

**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD ON
TUESDAY, 20 FEBRUARY 2018
AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 20 FEBRUARY 2018**1. OFFICIAL OPENING**

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Dr S Silcox
Mr S Cope
Mr M Tieleman
Mr B Dawkins
Mr M McCarthy
Mr J Clark
Ms C Newman

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

At the commencement of the meeting there were 72 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.**

Nil.

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

Nil.

6. QUESTION TIME**6.1 Question Submitted Prior to the Meeting.****6.1.1 Mr I Guy, Applecross**

These questions seek to clarify the meaning of the term 'hospital' in Local Planning Scheme no.6

Question 1

Will the Council please advise me whether it considers the correct interpretation now of the Term 'hospital' as defined in section 38 of Local Planning Scheme no. 6 is

A) The meaning contained in the Hospitals and Health Services Act 1927 section 2(1) as it was at the time of gazettal of scheme

or

B) The meaning contained in section 2(1) of the amended Hospitals and Health Services Act (now titled the Private Hospitals and Health Services Act 1927)?

Response

As the legislation referred to in the definition has been updated, the updated legislation becomes applicable and is relied upon as part of the definition.

6.1 – Question Time, I Guy Continued.

If the answer to question 1 is that the term 'hospital' is to be interpreted as having the meaning in the Private Hospitals and Health Services Act 1927 will the council please answer Questions 2 and 3.

Question 2

Having regard to the meanings of the terms 'hospital', 'private hospital' and 'nursing home' in the Private Hospitals and Health Services Act 1927 together with the provisions of section 26k (B) (ii) of that Act and the current provisions of the Aged Care Act 1997 of the Commonwealth.

Does the council consider that the conduct or management of premises which are both

- *A nursing home and*
- *Part of a residential care service approved under the provisions of the Aged Care Act 1997 of the Commonwealth*

Constitutes the conduct or management of a 'private hospital' or 'hospital' for the purposes of Local Planning Scheme no.6?

and

If not, then will Council please explain why this is not the case?

Response

No. The City considers that a building used for aged care, irrespective of the level of care actually provided, constitutes for the purposes of LPS6 a Use Not Listed. This view is reached having regard to the definitions of hospital, private hospital, and nursing home (as quoted above), and on the basis that a hospital, whether that be public or private, is not a place of residence. A hospital provides temporary care which may or may not require temporary overnight care and stays. A Residential Aged Care facility whilst not formally defined in land use planning terms in either the Regulations or the City of Melville Local Planning Scheme 6 (LPS6), is considered to a place of residence. The land use of "Residential Aged Care Facility" has the potential to be defined as such in the Planning and Development (Local Planning Schemes) Regulations 2015 (subject to action by the Department for Planning Lands and Heritage), or as a new definition in LPS6 after an associated Scheme Amendment process has been initiated by the City and progressed accordingly towards adoption and gazettal. In the meantime, classification of any Residential Aged Care facility as a Use Not Listed in accordance with the Zoning Table of LPS6 is considered to be the appropriate approach.

Question 3

Has the Council obtained legal advice on any of the matters raised in question 1 and question 2?

Response

No.

6.1.2 Ms E Nicholson, ApplecrossQuestion 1

I refer to the "draft public question time at Council or Committee Meetings" - Policy CP-014. The draft policy states

"The provision of an answer is the end of the matter. The Council and City officers will not debate or discuss the question raised. Discussion or debate directly with an elected member or a City officer or within the public gallery is not permitted and will be deemed a breach of the City of Melville Meeting Procedures Local Law 2017 (section 7.17)."

Anyone can answer a question. Any answer will do even if it's not answering the said question. Ratepayers deserve an answer that is actually answering the question. This paragraph gives the City a way out of actually answering the question honestly and with integrity.

This paragraph should be omitted from the draft policy. It serves no purpose apart from gagging the public and keeping the City's business a secret. i.e. not governing in an open and transparent manner but allowing the council to actively conceal the truth from ratepayers if they so choose. Will the Elected Members, in the name of open governance and democracy, please omit this paragraph from the final policy?

Response

Immediately preceding this paragraph, the following is included in the draft policy:

"Responses will be provided in reasonable detail where possible, however in order to permit as many questions as possible, responses will be concise and to the point. Should greater detail be required, this should be requested, in writing to the CEO after the meeting."

Question 2

If the draft policy is passed at the OCM in its current form, in order to be compliant with the draft policy, my question might have to be worded as "will the Elected Members, in the name of open governance and democracy, please omit this paragraph from the final policy?"

The City could provide the following non-answer:

The following will not be responded to:

And the reasons quoted from the draft policy could be :

"Questions that are vague in nature or irrelevant to the City's activities".

"Statements and preambles are not permitted."

Do the Elected Members think this is an ethical process for responding to their ratepayers?

Response

Any questions that ask for an opinion of individual Elected Members should be sent to the particular or all Elected Members.

Questions that relate to the position of the Council can receive a response in this forum. As the Policy will be considered in the agenda for tonight, the Council's position will be known after a vote is taken.

6.1.3 City of Melville Residents and Ratepayers Assoc.(Inc.)

Question 1

When did Mr Darren Monument and / or Mr Todd Cahoon declare a real or possible conflict of interest, and what was the nature of those conflicts, in relation to their dealings with the Applecross Cricket Club, be it for space at Shirley Strickland Reserve, Tompkins Park or Bert Jeffrey Park. Has anyone else, the Mayor, Councillors or City staff, declared a real or possible conflict of interest with Applecross Cricket Club?

Response

This question was taken on notice.

Question 2

We refer to s 5.37 and s 5.39 of the Local Government Act 1995, Could you please confirm which employees or persons within the City's administration are currently designated as being senior employees; the date the first contracts for the CEO and each of the senior employee were executed; and the date when the contracts with the CEO and each of the senior employees were last varied?

Response

Council Policy CP-026 : Employee Appointments has designated the following positions to be classified as 'Senior Employees' for the purpose of the Act:

- Chief Executive Officer
- Director Corporate Services
- Director Community Development
- Director Technical Services
- Director Urban Planning

Contracts for these senior employees were first executed when they commenced in their roles which is as follows:

- | | |
|----------------------------------|---|
| • Chief Executive Officer | 20 March 2008, with latest variation 20 March 2017 |
| • Director Corporate Services | 2 March 2002, with latest variation 18 September 2015 |
| • Director Community Development | 1 October 2008, with latest variation 20 January 2016 |
| • Director Technical Services | 18 December 2017 |
| • Director Urban Planning | 28 April 2009, with latest variation 30 July 2015 |

6.1- Question Time, CoMRRRA (Inc.) continued.Question 3

On the 30 January 2018 the City stated in a letter that: "it is apparent to me by the scope of your application that the documents requested will form a part of the overall brief of complaints against the City of Melville that the Inquiry is expected to investigate and deliberate upon. My view is supported by the fact that the category of documents that make up your access application about Tompkins Park "acquisition of land" is part of the Inquiry's scope of documents that will be used to investigate, deliberate and later report upon....."; so please confirm whether or not the City is now aware that the Authorised Inquiry in looking into the Tompkins Park land acquisition inclusive of the Tompkins Park ground lease to the Wave Park proponents?

Response

The Terms of Reference of the Authorised Inquiry are:

The following aspects of the City of Melville and its operations and affairs from the 1 January 2015 to the present time in relation to:

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

6.1.4 Mr M McLerie, BictonQuestion 1

The City of Melville CEO's performance should be directly related to that of the City's; on what grounds would Council oppose the suggestion that the City of Melville CEO's quantifiable and subjective performances measures and annual targets be made public; for example why would Council not publish the CEO's quantifiable HSE, operating cost and rate rise targets, amongst many others?

Response

The CEO contract is already public through the legislative requirements of the *Local Government Act 1995* which specify that a person can inspect at the office of the local government the CEO contract of employment and contract variations. The contract of employment defines the performance criteria specified for the purpose of reviewing the person's performance.

Key targets and actual results for aspects such as safety performance and financial data and indicators of the organisation are already detailed in the City of Melville Community Annual Report which is distributed at the Annual General Meeting and also available through the City of Melville website.

6.1.5 Ms J Edinger, MelvilleQuestion 1

In light of this evening's agenda item relating to M18/5594 Elected Members Social Media Policy, and making reference to the Code of Conduct (Elected Members) which states, under Section 1.3 General Principles and Ethical Standards, that Councillors must act with honesty and integrity; and avoid damage to the reputation of the local government, does the Council;

1.1(a) support the Mayor's high level of participation on the Melville Community Chat Facebook page (where he has added over 2,500 people to the page, including re-adding people who opted out of the page, despite not being an administrator, and where comments have been published including (about this questioner) (Note an example of an inappropriate comment was provided has been deleted as it is not suitable to be included in the Council Meeting Minutes)?

Response

The Council, if it adopts the proposed new Elected Members Social Media Policy, is setting guidelines for the behaviours of the Elected Member Group.

The City, in the development of the proposed policy, is recognising that there is an issue with social media in our community. If endorsed by the Council, the Elected Members are collectively agreeing to a set of behaviours they will abide by and showing leadership on what is acceptable behaviour in the online communities.

Question 2

1.2(b) confirm that he is fulfilling the intent of the Code of Conduct?

Response

The City acknowledges that many Elected Members are members of many social media communities and the City is unable to control the comments and behaviours of all the members of those online communities.

The proposed policy provides guidance to Elected Members in making choices around their online behaviours and to be leaders in the community reinforcing the types of behaviours we would like to see.

Question 3

Is the Council aware of, and could they please advise; (a) who the attendees were at, the 25th January 2018 meeting involving Tom Carlin, administrator of Melville City Chat Facebook page, and the Mayor (who has a high level of involvement in the Melville Community Chat Facebook page) and others to discuss co-operation between the multiple Melville Facebook pages?

Response

The meeting was between Mr Carlin and the Mayor.

6.1 – Question Time, Ms J Edinger, Melville continuedQuestion 4

(b) advise why the meeting was called was and what was the agreed outcome of the meeting?

Response

The meeting was at the request of Mr Carlin and his concerns about social media, there were no agreed outcomes.

Question 5

Can the Council please advise, in light of the soon to be approved M18/5594 Elected Members Social Media Policy, what the Council's policy is in relation to Councillors being involved with Facebook pages administered by known fake profiles and, with this in mind, can any Councillor advise the real identity of Melville Community Chat Facebook page administrator, Jamie Kay (AKA Jamie Krakauer)?

Response

The Council Policy is before the Council at this meeting. The adopted Policy will be the Council's position.

Any question to individual Elected Members should be by contact with each individual Elected Member.

Question 6

Can the Council please advise, in light of the soon to be approved M18/5594 Elected Members Social Media Policy, its position on;

- a) the expectation that Councillor conduct would be no different in the event that a Councillor participate on social media through an "official" elected member profile, their own personal profile, a fake profile, their partners social media profile or that of a known close associate?*

Response

The purpose of the proposed Elected Members Social Media Policy is to provide guidance and direction on the use of all social media by Elected Members, the policy does not extend to family members or friends.

The proposed Elected Members Social Media Policy is a new policy, not only to the City of Melville but to local government generally in Western Australia as the City and the Elected Members recognise that social media, in all its forms, can be used positively to engage and communicate with the community.

6.1 – Question Time, Ms J Edinger, Melville continued

At 6.53pm Mr Wallace was given a first and final warning for disruptive comments from the public gallery.

Question 7

b) Councillors using Council assets (for example portable devices) to interact with social media via their non “official” profiles?

Response

The CP-041 – Code of Conduct (Elected Members) provides the following guidance:

Section 1.4.3(a) of the requires that Elected Members are–

“To use the resources of the City of Melville in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial, and physical resources, property and information;”

Section 7.1 (b) and (c) of the CP -041 – Code of Conduct (Elected Members) advises the following:

7.1 “Use of Local Government Resources

Elected Members will:

(b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and

(c) not use the Local Government's resources (including the services of Council employees) for private purposes.”

6.1.6 Hon. G Gear, Alfred Cove.Question 1

Is the Melville Bowling Club sustainable?

Response

This question should be addressed to the executive of the Melville Bowling Club.

Question 2

What is the evidence for the answer given in question 1?

Response

See response to question 1.

6.1 – Question Time, Hon G Gear, Alfred Cove continuedQuestion 3

Is the officer with responsibility for governance completely satisfied that the city has maintained the highest standards of governance in releasing and accepting the recommendations of the Bowls Strategy Report and subsequent claims that the report is a sham?

Response

The City has accepted the report as presented.

Question 4

Can the CEO Dr Silcox give the ratepayers and councillors an absolute guarantee that the information supplied to councillors was honest and truthful when the decision was made to shift the Melville Bowling Club to Tompkins Park?

Response

The City has no reason to doubt the information provided and the Chief Executive Officer has accepted the information in good faith.

At 6:56pm Cr N Robins drew the attention of the meeting by reference to section 7.17 Prevention of Disturbance of the City of Melville Meeting Procedures Local Law 2017, subclause 3 which states:

A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

6.1.7 Mr E Nielsen, Booragoon

With reference to the Mayor's response to my Question 1 at the ABF 6 February 2018 saying that 'Public question time is not an appropriate forum for lengthy questions and responses' would the Mayor please elaborate further and explain...

Question 1

What constitutes a 'length question' and who decides whether questions fit into this category?

Response

The Presiding Member of the Meeting will decide these matters.

6.1 – Question Time, Mr E Nielsen, Booragoon continuedQuestion 2

With the 'Public Question Time' only available at a select number of meetings (the ABF, SME, AGM, OMC and SMC) and now seemingly not suitable for 'lengthy questions' which other forums has the city available for the electors to address more complex questions to our Elected Members?

Response

In each year, the City accepts public questions at;

- 11 Ordinary Meetings of Council
- 11 Agenda Briefing Forums
- 1 General Meeting of Electors
- Any Special Meetings of Council
- Any Special Meetings of Electors

In addition, electors may email questions to the City and a response will be provided.

6.1.8 Mr C Ross, ApplecrossQuestion 1

I would like to acknowledge and thank the Mayor, Elected Members and the CEO for taking positive action last week in respect of the application for judicial review. In that regard will the Mayor confirm that as a result of a resolution made by Council on Tuesday 13 February 2018 and the City lodging a Notice with the Supreme Court on Wednesday 14 February, the City of Melville has (a) stopped incurring legal expenses on the judicial review proceedings concerning the wave park lease; and (b) has protected the City and the Community from exposure to risk of costs being awarded against the City/Community funds?

Response

- a) The City will obtain legal advice and assistance on a needs basis.
- b) By lodging the action referred to, the City has no reason to believe that an adverse finding will be made against the City.

Question 2

Will the Mayor confirm that the legal advice that was presented to Council at the Special Meeting of Council on Tuesday 13 February, was proposed to be presented in a report to be prepared by the CEO after 20 February 2018, even though the City was aware that it was required to lodge affidavits of evidence by 16 February 2018 and it was the intervention of Community representatives on 6 February 2018 that brought forward presentation of legal advice to Council on 13 February and the subsequent Council resolution, which has avoided the costs of preparing and lodging affidavits and the City making representations to the Court and protected the City and Community from further costs?

Response

The legal advice was presented to the Council at the earliest possible time after becoming aware of the position of the other party.

6.1 – Question Time, Mr C Ross, Applecross continuedQuestion 3

As Council has now effectively partially implemented the Motion from the Special Meeting of Electors on 17 January 2018 to stop incurring expenses on the wave park lease legal action, will the Mayor support the implementation of the remainder of the Motion of 17 January 2018 to stop spending on Tompkins Park re-development?

Response

No, this is a separate matter.

6.1.9 M Sandford, ApplecrossQuestion 1

Will the Mayor confirm that the decision to move the Melville Bowling Club was made solely in the context of the City of Melville Lawn Bowls Strategy, and the City's long-standing desire to improve income from assets, and that the Council were:

- A) not provided any financial analysis or report on the financial impacts of the decision from the City or any other source before the decision was made? and*
- B) not advised that the two authors of the Bowls Strategy Report were financial investors in the Wave Park before this was made public by ratepayers?*

Response

These questions were taken on notice.

6.1.10 G Sandford, ApplecrossQuestion 1

Will the Mayor confirm that the decision to move the Melville Bowling Club was made solely in the context of the City of Melville Lawn Bowls Strategy, and the City's long-standing desire to improve income from assets, and that the Council were:

- A. Not advised that Tompkins Park, Shirley Strickland Oval and Gairloch oval were, at the time of the decision, already at capacity, as confirmed by one of the authors of the Bowls Strategy Report at the Council meeting of 6/12/17?*

Response

Council are aware of the many challenges facing the provision of active (sporting) Reserve space and infrastructure across the entire City for many years, and have considered various agenda items addressing these challenges which are a matter of public record.

6.1 – Question Time, G Sandford, Applecross continuedQuestion 2

- B. Not advised that the relocation of the Melville Bowls Club and Mt Pleasant Bowls Club to Tompkins Park, the Wave Park lease, and the Tompkins Park Redevelopment Plan, would diminish by some 3.3 hectares the City's ability to provide much needed rugby and cricket space at, and in the vicinity of, Tompkins Park?*

Response

There is sufficient Public Open Space in the City of Melville to accommodate all recreational activities beyond 2031 it should be noted that the 3.3 hectares will provide for an additional sport that is not currently available in the City.

6.1.11 D Maynier, AttadaleQuestion 1

In the notes of the Agenda Briefing Forum of 6th February 2018 two of the ratepayers making deputations are minuted as having provided non-factual or false information.

