade progress claims	\$246,182.23
16015	Aquatic Services WA Pty Ltd	Plant replacement at LeisureFit Booragoon	\$91,906.10
14313	Asphaltech Pty Ltd	Road resurfacing	\$548,963.95
10022	Baileys Fertilisers	Landscaping supplies	\$83,691.38
10004	Building & Construction Industrial Training Fund	Regulatory fees and government charges - BCITF for January	\$42,294.15
99995	Building Commission	Regulatory fees and government charges - BSL for January	\$35,871.80
10965	Calibre Coatings Pty Ltd	Painting to Atwell House and Operation Centre	\$46,581.70
10442	Christou Design Group Pty Ltd	Architectural services for Library and Cultural Centre	\$41,552.50
10056	City of Cockburn	Commercial waste tip fees for January	\$33,675.54
13935	Contraflow Pty Ltd	Traffic control services	\$54,138.60
12131	Data#3 Limited	IT software licensing	\$114,653.12
14051	Department of Fire & Emergency Services	FESA payment for January	\$1,081,231.22
11380	EMSO Maintenance	Building construction materials and services	\$41,167.72
10385	Flexi Staff	Temporary labour hire	\$42,580.97
10097	Forpark Australia	Playground replacement	\$65,055.10
16525	Four Landscape Studio Pty Ltd	Progress claim for landscape design at Heathcote Swan House	\$63,038.92

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

Supplier Number	Supplier Name	Description of Supply	Amount
14312	Hays Specialist Recruitment	Temporary labour hire	\$26,733.57
16223	Holton Connor Architects & Planners Pty Ltd	Architectural services for Tompkins Park project	\$76,744.25
16282	Hyland Management & Contractors Pty Ltd	Progress claim for refurbishment of Heathcote Swan House	\$50,393.75
16713	Integrated Air Pty Ltd	Air conditioning upgrade at LeisureFit Booragoon	\$41,140.00
16451	Living Turf Pty Ltd	Turf renewal at various reserves	\$45,176.98
16439	Maintenance & Construction Services (Australia) Pty Ltd	Progress claim for LeisureFit Melville and AH Bracks Library refurbishment	\$686,218.19
16515	Marketforce Pty Ltd	Advertising and media services	\$27,769.59
10689	Miracle Recreation Equipment	Playground renewal at Four Seasons Park and Morris Buzacott playground	\$68,367.20
14646	Murdoch University	Music at Murdoch sponsorship	\$33,000.00
13563	Pearmans Electrical & Mechanical Services Pty Ltd	Electrical and lighting maintenance	\$63,231.80
16522	Playground Centre Pty Ltd	Playscape for Deep Water Point	\$72,936.60
16535	Precise Air Group Pty Ltd	Air conditioning maintenance and services	\$59,167.74
12016	PricewaterhouseCoopers	Professional services for South West Group	\$30,863.25
16280	Quantum Building Services Pty Ltd	Roof and gutter cleaning	\$33,209.58
16677	Security Management Australasia Pty Ltd	Security surveillance trailer	\$51,081.80
12203	Southern Metropolitan Regional Council	MSW, MRF and green waste gate fees for January	\$486,797.92
16605	Synergy	Electricity charges	\$304,052.45
11019	Titan Ford	Purchase of Ford Ranger XL and vehicle parts	\$39,449.84
13245	Tree Amigos Tree Surgeons	Arborist and tree pruning services	\$45,131.79
17037	Tree Care WA Pty Ltd	Arborist and tree pruning services	\$60,483.72
14271	Tree Planting & Watering Pty Ltd	Street tree watering	\$75,235.70
16754	Urban Asset Solutions Pty Ltd	Stormwater quality improvement devices	\$93,159.00
14064	Vocus Communications	Fibre optic services	\$28,724.83
12334	Water Corporation	Water charges	\$61,158.89
11195	Wattleup Tractors	Purchase of 3 tractors	\$270,765.00
10311	Western Power	Cash call for Melville North and Alfred Cove East underground power projects and street lighting design	\$1,330,171.00
13080	Woodlands Distributors & Agencies Pty Ltd	Dog waste bags and park furniture equipment	\$60,456.77

