

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY, 12 DECEMBER 2017

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 12 DECEMBER 2017.

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 Legal Advisor, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr M Woodall (Deputy Mayor)
Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins
Cr 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
Ms C Young
Mr J Bird
Mr B Taylor (until 8.35pm)
Mr T Cahoon (until 8.14pm)
Mr J Clark
Ms J Lim (until 10.25pm)
Mr N Fimmano
Ms S Williams

Chief Executive Officer
Director Urban Planning
Director Corporate Services
Director Community Development
A/Director Technical Services
Manager Financial Services
Manager Healthy Melville
Governance and Compliance Advisor
Business Improvement Officer
Property Coordinator
Governance Officer

At the commencement of the meeting there were 16 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 Mr R Reading, Booragoon**Question 1

*What is planned for the Art Studios at Heathcote post Dec 17?
Will Applications be sought and will local residents in Melville be given priority for
applications? (this is not a question about the So-called Vision) please advise.*

Response

Whilst the Registrations of Interest stage two - the Request for Detailed Proposal (RFDP) - is being carried out (finalisation not until approximately 2018-2019 financial year) the artists have had their contracts renewed for another 12 months. Once the RFDP process is finalised there will be another call out for artists for the studios. The process will remain the same whereby applications are assessed by a panel (including an external person) for diverse, artistic contribution to the Heathcote Cultural Precinct. Local artists within the City of Melville are encouraged to apply but are assessed equally with all other respondents.

6.1 Mr R Reading, BooragoonQuestion 2

The Strategic Community Plan states that the council purpose is to 'try' to achieve a number of key priorities of the plan. To be credible, goals should be smart – i.e. S- Specific; M-Measurable; A- Ambitious; R- Realistic; T- Time Based.

Trying is none of these

Will council change there goals to focus better on SMART approach rather than vague 'trying'.

Response

Each year's Community Annual Report provides the avenue for the City to report back to its community the outcomes achieved against the Corporate Business Plan which has a four year timeframe. The questioner is encouraged to read the Annual Report to better inform himself of the outcomes achieved and progress made. The questioner is also referred to page 21 of the City of Melville Corporate Business Plan 2016-2020 for specific high level measures by which performance is assessed.

Question 3

Melville City is out of step with economic realities. The costs of doing business has been falling for 2 years in Perth, Wages are not stagnant. Sales are at lowest for many years. Taxes are increasing But Melville continues to increase rates, award higher than market pay increases (re: CEO) and pursue self-interested awards at high cost. Why?

Response

When formulating its 10 year financial plan and annual budget the City's officers, are not unaware of the economic realities referred to by the questioner, and undertake further analysis by researching a range of economic indicators and indices including CPI, wage cost, utilities, transport, building construction, road construction waste disposal etc. We also use the contracted pricing submitted in response to open tender processes for the fixed period contracts the City has with numerous suppliers of trade services and material supplies. City officers are also well aware of the number of pensioners within the City who are reliant on CPI linked pensions.

The City increases Rates at the level commensurate with economic realities whilst ensuring that it is at an amount required to adequately fund its operations and the maintenance, renewal, upgrade and replacement of its substantial near on one billion dollar assets base. The increase struck in June 2017 was 2% however due to a reduction in the number of rateable properties this translated to an increase in the total budgeted rate take of 1.94%. This is very close to the, at the time of budget adoption, March 2017 quarter CPI of 2.1% or the subsequent post budget adoption June quarter 2017 CPI of 1.9%.

The general pay increases awarded to City of Melville staff was 2% which was not above the ABS published wage cost index for the WA Public Sector for March 2017 and June 2017 change from the same quarter of the previous year both of which were 2.1%. Total employee costs including funding new positions and recognising increases in movement through salary grades upon successful completion of years of service, was 2.17%. Again very close to the relevant market indices.

6.1 Mr R Reading, Booragoon

The statement regarding the pursuit of self-interested awards at high cost is unsubstantiated. The City subjects itself to these processes in order to gain independent assessments of its systems and processes in order to ensure that all opportunities for improvement of the delivery of services and products to our community are explored, initiated and verified. The cost benefit of doing so is well proven by the results the City has achieved and it's standing in numerous independently assessed audit and other processes.

Question 4

What was the 'total' cost (including all travel, accommodation, expenses and incidentals) in of the recent pursuit of the Commercial Excellence Award?

Please include all costs of fees to third parties, time and materials spent by staff in presentation and submissions and administration. This question wants 'Total' not Partial response. Please.

Response

The commitment to business excellence is a key performance indicator for the CEO that was set by Council over 15 years ago, and remains a formal approach by the organisation as demonstrated in the Corporate Business Plan developed by Council.

It is important to note that whilst the recognition is a fantastic acknowledgement to staff the evaluation process represents important benchmarking, continuous improvement and learning opportunities. The award is in itself not the outcome, as use of the Australian Business Excellence Framework has been implemented by the City of Melville for over 15 years to assess the organisation and drive continuous improvement. The Australian Business Excellence Framework is about how we operate and is not separate to business; and as such we do not have separate teams that work on this outside of normal business.