In the interest of transparency and natural justice will the City

- A. Provide each of these persons at no charge with a copy of the recording of the Agenda Briefing Forum AND*
- B. Identify specifically the non-factual or false statement that was made AND*
- C. Advise the person in what respect/s the statement was non-factual or false AND*
- D. Provide each of the persons with the right of reply at the next Ordinary Meeting of Council?*

Response

Mr Maynier is requested to provide the names and contact details of the persons to whom he refers to allow the allegation to be investigated.

6.2 Question Submitted at the Meeting.**6.2.1 Ms M Curtis, Bull Creek**

My question relates to an agreement signed by the State Government – working with local council's – called the "City Deals". This Federal program allows for funding relating to community development.

Question

Is Melville Council staff aware and up to speed on this program – City Deals?

Response

Yes.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 12 DECEMBER 2017**
Minutes 12 December 2017**COUNCIL RESOLUTION**

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

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 12 December 2017, be confirmed as a true and accurate record.

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

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 6 FEBRUARY 2018
Notes 6 February 2018**COUNCIL RESOLUTION**

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

That the Notes of the Agenda Briefing Forum held on Tuesday, 6 February 2018, be received.

At 7:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.3 SPECIAL MEETING OF ELECTORS – 17 JANUARY 2018
Minutes SME 17 January 2018**COUNCIL RESOLUTION**

At 7:08pm Cr Phelan moved, seconded Cr Wieland –

That the Minutes of the Special Meeting of Electors held on Wednesday, 17 January 2018 be confirmed as a true and accurate record.

At 7:08 pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.4 SPECIAL MEETING OF THE COUNCIL – 23 JANUARY 2018
Minutes SMC 23 January 2018

COUNCIL RESOLUTION

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

That the Minutes of the Special Meeting of the Council held on Tuesday, 23 January 2018 be confirmed as a true and accurate record.

At 7:08 pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

8.5 SPECIAL MEETING OF ELECTORS – 1 FEBRUARY 2018
Minutes SME 1 February 2018

COUNCIL RESOLUTION

At 7:08 pm Cr Wieland moved, seconded Cr Wheatland –

That the Minutes of the Special Meeting of Electors held on Thursday, 1 February 2018 be confirmed as a true and accurate record.

At 7:08 pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

8.6 SPECIAL MEETING OF THE COUNCIL – 13 FEBRUARY 2018
Minutes SMC 13 February 2018

COUNCIL RESOLUTION

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

That the Minutes of the Special Meeting of the Council held on Tuesday, 13 February 2018 be confirmed as a true and accurate record.

At 7:09 pm 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

- Item C18/5591 – CEO Performance Review Process – Dr S Silcox – Interest under the Code of Conduct

10. DEPUTATIONS

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 7:09pm Cr Woodall moved, seconded Cr Barling –

That the applications for new leaves of absence submitted by Councillors Karen Wheatland and Katherine Mair on 20 February 2018 be granted.

At 7:10pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. PETITIONS

Nil.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:10pm the Mayor request that the following items be brought forward for the convenience of the public gallery.

- M18/5601 – Special Meeting Of Electors – Wave Park ground lease and Tompkins Park redevelopment.
- Late Item - M18/5605 – Special Meeting Of Electors – Bert Jeffery Park - Motion Carried

M18/5601 – SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE AND TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)

Ward	: Bicton-Attadale-Alfred Cove
Category	: Operational
Subject Index	: Council Administration
Customer Index	: Elected Members
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable.
Works Programme	: Not Applicable.
Funding	: In Accordance with 2017-2018 Budget
Responsible Officer	: Jeff Clark – Governance and Compliance Advisor

AUTHORITY / DISCRETION

DEFINITION

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

**M18/5601– SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE AND
TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)****KEY ISSUES / SUMMARY**

- At the City of Melville Special Meeting of Electors held on 17 January 2018, one motion was carried and the Council needs to consider its response.
- A recommendation for the motion is referred for consideration of the Council.

BACKGROUND

The City of Melville held a Special Meeting of Electors on 17 January 2018. At the meeting one motion from electors was carried and the Council is required to consider the motion and decide on any future action that should be resolved in the interests of the City.

DETAIL

The motion for the Council:

- to stop incurring expenses on the Wave Park ground lease and Tompkins Park redevelopment and
- to review its decision to move Melville Bowling Club;

until the Local Government Enquiry (sic) is completed,

was carried at the Special Meeting of Electors as follows.

Motion

This Motion is to the City of Melville Council and Administration:

- **To stop incurring expenses on the Wave Park ground lease and Tompkins Park re-development until the Local Government Inquiry into the City of Melville and the Supreme Court action and all other related matters are resolved; and**
- **To review its decision to move the Melville Bowling Club.**

CARRIED

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Stakeholder engagement has occurred in relation to this motion, at the Special Meetings of Electors held on the 7 December 2016, 23 January 2017, 15 March 2017, 23 March 2017 and 17 January 2018.

II. OTHER AGENCIES / CONSULTANTS

Consultation has also taken place with other Agencies/Consultants.

**M18/5601– SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE AND
TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)****STATUTORY AND LEGAL IMPLICATIONS**

The Council is required to consider any decisions from an electors meeting at the next or subsequent ordinary council meeting as noted below:

5.33. Decisions made at electors' meetings

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

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic management implications contained in this report.

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

Additional points for consideration in arriving at the officers recommendation:

- The City is party to a binding contract with an independent third party;
- The terms of reference of the inquiry do not address the issues raised by the electors' motions.
- There are various risks and impacts associated with ceasing the implementation of previous Council resolutions relating to the targeted developments, as proposed by Electors' motions. Some of these are financial consequences, delays in service delivery, and a failure to implement the Council's adopted strategies and objectives.

CONCLUSION

This report recommends that the motion carried at the Special Meeting of Electors held on the 17 January 2018 be considered and noted.

M18/5601– SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE AND TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)

OFFICER RECOMMENDATION (5601)

That the Council;

- 1. Having considered the motion from the Special Meeting of Electors held on 17 January 2018, notes the intent of the motion.**
- 2. Requests the Chief Executive Officer to advise the mover of the Motion at the Special Meeting of Electors in writing of the Council's resolution.**
- 3. Directs the Chief Executive Officer to expedite a report to the Council on a strategy for its approach in the matter of a judicial review.**

Reject and Replace

At 7:12pm Cr Mair moved, seconded Cr Barton -

That the Council;

- 1. Cease incurring expenses on the Wave Park ground lease and Tompkins Park re-development until the Local Government Inquiry into the City of Melville and the Supreme Court action and all other related matters are resolved; and**
- 2. Review its decision to move the Melville Bowling Club.**

At 8:19pm the Mayor submitted the motion, which was declared

LOST (6/7)

Vote Result Summary	
Yes	6
No	7

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

**M18/5601– SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE AND
TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)**

At 7:28pm moved Cr Pazolli, seconded Cr Kepert -

That the Council grant Cr Mair an additional two minutes to speak on the matter.

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

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

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

At 7:30pm Mr M Tieleman left the meeting and returned at 7:32pm.

At 7:35pm moved Cr Wieland, seconded Cr Phelan -

That the Council grant Cr Macphail an additional two minutes to speak on the matter.

At 7:35pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:38pm the Mayor warned the public gallery for disruptive behaviour.

At 7:40pm Cr Robins left the meeting and returned at 7:41pm.

At 8:11pm Cr Wheatland left the meeting and returned at 8:12pm.

**M18/5601– SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE AND
TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)**

COUNCIL RESOLUTION (5601)

NOTING

At 8:19pm Cr Macphail moved, seconded Cr Phelan -

That the Council;

- 1. Having considered the motion from the Special Meeting of Electors held on 17 January 2018, notes the intent of the motion.**
- 2. Requests the Chief Executive Officer to advise the mover of the Motion at the Special Meeting of Electors in writing of the Council's resolution.**
- 3. Notes the outcome of the report presented at the 13 February 2018 Special Meeting of Council from the Chief Executive Officer in relation to the judicial review.**

At 8:36pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

Vote Result Summary	
Yes	8
No	5

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

At 8:34pm Cr Kepert left the meeting and returned at 8:35pm.

**LATE ITEM - M18/5605 – SPECIAL MEETING OF ELECTORS – BERT JEFFERY
PARK - MOTION CARRIED (REC)**

Ward	: Bateman – Kardinya - Murdoch
Category	: Operational
Subject Index	: Council Administration
Customer Index	: Elected Members
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable.
Works Programme	: Not Applicable.
Funding	: In Accordance with 2017-2018 Budget
Responsible Officer	: Jeff Clark – Governance and Compliance Advisor

AUTHORITY / DISCRETION

DEFINITION

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

**LATE ITEM - M18/5605 – SPECIAL MEETING OF ELECTORS – BERT JEFFERY
PARK - MOTION CARRIED (REC)****KEY ISSUES / SUMMARY**

- At the City of Melville Special Meeting of Electors held on 1 February 2018, one motion was carried and the Council needs to consider its response.
- A recommendation for the motion is referred for consideration of the Council.

BACKGROUND

The City of Melville held a Special Meeting of Electors on 1 February 2018. At the meeting one motion from electors was carried and the Council is required to consider the motion and decide on any future action that should be resolved in the interests of the City.

DETAIL

The motion for the Council was carried at the Special Meeting of Electors as follows.

Motion

The Electors of the district want Council to direct the Chief Executive Officer to cease all work and expenditure on any developments at Bert Jeffery Park until such times as:

- 1. the Department of Local Government has finalised the current Authorised Inquiry, as announced on 29 November 2017, into the City, and**
- 2. the local community is thoroughly consulted about the change in use and any developments at Bert Jeffery Park and the community's views taken into account in relation to any use and development activities at the park, and;**
- 3. the Chief Executive Officer prepares and presents to Council a report, in the context of a longer term sports and recreation strategy, a detailed assessment of alternative locations for the Applecross Cricket Club. Alternative locations include but not limited to Shirley Strickland Reserve Ardross, Tompkins Park Alfred Cove and John Creaney Park Bull Creek; Troy Park Attadale, all of which are, or adjacent to, existing "sporting hubs"(Report), and;**
- 4. Council considers and votes on the Report.**

The first point of the Motion relating to the Authorised Inquiry is unrelated to the proposed development of a cricket facility at Bert Jeffery Park.

There is a current consultation period that commenced on 29 January 2018 and will conclude on 28 February 2018. A report on the development, as well as the outcome of consultation together with all submissions made, including a complaint lodged against development at Bert Jeffery Park signed by 300 signatories, will be brought to the Council for consideration.

**LATE ITEM - M18/5605 – SPECIAL MEETING OF ELECTORS – BERT JEFFERY
PARK - MOTION CARRIED (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Stakeholder engagement has occurred in relation to this motion by the distribution of five letters to residents over a period of 12 months. A series of meetings has occurred with the Applecross Cricket Club. Consultation will close on 28 February 2018 with comments sought from the community. A letter signed by 300 signatories was received in February 2017 in relation to this matter. The correspondence will be considered as part of the final report to be presented to the Council for consideration. The lead signatory has been advised of this.

II. OTHER AGENCIES / CONSULTANTS

Consultation has also taken place with other Agencies/Consultants being the Department of Local Government, Sport and Cultural Industries concerning grant funding.

STATUTORY AND LEGAL IMPLICATIONS

The Council is required to consider any decisions from an electors meeting at the next or subsequent ordinary council meeting as noted below:

5.33. Decisions made at electors' meetings

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

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications relating to this item however the development of any additional facilities at Bert Jeffery Park will be addressed in future reports to the Council on that matter.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic management implications contained in this report.

POLICY IMPLICATIONS

There are no policy implications.

LATE ITEM - M18/5605 – SPECIAL MEETING OF ELECTORS – BERT JEFFERY PARK - MOTION CARRIED (REC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

This report recommends that the motion carried at the Special Meeting of Electors held on 1 February 2018 be considered and noted.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5605)

NOTING

At 8:37pm Cr Robins moved, seconded Cr Wieland –

That the Council;

1. Having considered the motion from the Special Meeting of Electors held on 1 February 2018, notes the intent of the motion.
2. Notes that a report will be prepared for consideration by the Council on the development of any infrastructure at Bert Jeffery Park, for consideration by the Council, by no later than May 2018.
3. Directs the Chief Executive Officer to advise the mover of the Motion at the Special Meeting of Electors in writing of the Council's resolution.

At 8:56pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

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

At 8:42pm Cr Woodall left the meeting and returned at 8:45pm.

At 8:56pm Dr Silcox left the meeting and returned at 9:03pm.

At 8:56pm Cr Woodall left the meeting and returned at 9:03pm.

At 8:56pm the Mayor adjourned the meeting.
At 9:03pm the Mayor resumed the meeting.

Procedural Motion

At 8:43pm Cr Pazolli moved, seconded Cr Kepert

That the Council defer consideration of the report “Late Item - M18/5605 – Special Meeting Of Electors – Bert Jeffery Park - Motion Carried” to a future meeting.

At 8:44pm the Mayor submitted the motion, which was declared

LOST (4/9)

Vote Result Summary	
Yes	4
No	9

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

**T18/3774 - PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES,
VP92352 (AMREC) (CONFIDENTIAL ATTACHMENTS)**

Ward	:	All
Category	:	Operational
Subject Index	:	Tenders
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not applicable
Works Programme	:	Not Applicable
Funding	:	Various operational budgets
Prepared by	:	Mario Murphy – Manager City Buildings Bruce Taylor – Manager Financial Services Xavier Lagane - Procurement & Contracts Administrator Jag Walia – Environmental Sustainability Officer

AUTHORITY / DISCRETION

DEFINITION

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

**T18/3774 - PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES,
VP92352 (AMREC) (CONFIDENTIAL ATTACHMENTS)**

KEY ISSUES / SUMMARY

- To recommend the successful tenderer as considered by the Contract and Tender Advisory Unit (CTAU) for the supply of electricity to 19 contestable sites for a period of two years.

BACKGROUND

The WA Economic Regulation Authority allows customers to choose their electrical retailer for 'contestable' sites. For the City, a contestable site is one where the electrical usage is more than 50 MWh per year. The City has 19 sites that meet this criterion. The incumbent supplier, Synergy, was procured via the WALGA Preferred Panel Supply Program in 2016. Their existing two year contract expires on 31 March 2018. The City has sought quotations via the WA Local Government Association(WALGA) Preferred Panel for the supply of electricity to the 19 contestable sites for a period of two years commencing on 1 April 2018.

Tender Evaluation Process

The City procured the services of a technical consultant, Climate Change Response, to support the preparation of the quotation request and the evaluation of the responses received. The responses were evaluated using a two stage process:

- Stage 1 – Qualitative: Terms & Conditions and Methodology
- Stage 2 – Price

Climate Change Response evaluated the qualitative responses against a scoring matrix prepared in collaboration with the City. This matrix reflected the weighting the City applied to the importance of the terms and conditions and methodology proposed by the respondents. Stage 2 was a weighted comparison against price. The detailed evaluation report is attached in the Climate Change Response document - '*CCR CoM Energy Supply Options Report 2017 – Final*' which was distributed to the Members of the Council on Friday 2 February 2018 under confidential cover. This report was reviewed by the evaluation panel who agreed unanimously with the report's recommendations.

The recommended quoter achieved the highest score for both Stage 1 and Stage 2.

Evaluation Panel Members consisted of:

Manager City Buildings
Manager Financial Services
Procurement & Contracts Administrator
Environmental Sustainability Officer

**T18/3774 - PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES,
VP92352 (AMREC) (CONFIDENTIAL ATTACHMENTS)****DETAIL**

Number of Tender/Quotation Documents Issued:	Four
Number of Tender/Quotation Submissions Received:	Four

Evaluation Process

Details of the quotation process and comparative assessment conducted are detailed in the Confidential Attachments – Evaluation Panel Report, Evaluation Criteria – Scoring Matrix and Climate Change Response document - '*CCR CoM Energy Supply Options Report 2017 – Final*' which were distributed to the Members of the Council on Friday 2 February 2018 under confidential cover.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No stakeholder engagement has been required or undertaken for this tender.

II. OTHER AGENCIES / CONSULTANTS

Technical consultants, Climate Change Response, were appointed to support the preparation of the quotation request and evaluation of responses.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (2) (b) "Tenders do not have to be publically invited ... if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program".

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

**T18/3774 - PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES,
VP92352 (AMREC) (CONFIDENTIAL ATTACHMENTS)**

FINANCIAL IMPLICATIONS

Approved Budget Details	Various operational budgets amounting to \$1,221,974 per annum, \$2,443,948 over the contract period
Account Cost Centres or Capital Works Project Number	Various
Anticipated expenditure over the term of the contract	\$2,320,541 = \$1,160,270 per annum
Previous financial year expenditure for these services (if applicable)	\$1,231,073
Percentage difference between identical rates from an existing or recently terminated contract	5.8% reduction between previous financial year spend and estimated new annual spend
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation and prior review of the amendment undertaken by Finance	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic implications of these works relate only to the consequences of not procuring the Services through a tender or the WALGA Preferred Supplier Program, which would result in the City being in breach of the *Local Government (Functions and General) Regulations 1996*.

There are no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are included in the table attached as Confidential Attachment – Evaluation Panel Report Item 11.