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

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 06/02/2019 & 20/02/2019	Payment of salaries and wages to City employees net of tax and deduction for pays 16 and 17.	\$2,184,060.84
Australian Taxation Office	Direct Bank Transfers 06/02/2019 & 20/02/2019	Pay as You-Go taxation and other deductions from employee payroll for pays 16 and 17	\$685,485.85
Creditors and Advances	Direct Bank Transfers 06/02/2019 & 20/02/2019	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 16 and 17	\$535,386.07
Total			\$3,404,932.76

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

**C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2019 (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for the period totalled \$11,849,397.60 for the Municipal Fund and \$78,166.04 for the Trust Fund whilst new investment transactions totalled \$4,500,001.00.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

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

At 7:25pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 28 February 2019 and recommends that they be noted by the Council. • The variances for the month of February 2019 and recommends that they be noted by the Council. • The Budget amendments required for the month of February 2019 and recommends that they be adopted by Absolute Majority decision of the Council.
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**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2019 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 28 February 2019 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

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

Variances

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE \$50,000 for the Period 1 July 2018 to 28 February 2019							
	February Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
General Purpose Funding	797,145	7,263,903	8,429,270	1,165,367	16%	10,568,752	10,568,752
Community Amenities	116,263	3,252,383	3,588,799	336,416	10%	3,338,109	3,884,833
Recreation and Culture	682,464	5,420,158	5,585,949	165,791	3%	8,160,171	8,160,171
Transport	207,993	945,586	1,120,403	174,817	12%	1,585,458	1,585,458
Economic Services	179,183	2,191,599	2,602,998	411,399	19%	2,762,888	2,762,888
Other Property and Services	22,558	838,394	227,065	(611,329)	-73%	334,849	774,756
	2,039,356	23,032,610	24,727,376	1,694,766		30,082,837	31,069,468
Expenditure from operating activities							
Governance	(355,070)	(3,412,979)	(3,013,105)	399,874	-12%	(5,612,027)	(6,029,121)
Law, Order, Public Safety	(291,217)	(2,847,166)	(2,576,848)	270,318	-9%	(4,259,141)	(4,269,396)
Education & Welfare	(233,396)	(1,993,562)	(1,834,060)	159,502	-8%	(2,819,942)	(2,935,196)
Community Amenities	(1,700,050)	(17,272,525)	(16,572,051)	700,474	-4%	(25,607,458)	(26,496,766)
Recreation and Culture	(2,617,441)	(22,720,843)	(21,831,995)	888,848	-4%	(31,042,439)	(33,236,122)
Transport	(1,312,001)	(11,720,459)	(11,244,217)	476,242	-4%	(18,503,353)	(18,177,258)
Economic Services	(273,156)	(1,642,956)	(1,829,876)	(186,920)	11%	(2,316,255)	(2,426,255)
Other Property and Services	(719,505)	(7,688,367)	(7,176,832)	511,535	-7%	(9,865,826)	(11,518,945)
	(8,932,152)	(73,338,269)	(70,033,491)	3,304,778		(108,727,124)	(113,806,785)
Investing Activities							
Non-operating grants, subsidies and contributions	0	1,558,454	1,696,125	137,671		4,963,126	6,134,146
Proceeds from Disposal of Assets	29,938	578,207	500,475	(77,732)	-13%	784,650	1,224,557
Purchase of Furniture & Equipment	(88,126)	(1,875,386)	(1,224,619)	650,766	-35%	(1,863,602)	(3,024,769)
Purchase of Plant & Equipment	(347,839)	(1,162,282)	(1,106,902)	55,380	-5%	(2,171,707)	(3,276,507)
Purchase of Land & Buildings	(1,092,015)	(5,885,210)	(4,372,782)	1,512,428	-26%	(11,831,681)	(29,187,283)
Purchase of Infrastructure Assets	(1,414,424)	(14,075,030)	(11,944,220)	2,130,810	-15%	(23,494,859)	(32,043,220)
	(2,912,466)	(20,861,247)	(16,451,922)	4,409,325		(33,614,073)	(60,173,076)

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

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [6002C Sub Program February 2019](#) and [6002H February 2019](#).