The provision of these services has no significant environmental implications. The preferred supplier, complies with the City's preferences with regards supporting the development of new solar PV installations within the contestable energy portfolio. This gives the City the flexibility to increase its energy consumption via self-generated solar power without price penalty. The preferred supplier has also offered a feed-in tariff for current and proposed solar PV systems.

The preferred supplier is also the only respondent to offer a GreenPower option. The GreenPower option, however, is not recommended since the cost paid is for a green power premium which is an offset and not truly renewable energy. The GreenPower pricing proposed by the preferred supplier can however act as a unit cost of electricity benchmark to estimate the paybacks from investments in renewable energy projects.

**T18/3774 - PROVISION OF ELECTRICITY TO CITY OF MELVILLE FACILITIES,
VP92352 (AMREC) (CONFIDENTIAL ATTACHMENTS)****POLICY IMPLICATIONS**

The Tender evaluation process was undertaken in accordance with Council Policy CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The Evaluation Panel are satisfied that the successful tender's submission has provided the best value for money response with the most flexibility with regards to the proposed terms and conditions of supply.

**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION AND COUNCIL
RESOLUTION (3774)****ABSOLUTE MAJORITY APPROVAL**

At 9:03pm Cr Robartson moved, seconded Cr Barling –

The Contract and Tender Advisory Unit recommends to the Council:

- 1. That the Council, by Absolute Majority decision endorses the recommendation as contained in the Confidential Attachment – Evaluation Panel Report.**
- 2. Upon resolving the recommendation, the Contract and Tender Advisory Unit's recommendation be inserted below this point 2 to advise the successful tenderer's name.**

Contract and Tender Advisory Unit Recommendation:

"Synergy is recommended by the Evaluation Panel as the successful quoter"

At 9:04pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

CD18/8104 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2017 (REC)
(ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Emergency Evacuation and Management Plan
 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 : CD12/8044 - Local Emergency Management Arrangements - April 2012
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Peter Carrie
 Coordinator Rangers and Emergency Management

AUTHORITY / DISCRETION

DEFINITION

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

**CD18/8104 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2017 (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Section 41 of the *Emergency Management Act 2005* requires that a local government is:
- To ensure that arrangements (“Local Emergency Management Arrangements”) are prepared for emergency management in the local government district and reviewed after five years.
- Local Emergency Management Arrangements are to be consistent with the State Emergency Management Policies and State Emergency Plans.
- Local Emergency Management Arrangements are to include a Local Recovery Plan; and the nomination of a Local Recovery Coordinator.
- To ensure copies of the Local Government’s Emergency Management Arrangements are delivered to the State Emergency Management Committee (SEMC) as soon as practicable after they are prepared.
- It is recommended that the Council endorse the Local Emergency Management Arrangements.

BACKGROUND

The City has reviewed the Local Emergency Management Arrangements for the Council to review and endorse prior to submission to the State Emergency Management Committee.

The Local Emergency Management Arrangements have been endorsed by the Local Emergency Management Committee at its meeting held on 29 November 2017.

[8104 Local Management Arrangements 2017 Draft](#)
[8104 Local Recovery Plan V0.06 Draft](#)

The aim of the City of Melville Local Emergency Management Arrangements is to detail the emergency management arrangements for the City and to ensure that an understanding between agencies and stakeholders involved in managing emergencies within the City is clearly established.

The purpose of the emergency management arrangements are to set out:

- a) The Local Government’s policies for emergency management;
- b) The roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
- c) Provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph b);
- d) A description of emergencies that is likely to occur in the local government district;
- e) Strategies and priorities for emergency management in the local government district;
- f) Other matters about emergency management in the local government district prescribed by the regulations; and
- g) Other matters about emergency management in the Local Government district that the Local Government considers appropriate, (s. 41(2) of the *Emergency Management Act 2005*).

**CD18/8104 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2017 (REC)
(ATTACHMENT)****DETAIL**

These arrangements are to ensure that there are suitable plans in place to deal with the identified emergencies should they arise. It is not the intent of this document to detail the procedures for Hazard Management Authorities (HMA's) in dealing with an emergency. These should be detailed in the HMA's individual plan.

Furthermore:

- a) This document applies to the local government district of the City of Melville;
- b) This document covers areas where the City of Melville provides support to HMA's in the event of an incident;
- c) This document details the City of Melville's capacity to provide resources in support of an emergency, while still maintaining business continuity; and
- d) This document details the City of Melville's responsibility in relation to recovery management.

These arrangements are to serve as a guide to be used at the local level. Incidents may arise that require action or assistance from District, State or Federal level agencies.

A Local Emergency Management Committee (LEMC) is to be formed by the Local Government and chaired by the Mayor or a Councillor. Councillor Wieland is the current Chairperson of the City's LEMC which meets quarterly in accordance with the *Emergency Management Act 2005*.

The Local Recovery Coordinator is the Manager Natural Areas and Parks.

The functions of the LEMC are:

- a) To advise and assist the Local Government in establishing Local Emergency Management Arrangements for the district;
- b) To liaise with public authorities and other persons in the development, review and testing of the Local Emergency Management Arrangements; and
- c) To carry out other emergency management activities as directed by SEMC or prescribed by regulations.

The LEMC has endorsed these Arrangements at its meeting held on 29 November 2017.

It is a function of a Local Government:

- a) Subject to the *Emergency Management Act 2005*, to ensure that effective Local Emergency Management Arrangements are prepared and maintained for its district;
- b) To manage recovery following an emergency affecting the community in its district; and
- c) To perform other functions given to the Local Government under that Act.

**CD18/8104 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2017 (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No further public consultation is required as a result of the review of the Local Emergency Management Arrangements.

The Local Emergency Management Arrangements are available to the public on the City's website.

II. OTHER AGENCIES / CONSULTANTS

Consultation has been undertaken with the Western Australian Local Government Association - Emergency Management Services, the Department of Fire and Emergency Services Authority of Western Australia, the Melville State Emergency Services Unit, the WA Police and Department of Communities.

STATUTORY AND LEGAL IMPLICATIONS

Section 41 of the *Emergency Management Act 2005* requires that a local government is to ensure that Local Emergency Management Arrangements for emergency management in the local government district are prepared.

These arrangements have been prepared and reviewed in accordance with the requirements of the *Emergency Management Act 2005*.

FINANCIAL IMPLICATIONS

There are no upfront financial implications for the Council relating to this report. However, there are ongoing financial costs in undertaking a test of the emergency arrangements annually (as required by the *Emergency Management Act 2005*) estimated at \$5,000 per annum.

**CD18/8104 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2017 (REC)
(ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is a risk to the community should the City not have Local Emergency Management Arrangements for emergency management in place.

The *Emergency Management Act 2005* requires the City to manage the recovery of the community after an event.

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the Local Emergency Management Arrangements and related requirements of the <i>Emergency Management Act 2005</i> are not in compliance with legislative requirements or policies.	Major consequences which are possible.	Ensure all legislative requirements are in the compliance calendar and reported on to ensure all legislative requirements are met.

The legislative responsibilities the City of Melville has, pertaining to the *Emergency Management Act 2005*, are all listed in the organisational compliance calendar. Part of the requirements is to annually test our Local Emergency Management Arrangements. Testing is done via a yearly scheduled desk-top exercise. The test (involving City of Melville staff, State Government and Not-For-Profit Organisations) identifies areas for improvements. Those areas will be assessed and implemented and reported back to the Local Emergency Management Committee. The scheduled desk-top exercise will also be audited and this is also captured in the organisational compliance calendar.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The requirement for Emergency Management arrangements are a statutory requirement.

CONCLUSION

The City of Melville Local Emergency Management Arrangements is provided for the Council's review and endorsement prior to submission to the State Emergency Management Committee. The Local Emergency Management Arrangements will also be tabled at the District Emergency Management Committee (DEMC) and lodged with the Office of Emergency Management Western Australia.

**CD18/8104 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2017 (REC)
(ATTACHMENT)****COUNCIL RESOLUTION (8104)****APPROVAL**

At 9:04pm Cr Barton moved, seconded Cr Wieland -

That the Council endorses the City of Melville Local Emergency Management Arrangements 2017.

[8104 Local Management Arrangements 2017 Draft](#)
[8104 Local Recovery Plan V0.06 Draft](#)

At 9:06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

That Cr Barton requested that it be recorded in the minutes that the Council extends its appreciation to the staff involved in developing and implementing the City's Local Emergency Management Arrangements and plan.

M18/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 17 November 2017 up to and including 25 January 2018 for the Council's noting.

M18/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2010	City of Melville and Robyn Laycock	Hire Agreement Commencing on 1 January 2018 to 31 December 2018	4457874
CS2011	City of Melville and Fiona Buchanan	Hire Agreement Commencing on 1 January 2018 to 31 December 2018	4457875
CS2012	City of Melville and Lauren Gavriel	Hire Agreement Commencing on the 13 November 2017 to 31 December 2018	4457876
CS2014	City of Melville and Susan Radaich	Hire Agreement Commencing on the 1 January 2018 to 31 December 2018	4457878
CS2016	City of Melville and Marina Saker	Hire Agreement Commencing on the 1 January 2018 to 31 December 2018	4457880
CS2020	City of Melville and Connect groups	Connect groups - the Scene - 1 year Extension - expiring 30 November 2018.	4467652
CS2021	City of Melville and Local Planning Scheme No 6	Local Planning Scheme 6 Amendment No 2	4068736
CS2023	City of Melville and Links Surveying	Notification 70A for 51 McBeth Way Kardinya	4423418

M18/5000 – COMMON SEAL REGISTER (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

M18/5000 – COMMON SEAL REGISTER (REC)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000) NOTING**

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the document listed under the Common Seal of the City of Melville from 17 November 2017 up to and including 25 January 2018.

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

M18/5594 – ELECTED MEMBERS SOCIAL MEDIA POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Council Administration - Policy Social Media
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officers	: Eli Gould Digital Communications Advisor Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

M18/5594 – ELECTED MEMBERS SOCIAL MEDIA POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Australian Public Service Commission Guidelines on Social Media practice sets an initial standard for Government organisations.
- Guidelines were developed by the city administration to assist Elected Members in the lead up to the 2017 Local Government Election.
- The proposed policy was presented at the Elected Member Information Session held 30 January 2018.
- This report recommends the proposed Council Policy – Elected Members Social Media Policy be adopted.

BACKGROUND

In August 2017, the Governance Bulletin issued by Department of Local Government, Sport and Cultural Industries highlighted the risks for Elected Members using social media and that legislation such as the *Local Government Act 1995*, *Defamation Act 2005* and the *Local Government (Rules of Conduct Regulations) 2007* apply in the virtual world of social media, just as they do in real life across the council chamber.

At the time, the Council did not have any guidelines or policy associated with the use of social media by Elected Members and guidelines were developed to assist Elected Members in the lead up to the 2017 Local Government Elections and presented at an Elected Member Information Session held on 12 September 2017 for discussion.

The November 2017 issue of the Governance Bulletin noted that the impact of technology, in particular social media, as an issue in the lead up to and during the 2017 Local Government Election period.

Both the Australian Public Service Commission (Federal) and the Public Sector Commission (State) have guidelines/strategies associated with the use of social media, whilst mainly directed for use by employees, they do address similar issues recently experienced in the local government arena.

DETAIL

Social media is increasingly becoming a part of daily life and an accepted method of instant communication. The use of social media by the City and the Elected Members can assist in addressing the identified challenge of meeting community expectations regarding community engagement. Optimising the use of social media facilitates an opportunity to improve communication, engagement and collaboration with our community, and share the positive and professional identity of our organisation as identified in the City of Melville Corporate Business Plan 2016 - 2020.

The development of the Social Media Guidelines for Elected Members sought to provide guidance and practical examples to Elected Members in using social media in a manner that meets the expectations of the community and their role as an Elected Member, particularly in the lead up to the 2017 Local Government Elections. It was impractical at that time to consider those guidelines in a policy format due to the restrictions imposed by CP 105 – Election Caretaker Period.

M18/5594 – ELECTED MEMBERS SOCIAL MEDIA POLICY (REC) (ATTACHMENT)

The use and implications of online communications is a topic being considered as part of the current “Review of the Local Government Act 1995”, being undertaken by the Department of Local Government, Sport and Cultural Industries, and as such, it is timely for the Council to consider a position on the matter.

Social media offers a public means for discussion around sensitive, council and community issues, particularly in the lead up to formal decision making processes. There are no new rules for social media, the existing expectations around professional conduct should apply, and it is important to remember that the use of social media is not without risk as the speed and reach of publishing online means content is available immediately to a wide audience. Anything posted can be difficult to delete and may be replicated endlessly. It may be sent to, or seen by people the author never intended or expected would see it.

The purpose of the Social Media for Elected Members policy is to provide guidance and direction for the use of social media by Elected Members to meet the expectations of the community and their professional requirements, particularly when commenting or engaging with the community in both a private and public capacity.

The intent of this policy is not to stifle the use of social media, but rather to assist in ensuring that comments, likes, posts and the use of all forms of online and social media by Elected Members aligns with the adopted policies of the City and are thoughtful, well-reasoned and responsible communications suited to their professional position and standing in the community.

A person takes significant public obligations upon themselves when they become a member of the Council and make the required declaration of office in accordance with s2.29 of the *Local Government Act 1995* that they will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the local government’s district according to the best of their judgment and ability. These obligations cannot be separated from the position and this means an Elected Member cannot divest themselves of the character of an Elected Member.

(Treby and Local Government Standards Panel [2010] WASAT 81 (Treby) at paragraphs [26]-[33])

The City monitors social media and relevant posts are retained within the City’s document management system for record keeping purposes.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community engagement required.

II. OTHER AGENCIES / CONSULTANTS

No comment has been sought from other agencies of consultants.

M18/5594 – ELECTED MEMBERS SOCIAL MEDIA POLICY (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

There is no statutory requirement for a Social Media Policy for elected members, however such a policy reinforces the expected behaviours of a professional position and the requirements of the Local Government (Rules of Conduct) Regulations 2007 and provide and meets the intent of the LGA that local governments are efficient, effective and appropriate when engaging with their local community.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of this policy.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of public perception that statements or information circulated by Elected Members are not reflective of the adopted position of the Council, or the perception or real misuse of resources.	Major consequences which are possible, resulting in a High level of risk	Ensure policy and processes in place to mitigate the likelihood of occurrence and ensure good governance practices and organisational transparency.

POLICY IMPLICATIONS

The proposed Elected Members Social Media Policy supports the existing CP-041 Code of Conduct – Elected Members which provides guidance on the behaviours expected to be demonstrated by Elected Members and encourages a commitment to ethical and professional behaviour.

The use of social media by the City's officers is covered by an operational policy, which is also being reviewed to ensure consistency in the principles contained in the proposed Council Policy and the requirements of the Employee Code of Conduct.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to adopt a Social Media for Elected Member Policy and await the outcome of the *Local Government Act 1995* Review.

CONCLUSION

Elected Members must not make 'improper use of office' to cause detriment to the City or another. Standards for Elected Members include the requirement to avoid damage to the reputation of the City and the legal fidelity to the Council. It is important to ensure the language and approach used online is consistent with what the community would expect from an Elected Member and meets the requirements of the Elected Members Code of Conduct:

M18/5594 – ELECTED MEMBERS SOCIAL MEDIA POLICY (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (5594)

APPROVAL

At 9:06pm Cr Barling moved, seconded Cr Robins -

That the Council adopts the new Council Policy - Elected Members Social Media Policy [5594 Elected Members Social Media Policy](#).

Amendment

At 9:07pm Cr Pazolli moved, seconded Cr Barton –

Amend the Draft Elected Members Social Media Policy by:

1. **Inserting the following new paragraph before the last dot point in the Guidelines Section of the draft Policy;**

“Elected Members should not:”

2. **In the last dot point of the Guidelines Section of the draft Policy, delete the words; “Elected Members are not to”.**
3. **Inserting the following new dot point after the last dot point in the Guidelines Section of the draft Policy;**
 - **“post on social media using a pseudonym or fake social media ID and/or knowingly arrange, encourage, assist or consent for any other person to post on Council matters under a fake social media ID on behalf of the Elected Member.”**

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

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

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

M18/5594 – ELECTED MEMBERS SOCIAL MEDIA POLICY (REC) (ATTACHMENT)

The mover and seconder consented to the inclusion of the words “and minor grammatical errors be corrected”.

COUNCIL RESOLUTION (5594)**APPROVAL**

At 9:06pm Cr Barling moved, seconded Cr Robins -

That the Council adopts the new Council Policy - Elected Members Social Media Policy 5594 Elected Members Social Media Policy and minor grammatical errors be corrected.

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

CARRIED UNANIMOUSLY (13/0)

M18/5595 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Subject Index	:	Policy and Policy Development Council Administration – Public Question Time
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	:	17.1 Motion – Review of Public Question Time Policy / Local Law (15 August 2018) 17.1 Motion – Improving Public Question Time (December 2017)
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**M18/5595 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Department of Local Government, Sport and Cultural Industries advocates for each local government to implement standard procedures in relation to legislated public question time.
- The *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Melville Meeting Procedures Local Law 2017* all provide legislated requirements on the management of Public Question Time.
- The proposed new policy was presented at an Elected Members Information Session held 30 January 2018.
- This report recommends that the proposed new policy CP-014 Public Question Time at Council or Committee Meetings be adopted and implemented.

BACKGROUND

At the Ordinary Meeting of Council held 15 August 2017, the Council resolved the following:

“That the Council requests the Chief Executive Officer to undertake a review of the public question time process in Ordinary Meetings of Council, Agenda Briefing Forums and other meeting of Council where question time may be allowed, and a draft Council Policy and / or amendment to a Local Law for consideration at an Elected Members Information Session that will ensure that the public question time process remains consistent with the requirements of the *Local Government Act 1995* and ensures that Ordinary Meetings of Council public questions at Ordinary Meetings of Council and Council’s answers to those question are either read out at the Ordinary Meetings of Council, or other meetings as relevant provided that the questions are not defamatory, offensive, frivolous , in the form of a statement or have been previously asked of the Council.”

At the Ordinary Meeting of Council held 12 December 2017 the Council resolved the following:

“That the Council requests the Chief Executive Officer (“CEO”) to be guided by the following principles, subject to the *Local Government Act* and any other applicable law, in undertaking the Review of the Public Question Time Policy/Local Law (Item 17.1 Ordinary Meeting of the Council, (15 August 2017):

- 1) Questions are not to be distinguished on the basis of whether they are ‘operational’ or ‘strategic’;
- 2) A minimum of 15 minutes is to be provided for Question Time at Agenda Briefing Forums and Ordinary Meetings of the Council;
- 3) Questions are to be read out by the Presiding Member in the order that they are received;
- 4) Questions are to be answered to the best of the Council’s ability (acting reasonably);

**M18/5595 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

- 5) Question and Council's answers are to be recorded in the minutes of the relevant meeting – any questions not able to be answered publicly due to effluxion of time are to be listed in the Minutes of the Council meeting and responded to in writing after the meeting; and
- 6) Any comments within a question that are considered by the Presiding Member and the CEO to be defamatory to a person, not meeting the usual standards of public decency, or otherwise not in compliance with the law, are not to be read out publicly and are to be deleted from the written record. The Presiding Member will attempt to read the question without the deleted words."

DETAIL

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* requires that a minimum of 15 minutes is set aside for public questions at each Ordinary Meeting of Council and at other prescribed meetings. A prescribed meeting is every special meeting of a council and a committee meeting that has a delegated power or duty.

The *City of Melville Meeting Procedures Local Law 2017*, Part 7 provides guidance on public participation at formal meetings and makes specific reference to the requirement of the *Local Government Act 1995* and the *Local Governments (Administration) Regulations 1996*.

The Department of Local Government, Sport and Cultural Industries has Operational Guidelines on Managing Public Question Time which advocates for local governments adopting standard procedures in relation to the public question time. These principles contained in these guidelines have been used in the development of a new policy.

The City has current policy CP-014 – Question Time at Committee and Council Meetings and rather than try and amend this policy, a new policy has been developed [5595 Question Time at Council or Committee Meetings Policy](#)

The proposed new policy:

- outlines the Council's commitment to understanding the communities needs and aspirations in its decision making processes; and ensuring that members of the community are given equitable opportunity to participate in public question time.
- provides guidance and direction on the management of public question time to ensure the City and the Council meets the legislative requirements.
- provides clarity to the community on how to present a question to public question time and the types of questions that will not be responded to.
- provides clarity on the order that questions will be responded and the format of those responses

The redeveloped policy seeks to address the objectives outlined in the Council resolutions of 15 August 2017 and 12 December 2017, the City's aspiration of improving communication mechanisms with the community and meeting the City's legislated obligations.

**M18/5595 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No comment has been sought from the community.

II. OTHER AGENCIES / CONSULTANTS

No comment has been sought from other agencies or consultants, however a desk top review of practices in other local governments has been undertaken along with consideration of the principles contained in the Department of Local Government, Sport and Cultural Industries Operational Guidelines – Managing Public Question Time.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* contain specific clauses in relation to question time for the public. Additionally the *City of Melville Meeting Procedures Local Law 2017* provides further guidance on public question time. The proposed new policy has been developed to support these legislative requirements.

FINANCIAL IMPLICATIONS

Whilst there are no financial implications associated with the implementation of the proposed new policy, there are indirect resources and financial implications associated with managing, researching, recording and responding to questions presented at public question time.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of inaccurately assessing the community needs, aspirations and areas of interest through an inequitable and ineffective public question time process.	Major consequences which are possible, resulting in a High level of risk	Ensure policy and processes are in place to provide good governance in line with legislative requirements.

POLICY IMPLICATIONS

The proposed new policy CP-014 - Public Question Time at Council or Committee Meetings Policy supports the objectives of Elected Members in engaging with the community through the public question time process, whilst meeting legislative requirements and obligations.

**M18/5595 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could resolve not to adopt the proposed new Public Question Time at Council and Committee Meetings and the current policy would remain in place.

CONCLUSION

Through the City of Melville Corporate Business Plan (Priority 5), the City is committed to improving the mechanisms it uses to communicate with the community. The implementation of a new policy around the management of Public Question Time at Council or Committee meetings supports this aspiration and provides clarity to the community on effectively participating in these forums.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5595) APPROVAL

At 9:47pm Cr Barling moved, seconded Cr Robartson -

That the Council approves the implementation of the new Council Policy CP-014 – Public Question Time at Council and Committee Meetings

5595 Question Time at Council or Committee Meetings Policy and deletes the existing Council Policy CP-014 – Question Time at Committee and Council Meetings.

Procedural Motion

At 9:47pm Cr Woodall moved, seconded Cr Phelan -

That the Council defer consideration of the report “M18/5595 – Public Question Time at Council or Committee Meetings Policy” to the next Council meeting and that the amendments submitted by Cr Pazolli lay on the table until that time, to allow for further information and clarification on the proposed amendments at an Elected Member Information Session.

At 9:49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Cr Pazolli proposed Amendment 1

Add the following additional paragraph to the end of the Assessment of Questions section:

“All written public questions submitted to the CEO by 4.00pm the business day prior to the meeting, shall be circulated by the CEO in an email to the Elected Members by midday of the day of the meeting, including in the email any rulings on the suitability of the questions made by the CEO and a draft response to the question.”

**M18/5595 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**Cr Pazolli proposed Amendment 2

Amend the Draft Public Question Time Policy by adding the following paragraph to the end of the Assessment of Questions section:

“The Presiding Member, in assessing the suitability of a question, shall not rule out a question on the basis that the question refers to an operational rather than a strategic matter of the Council.”

Cr Pazolli proposed Amendment 3

Amend the Draft Public Question Time Policy in the Assessment of Questions section by deleting dot points 5, 6 & 7 and replacing it with the following dot point;

- “Questions that are offensive, defamatory in nature, attempt to intimidate &/or bully staff or Elected Members or question the competence of elected members or City employees shall only be read out if the questioner agrees to alter the wording to the satisfaction of the CEO. Should a questioner disagree with the ruling of the CEO, then the questioner can appeal that ruling to a future meeting of Council.”

At 9:46pm Cr Wieland left the meeting and returned at 9:48pm.

**M18/5601 – SPECIAL MEETING OF ELECTORS – WAVE PARK GROUND LEASE
AND TOMPKINS PARK REDEVELOPMENT - MOTION CARRIED (REC)**

*Item brought forward.
Please refer to page 19.*

Disclosure of Interest

Item No.	C18/5591
Member	Dr S Silcox
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Dr Silcox is the Chief Executive Officer
Request	Not Applicable
Decision of the Council	Not Applicable

C18/5591 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Personnel file
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	: Item C17/5550 – Chief Executive Officer Performance Review – Ordinary Meeting of Council – May 2017
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Kylie Johnson Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

**C18/5591 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE
REVIEW (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In accordance with Council resolution (5465) a further four year contract with the Chief Executive Officer (CEO) was entered into which became effective from the 20 March 2016.
- The CEO performance review in 2016 included a review of the survey tool with the Performance Review Consultant, and the survey tool was again considered in 2017.
- The CEO performance review in 2017 refined - the performance criteria for the 2017-2018 review.
- The annual CEO performance review process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee. The Governance Committee has been determined through Council to be the reviewers of the CEO performance.
- The Governance Committee will discuss the CEO performance, future expectations performance criteria, performance development plan and review the salary package, for recommendation to the Council.
- A defined process is proposed for the CEO performance review, as detailed in the agenda item, which incorporates the reviewed performance survey and opportunities to improve the process recommended by the Performance Review Consultant engaged for previous CEO performance reviews, and communicated to elected members as part of the process.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer at the City of Melville. A further four year contract was finalised with the Chief Executive Officer, and made effective from 20 March 2016 in accordance with Council resolution (5465), and the last performance review was finalised in May 2017 which further refined the performance criteria for 2017-2018.

Clause 7 of the CEO contract details that there needs to be a review of remuneration on an annual basis at a time that is no later than three months after the anniversary of the commencement date.

DETAIL

The Chief Executive Officer performance review process that is attached has indicative estimated dates, and will commence once the Council has approved the stages to be followed, as per attachment: [5591 Chief Executive Officer Performance Review Process](#).

**C18/5591 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE
REVIEW (REC) (ATTACHMENT)**

The attached process reflects that the performance review survey that has been refined over the past three years through the Performance Review Consultant as per attachment: [5591 Chief Executive Officer Performance Review Survey](#).

Ultimately the overall process is the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee, and is supported administratively by the Executive Manager Organisational Development, who acts under the Mayor's guidance.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

There are no public consultation/communication aspects relating to this item.

II. OTHER AGENCIES / CONSULTANTS

There has been no consultation for the 2018 performance review process with any other agencies/consultants at this stage, although there will be future involvement with respect to appointment of a Performance Review Consultant as identified in the proposed process of the CEO review.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.16(1) of the *Local Government Act 1995*, states that "*Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than that this power of delegation*" Absolute Majority required.

Section 5.38 of the *Local Government Act 1995* states the requirement to review a CEO's performance at least once a year in relation to every year of employment.

Section 5.39 (7) of the *Local Government Act 1995* requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO, to be taken into account by the local government before entering into, or renewing a contract of employment with a CEO. Although this section of the *Local Government Act 1995* does not include salary reviews this information has been included in the comparative salary data for consideration by the Council when assessing salary.

Section 5.23 (2)(a) of the *Local Government Act 1995* states that a meeting by a Council or Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

FINANCIAL IMPLICATIONS

The estimated cost of engaging a Performance Review Consultant, who acts as a facilitator to assist with the Performance Review process, is provided for within the current operational budget.

**C18/5591 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE
REVIEW (REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage

POLICY IMPLICATIONS

There are no policy implications applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option is that in accordance with section 5.16 of the *Local Government Act 1995*, the Council delegates to the Governance Committee all the powers, functions and duties necessary to select and appoint an external consultant to facilitate the performance review process of the Chief Executive Officer.

The implication of this option is that the Governance Committee meetings would require public notice so that the public are invited to attend the meeting. The current proposal is that the Committee formally recommend the Consultant and the authority for appointment remains an operational authority of the Executive Manager Organisational Development.

CONCLUSION

The CEO performance review process provides feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarifies future expectations, which are to be reflected in the performance criteria of the Chief Executive Officer's Contract and the Performance Development Plan.

An outcome of the process is a resolution by the Council in relation to the Performance Criteria, Performance Development Plan and Salary Review for the Chief Executive Officer.

**C18/5591 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE
REVIEW (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5591) APPROVAL**

That the Council;

- 1 Approves the process detailed in Attachment 5591 Chief Executive Officer Performance Review Process for the Chief Executive Officer performance review.
- 2 Approves the survey tool to be used for the Chief Executive Officer performance review as detailed in Attachment 5591 Chief Executive Officer Performance Review Survey.

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6000 - INVESTMENT STATEMENTS AS AT 30 NOVEMBER 2017 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 30 November 2017 for the Council's information and noting.

BACKGROUND

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

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

DETAIL

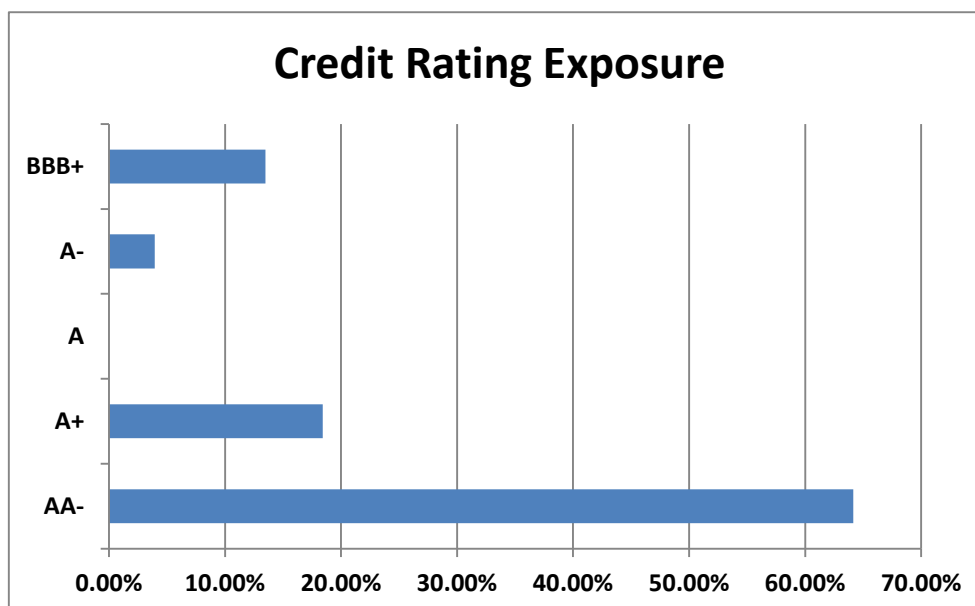
Summary details of investments held as at 31 December 2017 are shown in the tables below. The following statements detail the investments held by the City as at 31 December 2017.

The City received an update from WALGA on 8th December 2017 regarding changes to the unit holding value of the Local Government House Trust units for City of Melville as at 30 June 2017 which has resulted in a reduction in value from \$230,645.00 to \$154,667.71.

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)

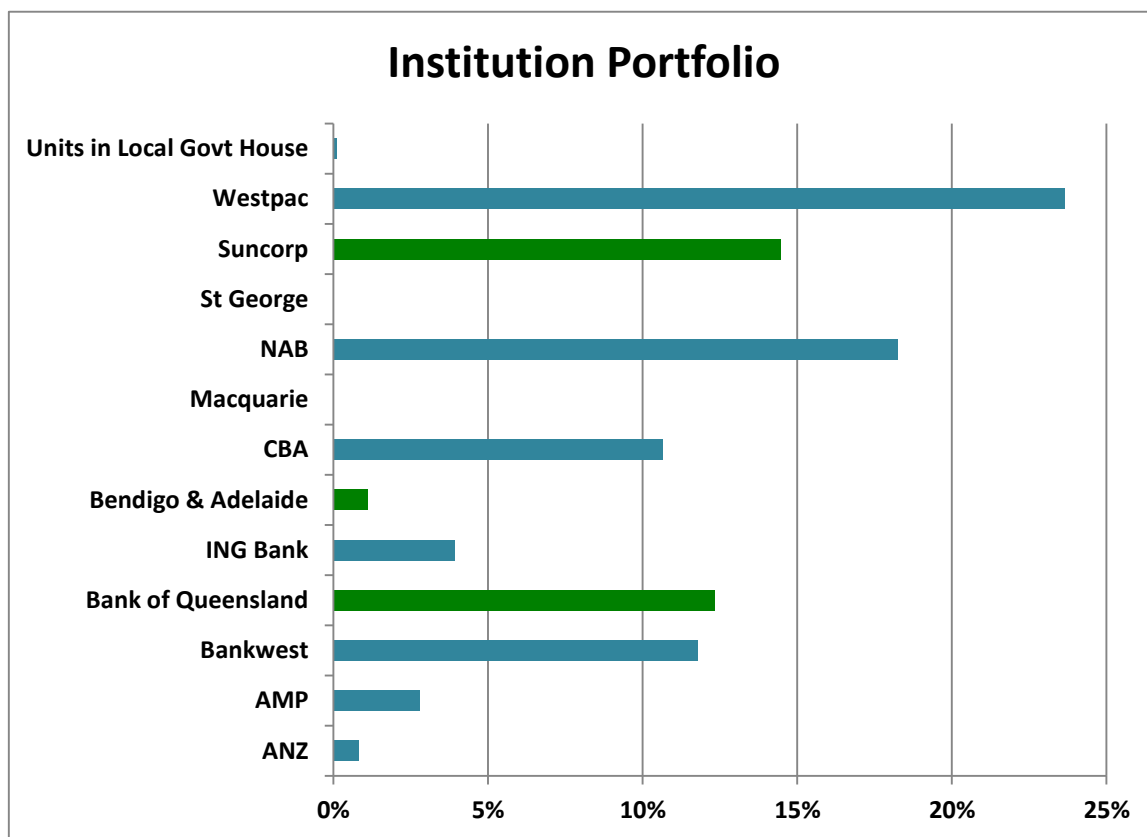
CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 30 NOVEMBER 2017	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 46,847,427
RESERVE	\$ 130,031,153
TRUST	\$ 1,004,495
CITIZEN RELIEF	\$ 210,281
	\$ 178,093,357
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 6,529,255
31DAYS AT CALL	\$ 25,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 135,809,434
UNITS (Local Govt Hse)	\$ 154,668
	\$ 178,093,357
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 114,138,689
A+	\$ 32,800,000
A	\$ -
A-	\$ 7,000,000
BBB+	\$ 24,000,000
UNITS (Local Govt Hse)	\$ 154,668
	\$ 178,093,357