Revenue

\$87.71 million in Rates was raised as at 28 February 2019 compared to a year to date budget of \$86.26 million. There is a variance of \$1.45 million compared to the Rate Setting Statement due to an adjustment for prepaid rates of \$1.1 million. This is an accounting treatment and will be adjusted at year end. There is a positive variance of \$353,692 (0.41%), excluding the prepayments, when compared to year to date actual.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for February 2019.

Budget Amendments

Details of Budget Amendments requested for the month of February 2019 are shown in attachment [6002J February 2019](#). There are no budget amendment journals greater than \$50,000 that was processed in February 2019.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$4,530,831 were collected over the course of the month. Rates collection progress for the month of February is 2.7% below the target of 88.5%. This represents a dollar value of \$2,543,585. As at 28 February 85.8% of the 2018-2019 rates, including prior year arrears had been collected compared with 86.8% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 89.1%.

Total sundry debtor balances decreased by \$88,195 over the course of the month from \$1,151,596 (including debtor overpayment of \$6,432) to \$1,063,401 (including debtor overpayment of \$10,827). The 90+ day's debtor balance decreased by \$515 from \$323,790 to \$323,275.

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 February 2019.

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

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2019 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 28 February 2019.

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

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

That the Council:

At 7:25pm Cr Barling moved, seconded Cr Phelan –

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 28 February 2019 as detailed in the following attachments:**

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

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

At 7:25pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

15. EN BLOC ITEMS

At 7:25pm Cr Barling moved, seconded Cr Phelan –

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

At 7:25pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Access to Audio Recording of M18/5642 – 10 October 2018 Special Meeting of Council.****Motion with Notice**

At 7:25pm Cr Kepert moved, seconded Cr Pazolli –

The Council directs the CEO to make available to elected members the audio recordings of item M18/5642 from the Special Meeting of Council, 10th October 2018 in compliance with the Local Government Act 1995 and Council Policy CP-088 (Recording of Meetings).

At 7:30pm during the discussion and debate on the matter Cr Kepert advised that his motion be amended by removing the words “in compliance with the Local Government Act 1995 and Council Policy CP-088 (Recording of Meetings)”, the seconder consented to the change.

Motion with Notice

The Council directs the CEO to make available to elected members the audio recordings of item M18/5642 from the Special Meeting of Council, 10th October 2018.

Deferral Motion

At 8:04pm Cr Barling moved, seconded

That the amended motion with notice directing the CEO to make available to elected members the audio recordings of item M18/5642 from the Special Meeting of Council, 10th October 2018, be deferred to the May 2019 Ordinary Meeting of Council.

LAPSED FOR WANT OF A SECONDER

At 7:26pm Cr Woodall left the meeting and returned at 7:28pm.

16. *Motions With Notice, Access to Audio Recording of M18/5642 – 10 October 2018
Special Meeting of Council continued*

Motion with Notice

At 7:25pm Cr Kepert moved, seconded Cr Pazolli –

The Council directs the CEO to make available to elected members the audio recordings of item M18/5642 from the Special Meeting of Council, 10th October 2018.

At 8:14pm the Mayor submitted the motion, which was declared

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

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

At 8:08pm Mr A Ferris left the meeting and returned at 8:10pm.

At 8.14pm the Presiding Member adjourned the meeting.

At 8:23pm the Presiding Member resumed the meeting.

16.2 Surf Wave Park Agreement Following Ministerial Decision

Deferred to Item 18 - Identification of Matters For Which Meeting May Be Closed
(See page 58)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

17.1 Support for Residents with Managing Debris from City Trees

At 8:23pm Cr Robins advised that she would withdraw her Motion without Notice and present it at a future meeting.

Disclosures of Interest

Item	17.2 Remediation of John Connell Reserve
Member	Cr Robins
Type of Interest	Interest under the code
Nature of Interest	Candidate for the Federal election
Request	Leave
Decision	Leave

Item	17.2 Remediation of John Connell Reserve
Member	Mayor Aubrey
Type of Interest	Interest under the code
Nature of Interest	Is a patron of the Club by nature of role as Mayor
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

At 8:24pm having declared and interest in the matter Cr Robins left the meeting.