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS									
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,500,000		0.84%	0.84%	30%	No	
AMP BANK (TERM)	TERM	A+	5,000,000		2.81%	2.81%	25%	No	
BANKWEST (TERM)	TERM	AA-	21,000,000		11.79%	11.79%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	22,000,000		12.35%	12.35%	15%	Yes	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	2,000,000		1.12%	1.12%	15%	Yes	
COMMONWEALTH BANK (TERM)	TERM	AA-	19,000,000		10.67%	10.67%	30%	No	
ING BANK (TERM)	TERM	A-	7,000,000		3.93%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	3.93%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	32,509,434		18.25%	18.25%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	25,800,000
SUNCORP METWAY LTD (TERM)	TERM	A+	25,800,000		14.49%	14.49%	25%	Yes	
WESTPAC (MAXI BONUS 1)	11AM	AA-	868,121		0.49%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,043,874		0.59%				
WESTPAC (MAXI DIRECT)	11AM	AA-	4,617,260		2.59%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	25,000,000		14.04%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.12%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		4.83%				
WESTPAC (TERM)	TERM	AA-	-		0.00%	23.66%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	154,668		0.09%	0.09%		N/A	
			178,093,357		100%	100%			49,800,000
Total Non Fossil Fuel Lending ADI									28%

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)



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

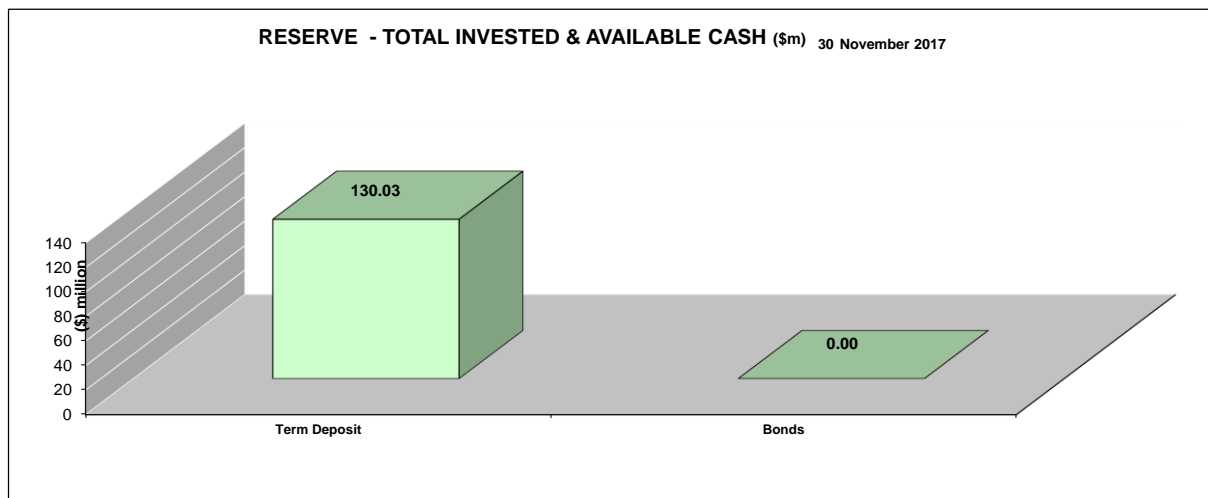
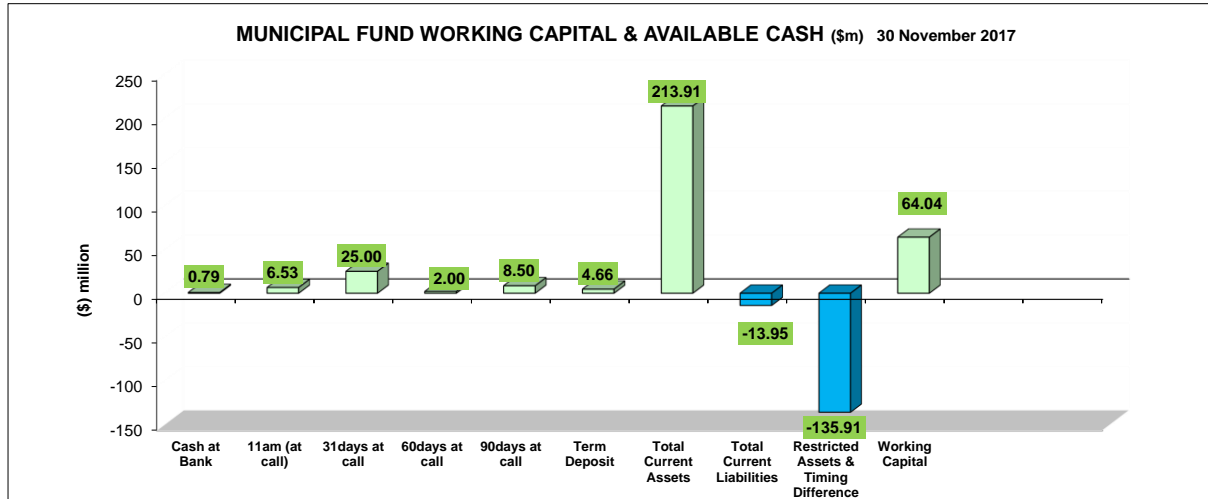
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 November was \$49,800,000 or 28% of total investment holdings being in non-fossil fuels institutions. This compared to \$52,300,000 (29%) in October 2017. The amount of investment holdings in non-fossil fuels institutions decreased from October and the percentage of holding decreased. The total investment holding for October was \$181,367,685 and November was \$178,093,357.

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)

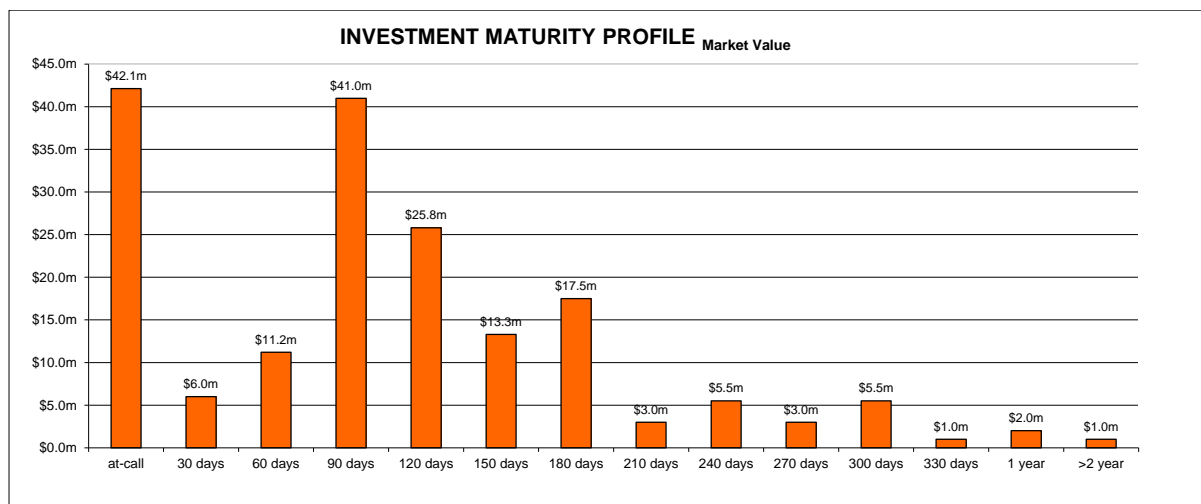
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 30 November 2017.



C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 30 November 2017.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)

FINANCIAL IMPLICATIONS

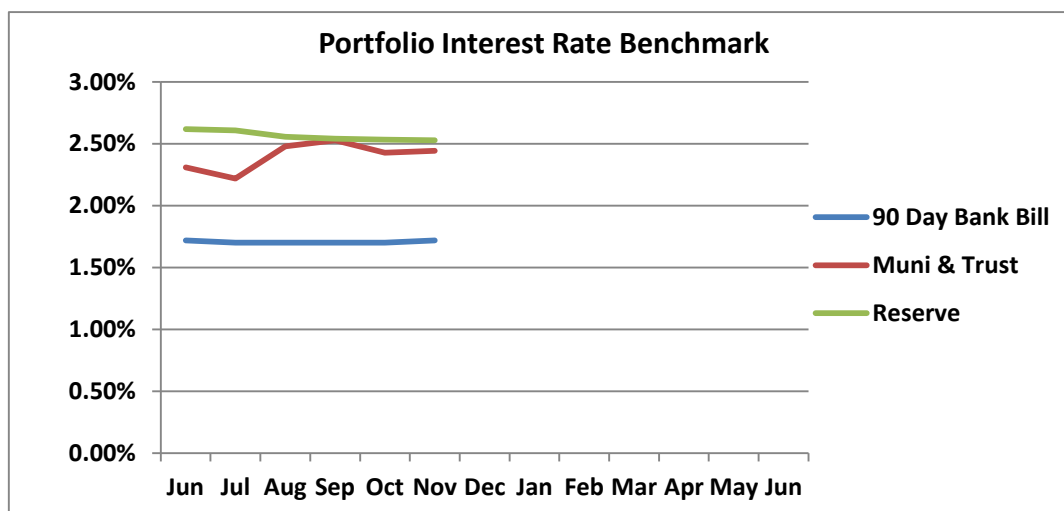
For the period ending 30 November 2017:

- Investment earnings on Municipal and Trust Funds were \$363,314 against a year to date budget of \$252,917 representing a \$110,397 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 November 2017 was 2.45% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.72%.

- Investment earnings on Reserve accounts were \$1,329,370 against a year to date budget of \$1,103,581 representing a \$225,789 positive variance.

The weighted average interest rate for Reserve account investments as at 30 November 2017 was 2.53% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.72%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C18/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2017 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.45% to 2.53% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.72%.

28% 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.

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

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

That the Council notes the Investment Report for the period ending 30 November 2017.

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6000 - INVESTMENT STATEMENTS AS AT 31 DECEMBER 2017 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 31 December 2017 for the Council's information and noting.

BACKGROUND

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

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

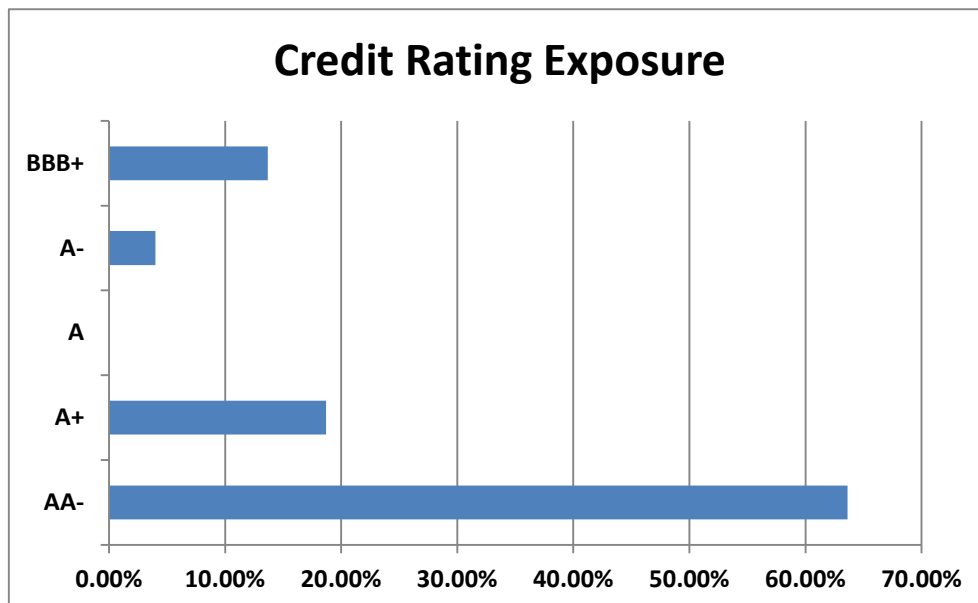
DETAIL

Summary details of investments held as at 31 December 2017 are shown in the tables below. The following statements detail the investments held by the City as at 31 December 2017.

The City received an update from WALGA on 8 December 2017 regarding changes to the unit holding value of the Local Government House Trust units for City of Melville as at 30 June 2017 which has resulted in a reduction in value from \$230,645.00 to \$154,667.71.

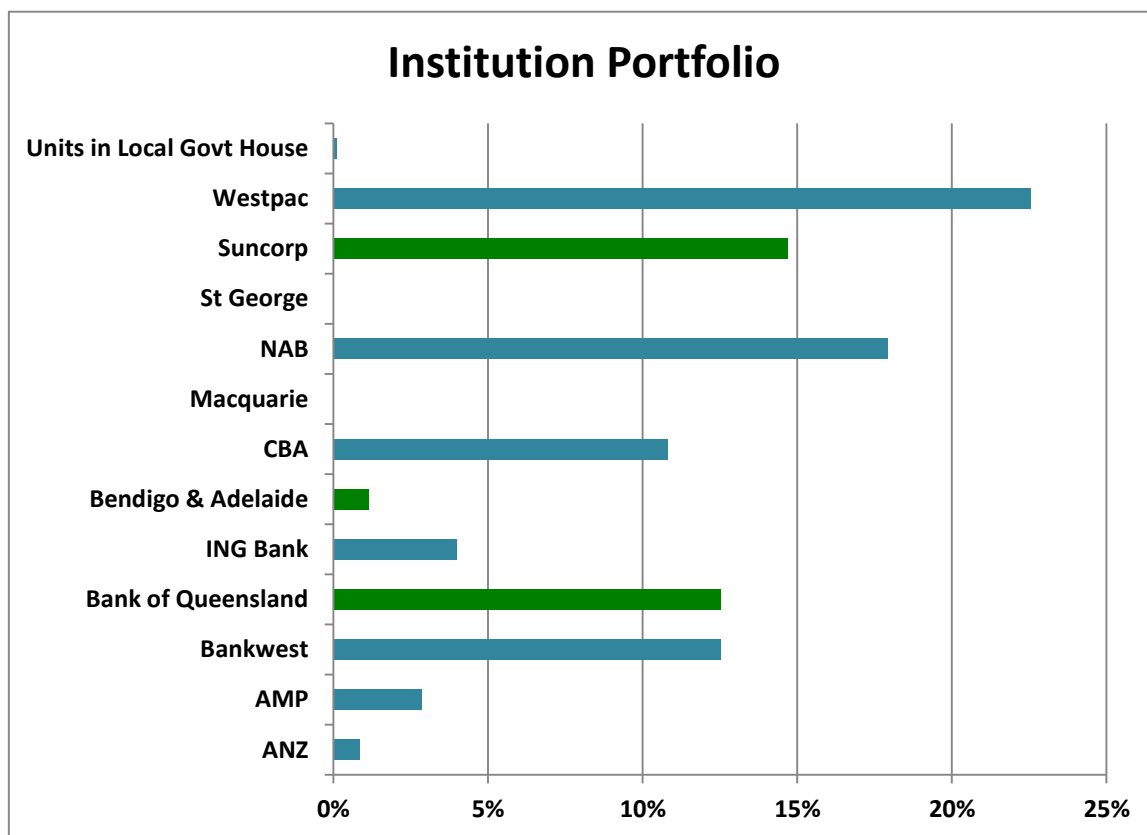
C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 DECEMBER 2017	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 43,558,187
RESERVE	\$ 130,832,767
TRUST	\$ 993,716
CITIZEN RELIEF	\$ 210,281
	\$ 175,594,952
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 6,030,850
31DAYS AT CALL	\$ 23,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 135,809,434
UNITS (Local Govt Hse)	\$ 154,668
	\$ 175,594,952
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 111,640,284
A+	\$ 32,800,000
A	\$ -
A-	\$ 7,000,000
BBB+	\$ 24,000,000
UNITS (Local Govt Hse)	\$ 154,668
	\$ 175,594,952

C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)


DIVERSIFICATION RISK & GREEN INVESTMENTS											
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL		
ANZ BANK (TERM)	TERM	AA-	1,500,000	0.85%	0.85%	30%	No				
AMP BANK (TERM)	TERM	A+	5,000,000	2.85%	2.85%	25%	No				
BANKWEST (TERM)	TERM	AA-	22,000,000	12.53%	12.53%	30%	No				
BANK OF QUEENSLAND (TERM)	TERM	BBB+	22,000,000	12.53%	12.53%	15%	Yes		22,000,000		
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	2,000,000	1.14%	1.14%	15%	Yes	2,000,000			
COMMONWEALTH BANK (TERM)	TERM	AA-	19,000,000	10.82%	10.82%	30%	No				
ING BANK (TERM)	TERM	A-	7,000,000	3.99%							
ING BANK (FRTD)	FRTD	A-	-	0.00%	3.99%	25%	No				
MACQUARIE BANK (TERM)	TERM	A	-	0.00%	0.00%	25%	No				
NAB (TERM)	TERM	AA-	31,509,434	17.94%	17.94%	30%	No				
ST GEORGE BANK (TERM)	TERM	AA-	-	0.00%	0.00%	30%	No				
SUNCORP METWAY LTD (TERM)	TERM	A+	25,800,000	14.69%	14.69%	25%	Yes		25,800,000		
WESTPAC (MAXI BONUS 1)	11AM	AA-	868,845	0.49%							
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,044,745	0.59%							
WESTPAC (MAXI DIRECT)	11AM	AA-	4,117,260	2.34%							
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	23,000,000	13.10%							
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000	1.14%							
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000	4.90%							
WESTPAC (TERM)	TERM	AA-	-	0.00%					22.57%	30%	No
UNITS IN LOCAL GOV'T HOUSE	NA	NA	154,668	0.09%					0.09%		N/A
			175,594,952	100%	100%				49,800,000		
Total Non Fossil Fuel Lending ADI									28%		

C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)



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

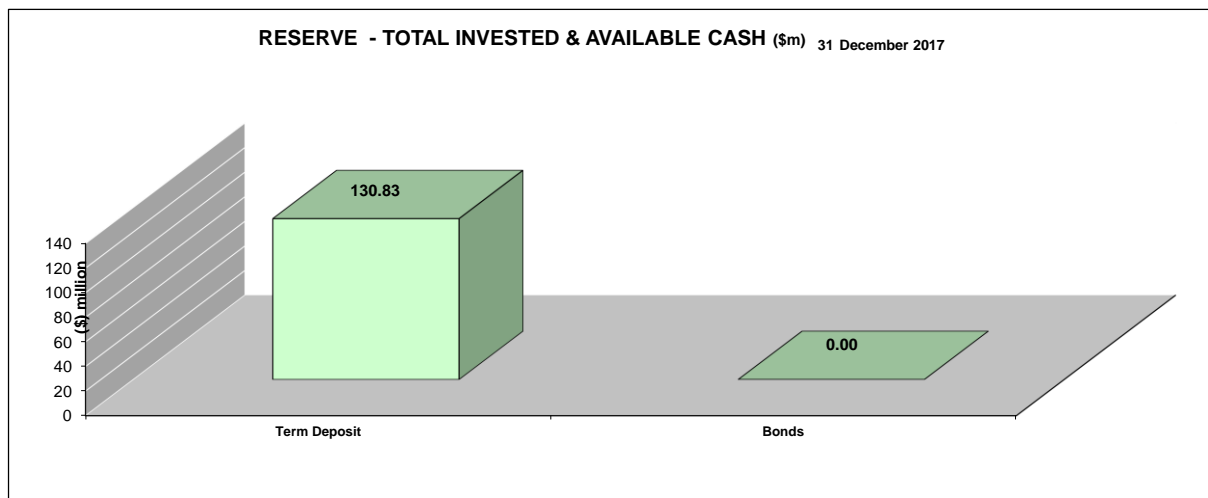
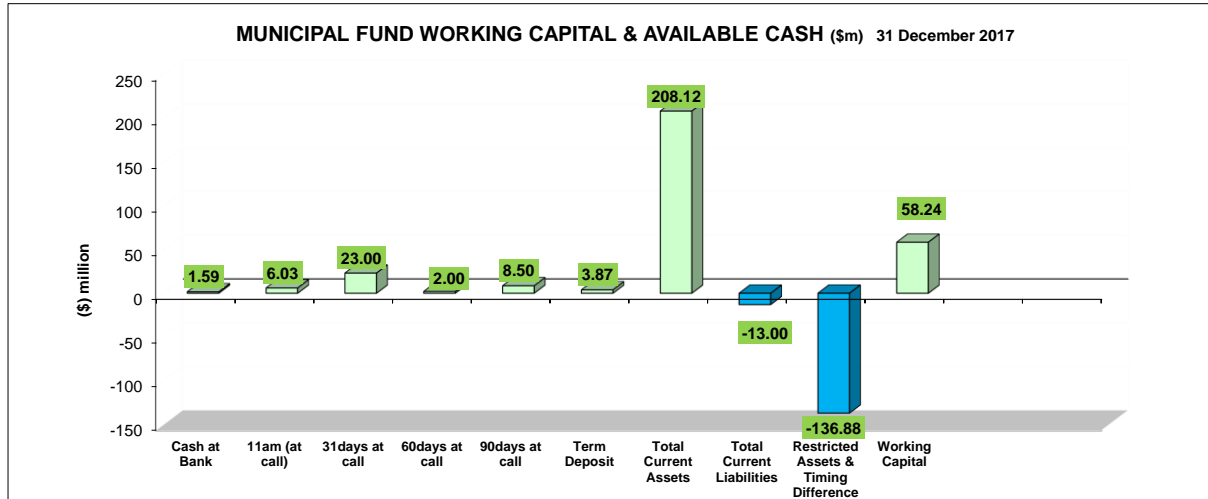
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The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 December was \$49,800,000 or 28% of total investment holdings being in non-fossil fuels institutions. This compared to \$49,800,000 (28%) in November 2017. The amount of investment holdings in non-fossil fuels institutions remained the same from November as well as the percentage of the holding. The total investment holding for November was \$178,093,357 and December was \$175,594,952

C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)

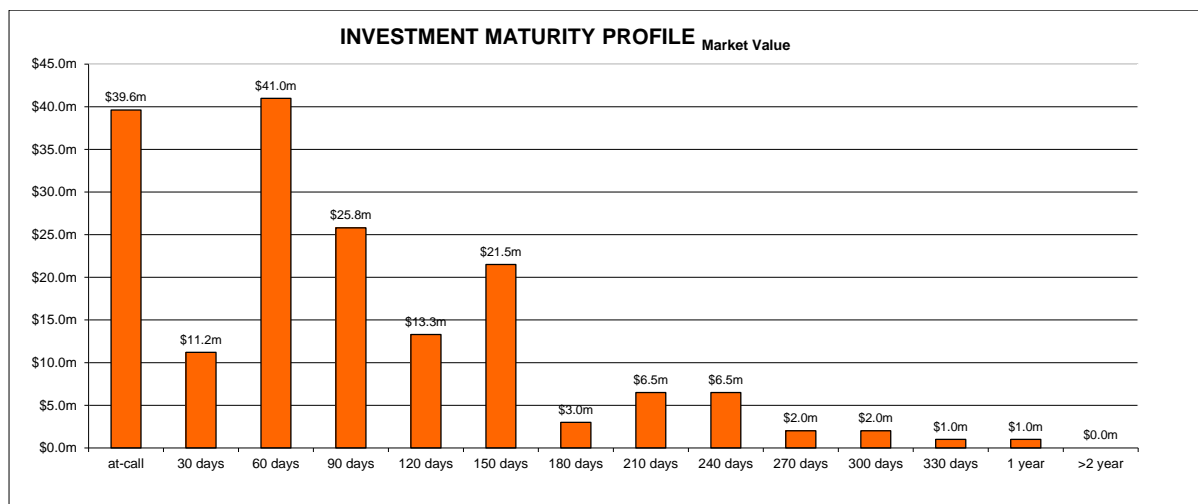
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 31 December 2017.



C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 31 December 2017.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)

FINANCIAL IMPLICATIONS

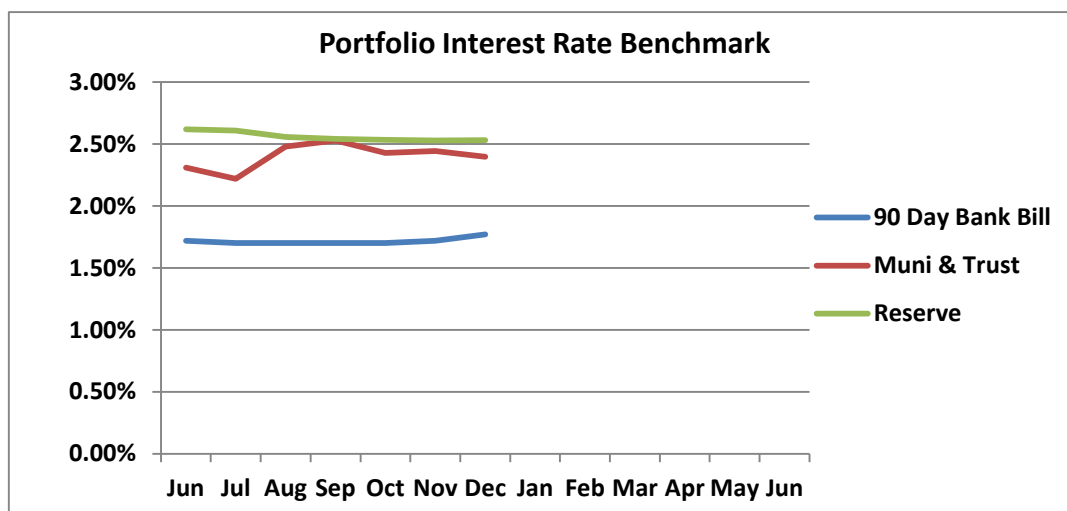
For the period ending 31 December 2017:

- Investment earnings on Municipal and Trust Funds were \$432,604 against a year to date budget of \$303,500 representing a \$129,104 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 December 2017 was 2.40% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.77%.

- Investment earnings on Reserve accounts were \$1,624,262 against a year to date budget of \$1,324,298 representing a \$299,964 positive variance.

The weighted average interest rate for Reserve account investments as at 31 December 2017 was 2.53% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.77%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C18/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2017 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.40% to 2.53% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.77%.

28% 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.

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

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

That the Council notes the Investment Report for the period ending 31 December 2017.

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2017 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2017 (REC)
(ATTACHMENT)

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of November 2017 and recommends that the Schedule of Accounts Paid be noted.

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 Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts Paid for the period ending 30 November 2017 including Payment Registers numbers, Cheques 623 - 629 and Electronic Funds Transfers batches 479 - 485, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 2 February 2018. Payments for the period totalled \$11,583,023.16 for the Municipal Fund and \$134,376.54 for the Trust Fund whilst new investment transactions totalled \$4,500,000.00. Details of the payments are shown in attachment [6001 November 2017](#).

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

Supplier Name	Remittance Number	Remittance Details	Amount
AE Hoskins & Sons	E060724	Refurbishment of Bull Creek Library	\$102,409.80
Asphaltech Pty Ltd	E060358 & E060662	Road resurfacing at various sites	\$292,233.80
Australian Post Perth	E060279	Mail charges	\$31,998.56
Body-Bike Australia	E060303	Purchase of 21 x Body Smart Bike	\$48,422.00
Building & Construction Industry Training Fund	Chq 007161	Remittance of the building construction training levy collected by the City with building licence applications	\$66,794.98
Caltex	Direct Bank Transfer	Caltex fuel	\$92,268.06
City of Cockburn	E060206 & E060506	Commercial waste tip fees for October	\$120,433.31
Crazy Lobster Pty Ltd	E060393 & E060692	Cleaning of public toilets and change rooms City wide	\$30,812.32
Dell Australia Pty Ltd	E060581	Purchase of 20 x Dell Optiplex computers	\$26,048.00
Department of Commerce	E060175	Remittance of Building Service Levy collected on building licence applications	\$67,581.56
Department of Fire & Emergency Services	E060648	ESL remittance for October 2017	\$2,028,448.73
Dickies Tree Service	E060208 & E060507	Tree lopping services	\$32,787.12
EMSO Maintenance T/A Crabclaw Holdings Pty Ltd	E060275 & E060578	Building maintenance	\$56,840.91
Flexi Staff	E060235 & E060530	Temporary employment	\$104,291.69

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2017 (REC)
(ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Fredon Air Pty Ltd	E060387 & E060688	Service and maintenance to air conditioners to City buildings	\$75,606.04
Goodyear & Dunlop Tyres (Australia) Pty Ltd T/A Beaufort	E060293 & E060592	Tyre renewal	\$25,497.13
Hansen Pty Ltd	E060211	Replacement of playground at Dick Piercy Reserve and Frank Cann Park	\$55,000.00
Hays Specialist Recruitment (Australia) Pty Ltd	E060357 & E060661	Temporary employment	\$28,611.45
Horizon West Landscape and Irrigation Pty Ltd	E060701	Installation of irrigation system at Bert Jeffery Reserve and sump maintenance	\$73,064.16
Landmark Engineering & Design Pty Ltd T/A Exteria	E060227 & E060522	Installation of bin surrounds at Point Walter and Deep Water Point	\$72,282.10
Main Roads WA	E060583	Refund for State Black Spot Project grant payment and install signs	\$34,850.56
Melville Toyota	E060266 & E060844	Purchase of Toyota Hilux	\$34,101.10
MG Group (ATF) Menchetti Consolidated Pty Ltd	E060725	Refurbishment works at Heathcote	\$65,279.08
Natural Area Management & Services	E060453 & E060759	Planting, weed control, erosion maintenance, grass treatment and revetment works at various Reserves	\$89,645.83
Sifting Sands	E060456 & E060763	Maintenance to sandpits	\$26,554.05
Southern Metropolitan Regional Council	E060289 & E060588	MSW and MRF gate fees for October and MSW gate fees for November	\$579,617.17
Synergy	E060176, E060234 & E060529	Electricity charges	\$367,607.26
Technology One	E060457 & E060764	Annual subscription and consulting	\$39,168.80
Titan Ford	E060256 & E060499	Purchase of 2 x Ford Ranger utilities	\$67,515.05
Tree Planting & Watering (ATF) Baroness Holdings Pty Ltd	E060355 & E060658	Street tree watering	\$58,530.71
Turfmaster Pty Ltd	E060232 & E060526	Mowing services	\$27,986.20
Water Corporation	Chq's 068156 & 068230	Water charges	\$46,307.40

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 01.11.2017, 15.11.2017 & 29.11.2017	Payment of salaries and wages to City employees net of tax and deduction for pays 9, 10 and 11.	\$3,204,616.64
Australian Taxation Office	Direct Bank Transfers 01.11.2017, 15.11.2017 & 29.11.2017	Pay as You-Go taxation and other deductions from employee payroll for pays 9, 10 and 11.	\$983,444.00
Creditors	Direct Bank Transfers 01.11.2017, 15.11.2017 & 29.11.2017	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 9, 10 and 11.	\$753,569.63
Total			4,941,630.27

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2017 (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2017 (REC)
(ATTACHMENT)****CONCLUSION**

Payments for the period totalled \$11,583,023.16 for the Municipal Fund and \$134,376.54 for the Trust Fund whilst new investment transactions totalled \$4,500,000.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

That the Council notes the Schedule of Accounts paid for the period ending 30 November 2017 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 November 2017](#)

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2017 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2017 (REC)
(ATTACHMENT)

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of December 2017 and recommends that the Schedule of Accounts Paid be noted.

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 Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts Paid for the period ending 31 December 2017 including Payment Registers numbers, Cheques 630 - 636 and Electronic Funds Transfers batches 486 - 488, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 2 February 2018. Payments for the period totalled \$10,253,638.75 for the Municipal Fund and \$156,957.11 for the Trust Fund whilst new investment transactions totalled \$1,000,000.00. Details of the payments are shown in attachment [6001 December 2017](#).

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

Supplier Name	Remittance Number	Remittance Details	Amount
AE Hoskins & Sons	E061096	Refurbishment of Bull Creek Library	\$302,989.76
Amcom Pty Ltd T/A Vocus Communications	E061036	Data centre charges	\$31,184.26
Asphaltech Pty Ltd	E060853, E061040 & E061313	Road resurfacing at various sites	\$1,122,233.76
Axiis Contracting Pty Ltd	E061052	Concrete works at various sites	\$42,597.02
BWG Steakhouse T/A Blue Water Grill Pty Ltd	E061122	Refund for overpaid rent from 2015/2016 financial year	\$40,194.85
Building & Construction Industry Training Fund	Chq 007162	Remittance of the building construction training levy collected by the City with building licence applications	\$83,374.16
Caltex	Direct Bank Transfer	Caltex fuel	\$87,842.50
Care Options	E061083 & E061350	Coordination and administration of Senior Assistance Funding	\$42,941.82
City of Cockburn	E061194	Commercial waste tip fees for November	\$111,852.56
Department of Commerce	E060888	Remittance of Building Service Levy collected on building licence applications	\$73,582.95
Department of Fire & Emergency Services	E061035	ESL remittance for November 2017	\$479,114.28

C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2017 (REC)
(ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Dickies Tree Service	E060895 & E061195	Tree lopping services	\$51,873.47
Ecosol Pty Ltd	E061137	Comprehensive cleaning and reporting on Stormwater Quality Improvement Devices City wide	\$98,838.30
EMSO Maintenance T/A Crabclaw Holdings Pty Ltd	E060959 & E061248	Building maintenance	\$54,410.47
Flexi Staff	E060845, E060916 & E061215	Temporary employment	\$68,308.41
Fredon Air Pty Ltd	E061064	Service and maintenance to air conditioners City wide	\$25,287.81
Hays Specialist Recruitment (Australia) Pty Ltd	E061039 & E061312	Temporary employment	\$26,497.72
Marketforce	E061016 & E061289	Advertisements	\$45,132.34
Melville Toyota	E060950	Purchase of Toyota Corolla hybrid hatchback	\$26,031.13
MG Group (ATF) Menchetti Consolidated Pty Ltd	E061097	Progress claim for works completed at Heathcote Reserve playground	\$236,226.40
Miracle Recreation Equipment	E061228	Purchase Play Equipment supplies & repairs	\$61,236.34
Natural Area Management & Services	E061129 & E061380	Planting, weed control, erosion maintenance, grass treatment and revetment works at various Reserves	\$32,967.00
Southern Metropolitan Regional Council	E060978 & E061259	Green waste, MSW gate fees and over compaction fees for October, green waste, MRF and MSW gate fees for November and RRRC loan repayment and MSW gate fees for December.	\$1,495,348.52
Synergy	E060915 & E061214	Electricity charges	\$280,711.42
TJS Cleaning Services Perth Pty Ltd	E061322	Cleaning of LeisureFits Booragoon and Melville and AH Bracks Library	\$58,346.44
Tree Amigos Tree Surgeons	E061008	Tree lopping services	\$43,921.35
Tree Planting & Watering (ATF) Baroness Holdings Pty Ltd	E061038 & E061311	Street tree watering	\$102,107.12
Trident Plastics (SA) Pty Ltd	E061363	Supply of waste bins for FOGO	\$111,484.42
Water Corporation	Chq's 068320 & 068451	Water charges	\$43,110.52

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 13.12.2017 & 27.12.2017	Payment of salaries and wages to City employees net of tax and deduction for pays 12 and 13.	\$2,354,468.90
Australian Taxation Office	Direct Bank Transfers 13.12.2017 & 27.12.2017	Pay as You-Go taxation and other deductions from employee payroll for pays 12 and 13.	\$784,874.00
Creditors and Advances	Direct Bank Transfers 13.12.2017 & 27.12.2017	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 12 and 13.	\$499,533.86
Total			3,638,876.76

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2017 (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2017 (REC)
(ATTACHMENT)****CONCLUSION**

Payments for the period totalled \$10,253,638.75 for the Municipal Fund and \$156,957.11 for the Trust Fund whilst new investment transactions totalled \$1,000,000.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

That the Council notes the Schedule of Accounts paid for the period ending 31 December 2017 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 December 2017](#)

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(AMREC) (ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 November 2017 and recommends that they be noted by the Council.
- The variances for the month of November 2017 and recommends that they be noted by the Council.
- The Budget amendments required for the month of November 2017 and recommends that they be adopted by Absolute Majority decision of the Council.