17.2 Remediation of John Connell Reserve

COUNCIL RESOLUTION

At 8:24pm Cr Woodall moved, seconded Cr Mair –

That Cr Woodall be permitted to present to the Council a Motion Without Notice relating to Remediation of John Connell Reserve.

At 8:25pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/1)

Vote Result Summary	
Yes	11
No	1

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

17 *Motions without Notice, Remediation of John Connell Reserve, continued*

COUNCIL RESOLUTION

At 8:27pm Cr Woodall moved, seconded Cr Mair –

That the Council:

- 1) **Calls upon the Federal Government and the Federal Opposition to commit to funding the remediation of the former land fill site at John Connell Reserve;**
- 2) **Directs the Chief Executive Officer to write to the Prime Minister, the Leader of the Federal Opposition and the Member for Tangney:**
 - a. **requesting that they commit to fund the remediation of the former land fill site at John Connell Reserve as part of their election commitments;**
 - b. **noting that there is a shortage of playing fields for sport in the City of Melville, and that John Connell Reserve contains a significant area of unused public open space.**

At 8:31pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

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

Cr Woodall provided the following reasons in support of his motion:

Reasons

1. With a Federal Election to be held in May, now is an ideal time for the City of Melville to attempt to secure funding commitments from the major parties.
2. If either or both of the major parties agree to fund the full or a significant part of the remediation of John Connell Reserve, the City would save a substantial amount of funds and would potentially be able to reconsider its plans for John Connell Reserve.
3. A significant Commonwealth commitment might allow the City to reconsider the need to develop housing on a portion of Melville Glades/John Connell Reserve, and instead look at other options such as additional playing fields, additional parkland and playground areas and other community uses/facilities. Given the lack of playing fields in the City and the large area of unused public open space at John Connell Reserve, it would seem logical to explore this further.

17 *Motions without Notice, Remediation of John Connell Reserve, continued*

4. Even if the City decided to continue with its plans for John Connell Reserve, a Commonwealth commitment would still significantly assist the City financially and allow City funds to be used for other projects.

Disclosures of Interest

Member	Cr Robins
Type of Interest	Interest under the code
Nature of Interest	Candidate for the Federal election
Request	Leave
Decision	Leave

17.3 Upgrade to Canning Bridge Public Transport Interchange

At 8:33pm prior to the discussion and debate on the matter Cr Pazolli requested that his motion be amended by removing the point 2(d) and reason 3 from the document circulated.

COUNCIL RESOLUTION

At 8:33pm Cr Pazolli moved, seconded Cr Mair–

That Cr Pazolli be permitted to present to the Council a Motion Without Notice relating to Upgrade to Canning Bridge Public Transport Interchange.

At 8:33pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

COUNCIL RESOLUTION

At 8:33pm Cr Pazolli moved, seconded Cr Mair –

That the Council:

- 1) **Calls upon the Federal Government and the Federal Opposition to commit to funding the upgrade to Canning Bridge and Public Transport Interchange;**
- 2) **Directs the Chief Executive Officer to write to the Prime Minister, the Leader of the Federal Opposition, the Member for Tangney and the Member for Swan requesting that they commit to fund the upgrade of Canning Bridge and Canning Bridge Public Transport Interchange as part of their election commitments and noting:**
 - a. **that upgrading Canning Bridge has recently been listed as a priority by Infrastructure Australia;**
 - b. **that last month Prime Minister Scott Morrison and Labor leader Bill Shorten promised funding for the replacement of the Fremantle Traffic Bridge;**
 - c. **that upgrades to the Canning Bridge Interchange would provide enhanced accessibility for the increased population from the current and future developments in the Canning Bridge Activity Precinct area;**

At 8:41pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

17 *Motions without Notice, Upgrade to Canning Bridge Public Transport Interchange Reserve, continued*

Vote Result Summary	
Yes	11
No	1

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

Cr Pazolli provided the following reasons in support of his motion:

Reasons

1. With a Federal Election to be held in May, now is an ideal time for the City of Melville to attempt to secure funding commitments from the major parties.
2. If either or both of the major parties agree to fund the full or a significant part of the upgrade of Canning Bridge and Canning Bridge Public Transport Interchange City of Melville residents would have more confidence in the viability of current and future developments within the Canning Bridge Activity Precinct area.
3. The Canning Bridge Activity Precinct area is set to be one of the biggest residential population hubs in Western Australia, thus more than deserving of a fully functional public transport interchange where buses have separated hardstands rather than having to stop in a full lane of Canning Highway and pedestrians have an easier and more pleasant route to Canning Bridge Train Station.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSEDDisclosure of Interest