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(AMREC) (ATTACHMENTS)

BACKGROUND

The Statements of Financial Activity for the period ending 30 November 2017 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 IN EXCESS OF \$50,000 for the Period 1 July 2017 to 30 November 2017							
	November Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
General Purpose Funding	719,587	5,599,214	6,094,564	495,350	9%	10,206,355	10,230,195
Law, Order, Public Safety	64,157	2,422,049	2,513,874	91,824	4%	2,640,836	2,702,906
Community Amenities	395,949	2,685,381	2,551,772	(133,609)	-6%	3,480,202	3,685,402
Economic Services	215,490	1,420,602	1,654,862	234,260	16%	2,613,767	2,613,767
Other Property and Services	(32,556)	86,346	345,137	258,792	300%	1,881,450	2,235,250
	2,117,424	16,575,653	17,509,949	934,296		31,450,827	32,109,712
Expenditure from operating activities							
Governance	(508,499)	(2,261,679)	(1,844,077)	417,602	-18%	(5,263,277)	(5,427,553)
General Purpose Funding	(85,347)	(380,148)	(581,356)	(201,208)	53%	(3,232,581)	(3,230,629)
Law, Order, Public Safety	(477,457)	(1,769,767)	(1,657,377)	112,390	-6%	(4,118,059)	(4,197,087)
Education & Welfare	(266,004)	(1,176,916)	(1,050,440)	126,476	-11%	(2,729,585)	(2,738,625)
Community Amenities	(1,970,097)	(11,143,590)	(9,901,334)	1,242,256	-11%	(24,667,337)	(26,029,839)
Recreation and Culture	(3,372,549)	(12,724,356)	(11,895,503)	828,853	-7%	(29,988,278)	(30,044,173)
Transport	(1,711,533)	(7,397,108)	(7,085,258)	311,850	-4%	(17,725,955)	(17,689,604)
Economic Services	(284,195)	(1,009,823)	(1,110,712)	(100,889)	10%	(2,390,021)	(2,403,060)
Other Property and Services	29,000	(5,016,262)	(3,491,259)	1,525,003	-30%	(10,369,279)	(11,296,006)
	(8,780,771)	(43,398,679)	(39,128,115)	4,270,563		(101,719,144)	(104,285,108)
Investing Activities							
Non-operating grants, subsidies and contributions	(26,667)	1,240,140	864,588	(375,552)		2,236,267	3,086,900
Purchase of Land & Buildings	(237,077)	(1,164,098)	(761,650)	402,448	-35%	(12,992,772)	(20,369,234)
Purchase of Infrastructure Assets	(730,783)	(5,170,520)	(4,009,398)	1,161,122	-22%	(17,552,829)	(24,260,466)

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [\(6002C Sub Program November 2017\)](#) and [6002H November 2017](#).

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(AMREC) (ATTACHMENTS)****Revenue**

\$85.41 million in Rates was raised to 30 November 2017, compared to \$82.57 million for the same reporting period last year. This is compared with a revised year to date budget of \$85.24 million, resulting in a positive variance of \$169,190. This variance has arisen out of additional commercial gross rental values being applied to commercial properties that had not been received when rates' modelling was conducted during the development of the 2017-2018 budget, resulting in additional commercial rates income.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November 2017.

Budget Amendments

Details of Budget Amendments requested for the month of November 2017 are shown in attachment [6002J November 2017](#). Highlighted are four budget amendment journals greater than \$50,000 that were processed in November 2017:

- \$125,000 – Transfer of budget from CEO Contingency account to fund expenditure that may arise due to Local Government Inquiry.
- \$253,840 – Receipt of Underground Power project savings from Western Power, transferred to reserve, then distributed to property owners in the Ardross East project area.
- \$220,000 – Budget adjustment to insurance as a result of a refund to the City.
- \$205,200 – Creation of budget for Food Organics and Garden Organics grant.

Rates and Sundry Debtors

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$1,359,538 were collected over the course of the month. Rates collection progress for the month of November is 1.6% below the target of 73%. This represents a dollar value of \$1,472,553. As at 30 November 71.8% of 2017-2018 rates, including prior year arrears had been collected compared with 73.2% collected for the same time last year. Rates collection for 2017-2018 excluding prior year rates arrears is 74%.

Total sundry debtor balances increased by \$12,329 over the course of the month from \$634,210 to \$646,539. The 90+ day's debtor balance increased by \$53,467 from \$105,646 to \$159,113.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of November 2017.

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(AMREC) (ATTACHMENTS)

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – November 2017	<u>6002A Nature Type November 2017</u>
Rate Setting Statement by Program – November 2017	<u>6002B Program November 2017</u>
Rate Setting Statement by Sub-Program – November 2017	<u>6002C Sub Program November 2017</u>
Representation of Net Working Capital – November 2017	<u>6002E November 2017</u>
Reconciliation of Net Working Capital – November 2017	<u>6002F November 2017</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – November 2017	<u>6002H November 2017</u>
Details of Budget Amendments requested – November 2017	<u>6002J November 2017</u>
Summary of Rates Debtors – November 2017	<u>6002L November 2017</u>
Graph Showing Rates Collections – November 2017	<u>6002M November 2017</u>
Summary of General Debtors aged 90 Days Old or Greater – November 2017	<u>6002N November 2017</u>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Local Public Notice of the proposed Amendments to the Schedule of Fees and Charges will be undertaken by public advertisement in the Melville Times, in respect of the above fees and charges if they are adopted by the Council.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(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 sub-regulation (2), are to be —

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

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

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

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

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

FINANCIAL IMPLICATIONS**Variances**

Variances are dealt with in attachment [6002H November 2017](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(AMREC) (ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 November 2017.

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2017
(AMREC) (ATTACHMENTS)

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

At 9:50pm Cr Wieland moved, seconded Cr Macphail-

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 November 2017 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – November 2017	<u>6002A Nature Type November 2017</u>
Rate Setting Statement by Program – November 2017	<u>6002B Program November 2017</u>
Rate Setting Statement by Sub-Program – November 2017	<u>6002C Sub Program November 2017</u>
Representation of Net Working Capital – November 2017	<u>6002E November 2017</u>
Reconciliation of Net Working Capital – November 2017	<u>6002F November 2017</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – November 2017	<u>6002H November 2017</u>
Details of Budget Amendments requested – November 2017	<u>6002J November 2017</u>
Summary of Rates Debtors – November 2017	<u>6002L November 2017</u>
Graph Showing Rates Collections – November 2017	<u>6002M November 2017</u>
Summary of General Debtors aged 90 Days Old or Greater – November 2017	<u>6002N November 2017</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for November 2017 [6002J November 2017](#).**

At 9:50pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(AMREC) (ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 December 2017 and recommends that they be noted by the Council.
- The variances for the month of December 2017 and recommends that they be noted by the Council.
- The Budget amendments required for the month of December 2017 and recommends that they be adopted by Absolute Majority decision of the Council.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(AMREC) (ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 December 2017 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

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

Variances

CITY OF MELVILLE EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE IN EXCESS OF \$50,000 for the Period 1 July 2017 to 31 December 2017							
	December Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
General Purpose Funding	421,533	5,907,355	6,516,100	608,745	10%	10,206,355	10,230,195
Law, Order, Public Safety	32,517	2,486,727	2,546,391	59,664	2%	2,640,836	2,702,906
Recreation and Culture	760,484	4,243,318	4,107,560	(135,758)	-3%	8,570,847	8,582,847
Economic Services	147,148	1,499,882	1,802,010	302,127	20%	2,613,767	2,613,767
Other Property and Services	(169,095)	1,622,395	176,045	(1,446,350)	-89%	1,881,450	2,235,250
	1,527,773	19,665,964	19,037,728	(628,236)		31,450,827	32,109,712
Expenditure from operating activities							
Governance	(342,012)	(2,583,344)	(2,186,089)	397,255	-15%	(5,263,277)	(5,424,286)
General Purpose Funding	(32,612)	(434,736)	(613,968)	(179,232)	41%	(3,232,581)	(3,230,629)
Law, Order, Public Safety	(325,658)	(2,117,862)	(1,983,035)	134,827	-6%	(4,118,059)	(4,192,789)
Health	(74,970)	(601,435)	(550,277)	51,158	-9%	(1,168,492)	(1,153,320)
Education & Welfare	(240,748)	(1,404,003)	(1,291,187)	112,816	-8%	(2,729,585)	(2,731,679)
Community Amenities	(2,639,325)	(13,637,712)	(12,540,659)	1,097,053	-8%	(24,667,337)	(25,933,609)
Recreation and Culture	(2,224,843)	(15,340,118)	(14,120,346)	1,219,772	-8%	(29,988,278)	(30,010,780)
	(7,751,044)	(51,985,455)	(46,879,165)	5,106,290		(101,719,144)	(104,285,108)
Investing Activities							
Purchase of Furniture & Equipment	(52,763)	(809,218)	(358,307)	450,911	-56%	(2,173,668)	(3,447,606)
Purchase of Land & Buildings	(422,290)	(1,679,133)	(1,183,940)	495,193	-29%	(12,992,772)	(20,369,234)
Purchase of Infrastructure Assets	(1,850,671)	(7,216,031)	(5,860,069)	1,355,962	-19%	(17,552,829)	(24,260,466)

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(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 December 2017](#)) and [6002H December 2017](#).

Revenue

\$85.42 million in Rates was raised to 31 December 2017, compared to \$82.62 million for the same reporting period last year. This is compared with a revised year to date budget of \$85.26 million, resulting in a positive variance of \$162,944. This variance has arisen out of additional commercial gross rental values being applied to commercial properties that had not been received when rates' modelling was conducted during the development of the 2017-2018 budget, resulting in additional commercial rates income.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for December 2017.

Budget Amendments

Details of Budget Amendments requested for the month of December 2017 are shown in attachment [6002J December 2017](#). Highlighted are two budget amendment journals greater than \$50,000 that were processed in December 2017:

- \$285,000 – Allocation of salary adjustments to various service areas.
- \$79,830 – Adjustment of budgets to assist with sweeping services and repairs to damaged footpaths.

Rates Debtors

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$4,103,888 were collected over the course of the month. Rates collection progress for the month of December is 5.5% below the target of 81%. This represents a dollar value of \$4,907,293. As at 31 December 75.5% of 2017-2018 rates, including prior year arrears had been collected compared with 81.7% collected for the same time last year. The variance is due to a timing of the 4th instalment due on the 4th January 2018 and more ratepayers are paying by instalments this year than last year. Rates collection for 2017-2018 excluding prior year rates arrears is 77.9%.

Other Debtors

Total sundry debtor balances decreased by \$144,078 over the course of the month from \$646,539 to \$502,461. The 90+ day's debtor balance increased by \$20,020 from \$159,113 to \$179,133.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of December 2017.

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(AMREC) (ATTACHMENTS)

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – December 2017	<u>6002A Nature Type December 2017</u>
Rate Setting Statement by Program – December 2017	<u>6002B Program December 2017</u>
Rate Setting Statement by Sub-Program – December 2017	<u>6002C Sub Program December 2017</u>
Representation of Net Working Capital – December 2017	<u>6002E December 2017</u>
Reconciliation of Net Working Capital – December 2017	<u>6002F December 2017</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – December 2017	<u>6002H December 2017</u>
Details of Budget Amendments requested – December 2017	<u>6002J December 2017</u>
Summary of Rates Debtors – December 2017	<u>6002L December 2017</u>
Graph Showing Rates Collections – December 2017	<u>6002M December 2017</u>
Summary of General Debtors aged 90 Days Old or Greater – December 2017	<u>6002N December 2017</u>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Local Public Notice of the proposed Amendments to the Schedule of Fees and Charges will be undertaken by public advertisement in the Melville Times, in respect of the above fees and charges if they are adopted by the Council.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(AMREC) (ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

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

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

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

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

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

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

FINANCIAL IMPLICATIONS**Variances**

Variances are dealt with in attachment [6002H December 2017](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(AMREC) (ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 December 2017.

C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2017
(AMREC) (ATTACHMENTS)

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

At 9:51pm Cr Barling moved, seconded Cr Phelan -

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 December 2017 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – December 2017	<u>6002A Nature Type December 2017</u>
Rate Setting Statement by Program – December 2017	<u>6002B Program December 2017</u>
Rate Setting Statement by Sub-Program – December 2017	<u>6002C Sub Program December 2017</u>
Representation of Net Working Capital – December 2017	<u>6002E December 2017</u>
Reconciliation of Net Working Capital – December 2017	<u>6002F December 2017</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – December 2017	<u>6002H December 2017</u>
Details of Budget Amendments requested – December 2017	<u>6002J December 2017</u>
Summary of Rates Debtors – December 2017	<u>6002L December 2017</u>
Graph Showing Rates Collections – December 2017	<u>6002M December 2017</u>
Summary of General Debtors aged 90 Days Old or Greater – December 2017	<u>6002N December 2017</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for December 2017 [6002J December 2017](#).**

At 9:51pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

**LATE ITEM - T18/3775 - CO28/17 SUPPLY OF GENERAL MAINTENANCE SERVICES
FOR A TWO YEAR TERM WITH TWO, ONE YEAR OPTION PERIODS (REC)
(CONFIDENTIAL ATTACHMENTS)**

Ward	:	All
Category	:	Operational
Subject Index	:	Tenders
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Funded from operational maintenance budgets in each year of the contract – 2017-2018 \$750,000
Prepared by	:	Mario Murphy – Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

**LATE ITEM - T18/3775 - CO28/17 SUPPLY OF GENERAL MAINTENANCE SERVICES
FOR A TWO YEAR TERM WITH TWO, ONE YEAR OPTION PERIODS (REC)
(CONFIDENTIAL ATTACHMENTS)****KEY ISSUES / SUMMARY**

- To recommend the successful tenderer as considered by the Contract and Tender Advisory Unit (CTAU) for the supply of general maintenance services for a term of two years with two, one year option periods.

BACKGROUND

The City of Melville has invited public tenders to engage a suitably qualified and experienced Contractor to undertake General Maintenance Services for a Two Year Term with Two, One Year Option Periods.

The services under the proposed contract include emergency works, urgent works, non-urgent works and planned works.

The Contract and Tender Advisory Unit (CTAU) has considered all submitted tenders for CO28/17 Supply of General Maintenance Services for a Two Year Term with Option Periods at its meeting held Tuesday 6 February 2018.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on 2 February 2018 under confidential cover and to Elected Members on 9 February 2018 under confidential cover.

Tender Evaluation Process

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

The recommended tenderer achieved the highest score.

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on 2 February 2018 under confidential cover and to Elected Members on 9 February 2018 under confidential cover.

Evaluation Panel Members consisted of:

Facilities Coordinator (Chairperson)
Building Maintenance Officer
Procurement & Risk Coordinator

**LATE ITEM - T18/3775 - CO28/17 SUPPLY OF GENERAL MAINTENANCE SERVICES
FOR A TWO YEAR TERM WITH TWO, ONE YEAR OPTION PERIODS (REC)
(CONFIDENTIAL ATTACHMENTS)**

DETAIL

Number of Tender/Quotation Documents Issued:	51
Number of Tender/Quotation Submissions Received:	12

Evaluation Process

The CTAU has considered all tenders and the details of the tender process and comparative assessment conducted are detailed in the attached Confidential Attachments – Evaluation Panel Report and Evaluation Sheet.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No stakeholder engagement has been carried out specifically for this tender.

II. OTHER AGENCIES / CONSULTANTS

No external agencies or consultant were involved in this tender.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**LATE ITEM - T18/3775 - CO28/17 SUPPLY OF GENERAL MAINTENANCE SERVICES
FOR A TWO YEAR TERM WITH TWO, ONE YEAR OPTION PERIODS (REC)
(CONFIDENTIAL ATTACHMENTS)**

FINANCIAL IMPLICATIONS

Approved Budget Details	2017 – 2018 Budget – \$750,000
Account Cost Centres or Capital Works Project Number	485-XXXXX-7126-000 (Note: Budget is distributed by building, i.e. Civic Centre 485-22001-7126-000)
Anticipated expenditure over the term of the contract	\$750,000 per year or \$3,000,000 over 4 years (total contract duration including option periods)
Previous financial year expenditure for these services (if applicable)	\$751,487.52 (FY 2016-2017)
Percentage difference between identical rates from an existing or recently terminated contract	-6%
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation and prior review of the amendment undertaken by Finance	Not applicable, within budget

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no residual risk implications following the invitation and evaluation process conducted for this item.

Actions taken to address identified risks are included in the table attached as Confidential Attachment – Evaluation Report Item 11.

There are no environmental implications to this service.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The successful tender submission has achieved the highest score for Stage 1 and 2 combined, the panel was unanimous in agreeing appropriate experience, capacity to deliver the works and understanding of the works (methodology) has been demonstrated.

Price was assessed as providing financial advantage to the City in comparison to other tenderers.

**LATE ITEM - T18/3775 - CO28/17 SUPPLY OF GENERAL MAINTENANCE SERVICES
FOR A TWO YEAR TERM WITH TWO, ONE YEAR OPTION PERIODS (REC)
(CONFIDENTIAL ATTACHMENTS)**

**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION AND COUNCIL
RESOLUTION (3775)**

APPROVAL

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

- 1. That the Council, endorses the recommendation as contained in the Confidential Attachment – Evaluation Panel Report.**
- 2. Upon resolving the recommendation, the Contract and Tender Advisory Unit's recommendation points 1. and 2. be inserted below this point 2 to advise the successful tenderer's name.**

Contract and Tender Advisory Unit's recommendation:

"EMSO Maintenance is recommended by the Evaluation Panel as the successful tenderer."

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**LATE ITEM - M18/5605 – SPECIAL MEETING OF ELECTORS — BERT JEFFERY
PARK - MOTION CARRIED (REC)**

*Item brought forward.
Please refer to page 25.*

15. EN BLOC ITEMS

At 9:52pm Cr Barling moved, seconded Cr Wheatland –

That the recommendations for items M18/5000, C18/5591 C18/6000 November, C18/6000 December and C18/6001 November, C18/6001 December and T18/3775 be carried En Bloc.

At 9:52pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Review of Recording of Meetings Policy - CP-088**

At 9:53pm Cr Barling moved, seconded Cr Phelan –

That the Council directs the Chief Executive Officer to be guided by the *Local Government Act*, Regulations and Department of Local Government, Sport and Cultural Industries Guidelines as well as any other applicable law, in undertaking a review of the City of Melville Recording of Meetings Policy CP-088:

- 1. That a recording (either a web stream, direct download or both) of the public Council meetings be provided on the City of Melville website from the date of the instigation of the updated policy excluding certain sections of the meetings eg. items for which the meeting should be closed to the public etc.;**
- 2. The cost and technical practicability of providing a live audio stream (and possibly video) of each public Council meeting be investigated with the intent of implementation;**
- 3. That the updated policy includes guidance to the public as to the use of the recordings under the *Commonwealth Copyright Act* eg. that editing or altering of any part of the download or web stream is not permitted;**
- 4. That the City be guided by the Policies of other WA and Australian Councils that provide a similar facility to their residents eg. City of Perth, City of Joondalup etc.;**
- 5. That the Recording of Meetings Policy CP-088 be extended to all public meetings: Ordinary Meetings of Council, Agenda Briefing Forums, Special Meetings of Council, Electors Annual General Meetings and Special Electors Meetings; and**
- 6. That the draft amended Policy be included in an Elected Members Bulletin for comment to Officers prior to discussion at an Elected Members Information Session and subsequent presentation to the May 2018 Ordinary Meeting of Council.**

At 10:31pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Amendment (by Absolute Majority)

At 9:58pm moved Cr Pazolli, seconded Cr Barton

That the item be amended to include a point 7 as follows:

Direct the CEO to cease charging applicants the Freedom of Information charge until this report is presented to Council in May 2018.

At 10:24pm the Mayor submitted the motion, which was declared

LOST (4/9)

Vote Result Summary	
Yes	4
No	9

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

Procedural Motion

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

That the Amendment Motion now be put.

At 10:21pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

Vote Result Summary	
Yes	10
No	3

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

At 10:26pm Cr Wheatland left the meeting and returned at 10.27pm

Amendment

At 10:26pm Cr Pazolli moved, seconded Cr Kepert -

That the motion be amended by deleting Item 4.

At 10:30pm the Mayor submitted the motion, which was declared

LOST (6/7)

Vote Result Summary	
Yes	6
No	7

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

Reasons for Motion

Cr Barling provided the following reasons in support of the Motion.

1. Allowing residents and ratepayers to directly access meeting recordings and/or streaming of meetings from the City's website will enhance the transparency of the City of Melville and facilitate those that are unable to come to meetings to be more easily be involved and informed of the Council's processes and decision making.
2. Placing recordings of public meetings on the City's website will pre-empt the desire for this to be a requirement muted by the Minister for Local Government and his Department and will be seen as the City taking a proactive approach to possible changes in the current Local Government Act review.
3. Placing recordings of public meetings on the City's website can act to save the City and it's residents time and money by avoiding the need to fill in and process the currently required Freedom of Information forms, make hard copies of the recordings and in hand over and receipt of those hard copies. Officer time will also be saved in the need to provide Elected Members 'supervised access' when they wish to listen to recordings.

At 10:32pm Cr Woodall left the meeting and returned at 10:35pm.

16.2 Proposed Policy on Electors Meetings

At 10:32pm Cr Barling moved, seconded Cr Robins –

That the Council directs the Chief Executive Officer to be guided by the *Local Government Act 1995*, Regulations and Department of Local Government, Sport and Cultural Industries Guidelines as well as any other applicable law and City of Melville Policy, draft a new Council Policy on Electors Meetings, (both Special Meetings of Electors and the Annual General Meeting of Electors), and considers the following:

- 1. That the proposed Council Policy on Electors Meetings incorporate the ‘Guidelines for Special Meetings of Electors’ that are currently published on the City of Melville website;**
- 2. The Policy includes an equivalent Form 1 ‘REQUEST FOR A SPECIAL MEETING OF ELECTORS’ from the *Local Government (Administration) Regulations 1996* for specific use by City of Melville electors;**
- 3. That the City may be guided by the Policies of other WA and Australian Councils that have similar policies on electors meetings;**
- 4. That the draft amended Policy be included in an Elected Members Bulletin for comment to Officers prior to discussion at an Elected Members Information Session and subsequent presentation to an Ordinary Meeting of Council.**

At 10:44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

16.2 Proposed Policy on Electors Meetings (Continued)

Reasons for Motion

Cr Barling provided the following reasons in support of the Motion.

1. Incorporating the ‘Guidelines for Special Meetings of Electors’ into a new Policy on Electors Meetings will not only act to strengthen the guidelines but also ensure that they are given full and proper oversight by the full Council in their implementation.
2. Such a policy will make it easier for electors to access the required forms and more easily provide them with information on how to call for a Special Meetings of Electors and what is expected of them and the City at such meetings.
3. The biennial review process of Council Policies will ensure that the guidelines are kept current with full oversight of the Council.

16.3 Proposed Policy on Deputations at the Agenda Briefing Forum

At 10:44pm Cr Barling moved, seconded Cr Robins –

That the Council directs the Chief Executive Officer to be guided by the *Local Government Act 1995*, Regulations and Department of Local Government, Sport and Cultural Industries Guidelines as well as any other applicable law and City of Melville Policy, draft a new Council Policy on Deputations at the Agenda Briefing Forum, and considers the following:

- 1. That the proposed Council Policy on Deputations at the Agenda Briefing Forum incorporate the ‘Guidelines & Protocols for Deputations at the Agenda Briefing Forum’ that are currently published on the City of Melville website;**
- 2. The Policy includes the relevant form ‘Request for Deputation at Meetings’ as part of the same document;**
- 3. That the City may be guided by the Policies of other WA and Australian Councils that have similar policies on deputations at public meetings;**
- 4. That the draft amended Policy be included in an Elected Members Bulletin for comment to Officers prior to discussion at an Elected Members Information Session and subsequent presentation to a Ordinary Meeting of Council.**

At 10:51pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Reasons for Motion

Cr Barling provided the following reasons in support of the Motion.

1. Incorporating the ‘Guidelines & Protocols for Deputations at the Agenda Briefing Forum’ into a new Policy on Deputations at the Agenda Briefing Forum will not only act to strengthen the guidelines but also ensure that they are given full and proper oversight by the full Council in their implementation.
2. Such a policy will make it easier for electors to access the required form and more easily provide them with information on giving deputations and what is expected of them and the City in the process of their presentation and questions from Councillors.
3. The biennial review process of Council Policies will ensure that the guidelines are kept current with full oversight of the Council.

16.4 Amendments to Council Policy CP-088 – Recording of Minutes

At 10:51pm Cr Pazolli moved, seconded Cr Kepert–

That the Council amends Policy CP-088 Recording of Minutes as follows:

- a) Policy Objectives Section of the policy; be amended by adding at the end of the first sentence of the Section the following: “and to facilitate public access to the content of Council public meetings”.
- b) Policy Statement – Recording of Proceedings Section of the policy; be amended by deleting the following words in the first dot point of the last paragraph: “for minute taking purposes”.
- c) Policy Statement – Access to Recordings Section of the policy; the first paragraph be amended by deleting the following sentences from the first paragraph of the Section:
“Every application for access will be dealt with by way of the *Freedom of Information Act 1992*. This will enable a proper assessment of the whole record prior to release to prevent publishing of material such as may be deemed to be defamatory and ensuring information that is exempt under the Act is not released.”
- d) Policy Statement – Access to Recordings Section of the policy; the second paragraph be amended by deleting the first sentence; “Fees and charges apply as prescribed by the *Freedom of Information Act 1992*.”
- e) Policy Statement – Access to Recordings Section of the policy; the third and fourth paragraphs be deleted and replaced by; “Elected Members can access the proceedings of a Meeting by completing an Access to Recording Form on each occasion access is required. The Chief Executive Officer is to advise all Elected Members of each application received from Elected Members to access the record of proceedings by a notice in the next Elected Members Bulletin. The record of proceedings provided to Elected Members under this policy is not to be shared with third parties.”

At 11:07pm the Mayor submitted the motion, which was declared

LOST (4/9)

Vote Result Summary	
Yes	4
No	9

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

At 11:01pm Cr Kepert left the meeting and returned at 11:03pm.

Reasons for Motion

Cr Pazolli provided the following reasons in support of the Motion.

1. This Notice of Motion seeks to give effect to the Motion passed at the December 6, 2017 Electors AGM.
2. The current policy places a significant cost and delay on members of the public obtaining access to the audio recordings of public Council meetings by requiring applicants to pay the Fol application fee of \$30 per request and perhaps having to wait the statutory 45 day period allowed in the Fol Act. In addition, applicants may be charged a fee for officer time and / or preparation costs that may amount to considerably more than the application fee. This is a significant impediment and discourages members of the public from accessing the information contained in Council meeting audio recordings.
3. The current policy places the proceedings of a public meeting into the private corporate realm of the Council administration and then imposes the costs and delays of the Freedom of Information Act for anyone in the public that requires access to that public information. In the process the Council is reducing its transparency and one could well claim that the current policy is at odds with the spirit of the State Government's Open Data Policy and the Freedom of information Act.
4. Concerns regarding circulation of confidential, commercial or defamatory audio recordings is not relevant because the audio recordings are only to be made available after vetting by the officers in preparing the minutes of the meeting. It is expected that any such issues in the recordings would be removed by the officers from the recordings before they are made available to the public. Access to such material redacted from the recordings can still be requested by members of the public via Fol applications at which time the Council could then apply the requirements of the Fol Act before releasing the additional material.
5. As per the motion passed at the Electors AGM a report from the CEO on the options for Web based downloading and future streaming of audio recording of Council Public Meetings should be undertaken for the future consideration and possible implementation by Council. The timeframe for that report can be quite flexible.
6. This Notice of Motion would increase the transparency and accountability of Council decision making and encourage citizens & ratepayers to more readily engage with the Council.

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

16.5 Murdoch Drive Connection

At 11.07pm Cr Woodall moved, seconded Cr Robins –

That the Council:

- 1. Reiterates its in-principle support for the construction of the Murdoch Drive Connection to Roe Highway, to alleviate congestion in the area and improve access to the Murdoch Health and Knowledge Precinct;**
- 2. Acknowledges the work carried out by officers of the City in analysing the proposed design and its implications for the City;**
- 3. Expresses serious concern with the final concept design announced by the State and Federal Governments, which differs significantly from the original design proposed by Main Roads;**
- 4. Calls upon the WA Minister for Transport to reconsider the State Government's decision and undertake traffic microsimulation investigations and further public consultation;**
- 5. Requests the Chief Executive Officer to:**
 - a Advise the State and Federal Ministers for Transport and all local State and Federal Parliamentarians of the City of Melville's concerns with the proposed design, and the City's preferred design;**
 - b Advise City of Melville residents of Leeming within 1 kilometre of Farrington Road of the proposed design and its likely impact on traffic volumes, and the City's preferred design.**

At 11:19pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

16.5 Murdoch Drive Connection (Continued)Reasons for Motion

Cr Woodall provided the following reasons in support of the Motion.

- 1 With the growth and development of the Murdoch Health and Knowledge Precinct, the Murdoch Drive Connection is an important project that will alleviate congestion on South Street and the Kwinana Freeway, and ensure good access to Fiona Stanley and St John of God hospitals.
- 2 The final concept design announced by the State and Federal Governments, however, places undue pressure on Farrington Road and Murdoch Drive by limiting access to the Connection from the west and south. This means that vehicles will often still need to use Farrington Road or Murdoch Drive as part of their route, due to a lack of connectivity around Bibra Drive, Hope Road and Farrington Road west of the Kwinana Freeway.
- 3 Traffic modelling (2021) shows a far greater volume of traffic on City of Melville roads under the final concept design when compared to the Main Roads original design:
 - a Karel Avenue (Leeming): +2,500 vpd
 - b Farrington Road (Leeming): +4,000 vpd
 - c Farrington Road (Murdoch): +5,900 vpd
 - d Murdoch Drive (Murdoch): +3,400 vpd
 - e South Street (Murdoch): +1,600 vpd
 - f South Street (Kardinya): +4,100 vpd
- 4 The State Government needs to pay due regard to the legitimate concerns of City of Melville residents (particularly those in Leeming and Murdoch) who will be most affected by the proposed final design. Failure to do so will result in increased congestion on Farrington Road and Murdoch Drive to the detriment of local residents.
- 5 Requesting that the State Government undertake traffic microsimulation investigations and further public consultation is warranted and reasonable given the sudden decision to change the design from the original Main Roads option to the current design. The traffic microsimulation modelling will provide an objective, impartial means to assess the two designs and their effect on the road network.

16.6 China Import Ban on Recycled Waste

At 11:19pm Cr Barling moved, seconded Cr Woodall –

That the Council:

- 1. Recognises the urgency of the recent import ban of recyclable waste from Australia and all other countries and the triple bottom line (economic, social and environmental) impact it could have on the City of Melville and all local governments within Australia.**
- 2. Recognises the efforts that the City of Melville currently undertakes in implementation, education and advocacy of waste management.**
- 3. Directs the Chief Executive Officer to draft a submission, due on 1 March 2018, to the Waste Authority for the current review of the Western Australian Waste Avoidance and Resource Recovery Strategy.**
- 4. Directs the Chief Executive Officer to write to the Prime Minister of Australia, the Federal Environment Minister, the West Australian Premier and Environment Minister as well as the Australian Local Government Association (ALGA) and the Western Australia Local Government Association (WALGA) requesting urgent action to support the City of Melville and all local governments to address this issue.**
- 5. Directs the Chief Executive Officer to investigate if the City of Melville is, or can place itself, in a better position to any way assist the local recycling industry and or stimulate markets for recycling and recycled products by improving procurement policies to increase recycled content and by any other means.**
- 6. That an outline of the issue and the consequences and possible actions aimed at resolving it, from a triple bottom line perspective, be presented to Council at an Elected Members Information Session in the very near future.**

At 11:33pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 11:22pm Cr Pazolli left the meeting and returned at 11:24pm.

At 11:33pm Cr Barton left the meeting and did not return.

16.6 China Import Ban on Recycled Waste (Continued)Reasons for Motion

Cr Barling provided the following reasons in support of the Motion.

1. China announced a ban on imported low-value recycled materials from all countries including Australia in June 2017, this came into effect on 1 January 2018. As a result of this ban the City of Melville and other councils are likely to see a drop in the market price of recycled materials recovered from Material Recovery Facilities such as the one run by the South Metro Regional Council that the City of Melville is a member of.
2. While the SMRC and member Councils are well placed comparatively action is required now by all three tiers of Australian governments to avert a crisis in kerbside recycling.
3. The robust structures and internal environmental policies of the City of Melville places the organisation in a unique position to set an example in the implementation, education and advocacy of waste management for all local governments and to lobby both the State and Federal Governments.
4. The City of Melville Policy CP-023 the 'Procurement of Products or Services' includes several mentions of the need for sustainable procurement and Corporate Social Responsibility but use of recycled content in products is not specifically mentioned. Such products that the City may purchase could include outdoor furniture, playground equipment, rainwater tanks etc.
5. The City of Melville has a diversity of education programs regarding waste with sessions coming up this month and next month at the Piney Lakes Environmental Education as an example.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, his Worship the Mayor declared the meeting closed at 11:34pm.