Item	16.2 Surf Wave Park Agreement Following Ministerial Decision
Member	Cr Barling
Type of Interest	Interest under the Code
Nature of Interest	Vice President of Conservation Council of Western Australia
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

16.2 Surf Wave Park Agreement Following Ministerial Decision

The Motion with Notice submitted by Cr Pazolli "16.2 Surf Wave Park Agreement Following Ministerial Decision" and circulated to the Elected Members on Monday 8 April 2019

COUNCIL RESOLUTION

At 8:42pm Cr Phelan moved, seconded Cr Robartson –

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

At 8:42pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

At 8:43pm Cr Robins returned to the meeting.

COUNCIL RESOLUTION

At 9:45pm Cr Barling moved, seconded Cr Wheatland -

That the meeting comes out from behind closed doors.

At 9:45pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

No members of the community returned to the meeting.

The resolution of the Council in relation to Motion With Notice Item 16.2 Surf Wave Park Agreement Following Ministerial Decision will remain confidential until 31 May 2019 or such earlier date as circumstances permit.

The confidential resolution of Council in relation to Motion With Notice Item 16.2 Surf Wave Park Agreement Following Ministerial Decision was released on 30 May 2019 following the signing of the Deed of Release.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

The Motion with Notice submitted by Cr Pazolli “16.2 Surf Wave Park Agreement Following Ministerial Decision” and circulated to the Elected Members on Monday 8 April 2019.

16.2 Surf Wave Park Agreement Following Ministerial Decision

At 8:43pm Cr Pazolli advised that he was withdrawing his Motion with Notice as circulated on Monday 8 April 2019 and substituting the amended version as circulated by Cr Woodall at the meeting.

Motion With Notice

At 8:43pm Cr Pazolli moved, seconded Cr Woodall –

That the Council, in respect of the ‘Ground Lease for Wave Park Surf Sports Recreation & Leisure Facility: Lot 30 (No. 596) Canning Hwy, Alfred Cove’ requests the Chief Executive Officer of the City of Melville to:

- (1) attempt to secure URBNSURF (Perth) Pty Ltd’s agreement to mutually terminate the Lease, and if that agreement is forthcoming then to proceed to terminate the Lease;**
- (2) in the event that URBSURF (Perth) Pty Ltd does not agree to the mutual termination of the Lease prior to 30 April 2019, to expedite the termination of the Lease on the basis that the City of Melville has taken all reasonable steps to comply with the conditions precedent Clause 2.1(1)(iii) but will not be able to meet that condition precedent following the March 28, 2019 decision of the Minister for Lands to not approve the sale/transfer or lease of a portion of Reserve 35486 (also known as Crown Lot 9789);**
- (3) obtain any legal advice and assistance necessary to implement resolutions (1) and (2) above.**

At 8:51pm as there was no voice to the contrary the Mayor extended Cr Pazolli’s time to speak by three (3) minutes.

At 8:56pm during discussion and debate it was requested that the date in point 2 be changed to 6 May 2019, the change was consented to by the mover and seconder.

At 9:14pm during the discussion and debate Cr Woodall requested:

- that a point 4 be included “that this motion remain confidential until 31 May 2019 or such earlier date as circumstances permit”; and
- that the clause referred to in point (2) be amended to read “Clause 2.1(1) (a) (iii)”.

The mover of the motion consented to the changes

18. *Identification Of Matters For Which Meeting May Be Closed, Item 16.2 Motion With Notice, Surf Wave Park Agreement Following Ministerial Decision, continued*

At 8:43pm Cr Pazolli moved, seconded Cr Woodall –

That the Council, in respect of the ‘Ground Lease for Wave Park Surf Sports Recreation & Leisure Facility: Lot 30 (No. 596) Canning Hwy, Alfred Cove’ requests the Chief Executive Officer of the City of Melville to:

- (1) attempt to secure URBNSURF (Perth) Pty Ltd’s agreement to mutually terminate the Lease, and if that agreement is forthcoming then to proceed to terminate the Lease;**
- (2) in the event that URBSURF (Perth) Pty Ltd does not agree to the mutual termination of the Lease prior to 6 May 2019, to expedite the termination of the Lease on the basis that the City of Melville has taken all reasonable steps to comply with the conditions precedent Clause 2.1(1) (a) (iii) but will not be able to meet that condition precedent following the March 28, 2019 decision of the Minister for Lands to not approve the sale/transfer or lease of a portion of Reserve 35486 (also known as Crown Lot 9789);**
- (3) obtain any legal advice and assistance necessary to implement resolutions (1) and (2) above.**
- (4) that this motion remain confidential until 31 May 2019 or such earlier date as circumstances permit**

At 9:13pm the Mayor extended Cr Phelan’s time to speak by three (3) minutes. Councillors Barton, Mair, Pazolli and Kepert were against the extension of time and it was requested that these be recorded.

*At 9:14pm the Presiding Member requested Cr Phelan to withdraw comments made.
At 9.14pm Cr Phelan withdrew her comments and apologised.*

*At 9:30pm the Presiding Member requested Cr Macphail to withdraw comments made.
At 9.31pm Cr Macphail withdrew his comments.*

18. *Identification Of Matters For Which Meeting May Be Closed, Item 16.2 Motion With Notice, Surf Wave Park Agreement Following Ministerial Decision, continued*

Procedural Motion

At 9:32pm Cr Barling, seconded Cr Barton -

That the motion be put.

At 9:32pm the Mayor submitted the motion, which was declared

CARRIED (7/6)

Vote Result Summary	
Yes	7
No	6

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

18. *Identification Of Matters For Which Meeting May Be Closed, Item 16.2 Motion With Notice, Surf Wave Park Agreement Following Ministerial Decision, continued*

COUNCIL RESOLUTION

At 8:43pm Cr Pazolli moved, seconded Cr Woodall –

That the Council, in respect of the ‘Ground Lease for Wave Park Surf Sports Recreation & Leisure Facility: Lot 30 (No. 596) Canning Hwy, Alfred Cove’ requests the Chief Executive Officer of the City of Melville to:

- (1) attempt to secure URBNSURF (Perth) Pty Ltd’s agreement to mutually terminate the Lease, and if that agreement is forthcoming then to proceed to terminate the Lease;**
- (2) in the event that URBSURF (Perth) Pty Ltd does not agree to the mutual termination of the Lease prior to 6 May 2019, to expedite the termination of the Lease on the basis that the City of Melville has taken all reasonable steps to comply with the conditions precedent Clause 2.1(1) (a) (iii) but will not be able to meet that condition precedent following the March 28, 2019 decision of the Minister for Lands to not approve the sale/transfer or lease of a portion of Reserve 35486 (also known as Crown Lot 9789);**
- (3) obtain any legal advice and assistance necessary to implement resolutions (1) and (2) above.**
- (4) that this motion remain confidential until 31 May 2019 or such earlier date as circumstances permit**

At 9:43pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

Vote Result Summary	
Yes	8
No	5

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

18. *Identification Of Matters For Which Meeting May Be Closed, Item 16.2 Motion With Notice, Surf Wave Park Agreement Following Ministerial Decision, continued*

Cr Pazolli and Cr Woodall provided the following reasons in support of the motion:

Reasons

1. The Minister for Lands has made his decision on March 28, 2019 that the portion of Crown Lot 9789 would not be transferred to the City of Melville or allowed to be leased as per the conditions precedent (clause 2.1(1)(iii) in the Ground Lease between the City and Urbnsurf (Perth) Pty Ltd.
2. The Minister specifically advises that; “with respect to the conditions precedent (clause 2.1(1)(iii) in the Ground Lease between the City and Urbnsurf (Perth) Pty Ltd, I advise that approval will also not be granted under section 18 of the Land Administration Act 1997 to any lease over portion of Reserve 35486”.
3. As this conditions precedent cannot be met by the City, the Council must now proceed to request that the CEO expedites the termination of the Surf Wave Park agreement.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9:46pm.