The evaluation process involves evaluators who voluntarily provide their time and expertise as part of their commitment to the benefits of the Australian Business Excellence Framework. The organisation paid \$12,000 for the evaluation process and on top of that are costs for any travel and accommodation reimbursement of the evaluators who do not reside in Perth. I note that in this evaluation process we had 4 evaluators on site for 5 days and then a further evaluation of 3 evaluators for two days, which equates to some 26 days of review if we had one person only involved. In addition to this time on site the evaluators do pre-evaluation reading and planning and then review and reporting post evaluation. Overall we believe this represents exceptional value for our ongoing reviews and identification of opportunities for improvement. We still know there is much to do as we have further improvements to make to be better tomorrow than today.

I also note that the focus of State Government is to ensure all government agencies are driving further efficiency and effectiveness outcomes. The addition of further audits for local government is a timely reminder that rigorous independent organisational review and improvement is now expected by the community.

6.2. Melville Residents and Ratepayers Association.

Question 1

Mayor Russell appeared at the State Administrative Tribunal at around 3.00 pm Friday 8 December in relation to his application for a review of the Local Government Standards Panel's SP 53 of 2016 conduct complaint findings and decisions against him (SP 53 of 2016 Crawford vs Mayor Aubrey). At the SAT hearing Mayor Aubrey stated that he had obtained legal advice from Mr Douglas, a Partner at McLeods Barristers and Solicitors; a firm the City routinely uses. Please confirm:

- 1.1. *How much the City has contributed to the cost of Mayor Aubrey receiving advice from McLeods.*

Response

The City has not contributed to the cost of any advice received by Mayor Aubrey.

- 1.2. *Whether or not McLeods has provided Mr Aubrey any legal services at a discount to its normal rates for advice in such matters.*

Response

The Mayor responded, I have borne all cost personally.

- 1.3. *If the City has provided Mayor Aubrey any other support or access to the City's resources in dealing with his application for the review.*

Response

No support has been requested or provided directly from the City.

- 1.4. *If Council considers there may be a real or perceived conflict of interest with Mayor Aubrey's obtaining advice from the City's legal advisers.*

Response

The Mayor and Elected Members may engage any supplier of services at their discretion. The question of a conflict of interest only arises where the Council is considering a commercial arrangement with any supplier of services.

Mayor Aubrey's VRO application against Cr Pazolli

Question 2

In 2013 Mayor Aubrey applied for a Violence Restraining Order against Councillor Nicholas Pazolli. That application was dismissed and the Magistrate made adverse statements about the sworn testimony given by Mayor Aubrey and Dr Silcox. It has been reported in the press that it cost Cr Pazolli around \$30,000 to defend Mayor Aubrey's failed application, as supported by Dr Silcox. Please confirm how much the City contributed to Mayor Aubrey's legal costs in the VRO proceedings and how much it cost the City, in terms of any resources provided to Mayor Aubrey in relation to the proceedings; including the costs of Dr Silcox's time.

6.2. Melville Residents and Ratepayers Association.Response

The City did not contribute to legal costs or any use of resources for Mayor Aubrey. Dr Silcox was subpoenaed and required to attend.

M17/5579 – Internal Audit Report – Cost of Responding to questions and issues raised by a group of Ten Entities, as attached (“The Terrible Ten Report”)Question 3

The City of Melville Residents and Ratepayers Association (Inc.) submitted questions to the 28 November ABF and again to the 6 December Electors AGM that obviously related to M17/5579 and “The Terrible Ten Report” (Questions); Questions remain unanswered. Please confirm:

- 3.1 *Why Council has not yet answered the Questions; please answer ALL the Questions at this OMC.*

Response

The nine questions received for the General Meeting of Electors were answered at the meeting. Questions submitted to the Agenda Briefing Forum of 28 November 2017 are being finalised and will be sent to the questioner when completed.

- 3.2 *Which “Resident” does the City consider the Association to be; given the Association has never been directly involved with any SAT proceedings it could not be Resident 1, 2 or 3*

Response

The intent of the report is to advise the volume of questions and the impact on resources. The individual residents’ identity is not relevant in this context.

Question 4

Item M17/5579 states that at the Financial Management, Audit, Risk and Compliance Committee’s (Committee) November 2017 meeting the Committee carried a motion recommending “that Council request the Chief Executive Officer to provide a copy of the Internal Audit Report – Costs of Responding to Questions and Issues Raised by a Group of Ten Entities and attachment, to the Minister for Local Government to form part of the City’s Review of the Local Government Act 1995” (Recommendation). It is this Recommendation that is to be voted on at this OMC. On 19 September 2017 Dr Silcox wrote to the Parliamentary Standing Committee on Public Administration, the Minister for Local Government; Heritage; Culture and the Arts, CCC Commissioner, Public Sector Commissioner, Information Commissioner, WALGA CEO, Local Government Professionals CEO, WorkSafe Commissioner, and Mr Douglas of McLeods and provided a copy of “The Terrible Ten Report” (September 2017 Letter). The September 2017 Letter was of a similar nature to letters exchanged between Dr Silcox and the Standing Committee on Public Administration and other parties in the second half of 2016 (2016 Letters). Please confirm:

6.2. Melville Residents and Ratepayers Association.

- 4.1. *What is the purpose of Council voting on the Recommendation given the CEO has already provided a copy of "The Terrible Ten Report" to the Minister for Local Government via the September 2017 Letter.*

Response

There is no report with a title of "The Terrible Ten Report"

- 4.2. *When was "The Terrible Ten Report" first provided to all Councillors, in draft or final form.*

Response

There is no report with a title of "The Terrible Ten Report"

- 4.3. *When did the CEO obtain any approval from the Committee, Council or any Councillor prior to forwarding "The Terrible Ten Report" to the Minister Templeman and others via the September 2017 Letter.*

Response

There is no report with a title of "The Terrible Ten Report"

- 4.4. *When did Council or any Councillor first become aware of the September 2017 Letter.*

Response

This was a letter sent by the Chief Executive Officer seeking review of legislation providing Government Officers with a safe workplace, and as such is an administrative matter. The matter was not reported to the Council.

- 4.5. *When did Council or any Councillor first become aware of the August 2016 Letters.*

Response

See response to 4.4, in relation to the August 2016 letter, more information is required to identify the letter you refer to in this case.

- 4.6. *Did the CEO obtain any approval or consent from any Councillor prior to sending the September 2017 Letter and the 2016 Letters.*

Response

No

- 4.7. *Have details of all of the 12 examples of "inappropriate conduct" Dr Silcox summarised in the September 2017 Letter been reviewed by the Committee, Council or any Councillor.*

Response

No, this is an Administrative matter.

6.2. Melville Residents and Ratepayers Association.

- 4.8. *Has Council been involved in “the City’s Review of the Local Government Act 1995” (Review).*

Response

The Councillors have been informed of the Review of the Local Government Act and the response timeframes. The Council will be invited to attend an informal meeting and provide comment for inclusion in the City’s response in 2018.

- 4.9. *When did Council approve the Review?*

Response

The Council is not required to approve the review. Administration and individuals can make a separate submission to the Review if it wishes to.

- 4.10. *When will the Review be made available to Councillors and all residents and ratepayers?*

Response

It has not been determined whether a submission will be made as the Western Australian Local Government Association and LG Professionals Australia WA will be making submissions on behalf of the local government sector. This may cover the matters the Council and Administration would wish to raise.

- 4.11. *Why would Council vote on the Recommendation that gives support of the Review when the Review has not yet been approved by Council.*

Response

The support provides the Council’s intent to participate in the Review.

6.3 Mr E Neilsen, Boogaroon

I wish to put on public record my displeasure at the disgracefully evasive behaviour displayed by the City of Melville (City) in the media trying to implicate former councillor Ms Lisa O’Malley (now Member for Bicton). She has had NO input whatsoever in the City’s handling of the costing issues of the Tomkins Park Function Centre and Club House and many other issues that have brought this Inquiry into being and ask...

Question 1

Can the City finally accept that an Inquiry into their behaviour (on so many issues) is totally justified or will the City continue living in denial?

Response

Until the City has been advised of the full scope of the Inquiry and reasons from the Department of Local Government, Sport and Cultural Industries, an informed response cannot be made.

6.3 Mr E Nielsen, BoogaroonQuestion 2

With reference to the marked up Extract of Minutes from the AGM 6 December 2017 (attached) I wish to put on record that the responses I have received relating to my questioning of the costing of the Tomkins Park Function Centre and Club House are completely unacceptable. They are yet another example of the obfuscation, manipulation and total disregard for due diligence and compliance with the Act and Regulations, by this City. It is one of the many reasons why an Inquiry has been asked for.

Has the City not yet grasped the reasons for this Inquiry?

Response

In response to Mr Nielsen's comments relating to Tompkins Park Function Centre and Club House project, the following information is provided:

In April 2017 the City received a Preliminary Estimate Report (PER) for Tompkins Park prepared by a construction cost consultancy firm. The PER was developed in conjunction with Bollig Design Group based on the three concept plans that were presented as attachments to Item CD17/8098 of the Ordinary Meeting of Council held 20 June 2017. Aspects of the PER were used in conjunction with other known project costs to provide what is identified in the officer report as the "Total Estimated Project Costs" of \$9,420,500.

The copy of the Preliminary Estimate Report that had been provided to Mr Nielsen had the quantities and cost estimates redacted, which is contrary to the advice given to Mr Nielsen that he was provided with an unedited copy of the document. The PER has been prepared by a quantity surveyor and has incorrectly been referred to by Officers in responding to his questions as a Quantity Surveyors Report. Aspects of the report has been used in conjunction with other costs to provide an initial project estimate for budget purposes. As Mr Nielsen points out, the PER is not a final Quantity Survey Report as architect specification and design and structural design drawings etc all need to be completed before final QS and construction costs are known. Officers are currently working on these processes.

Elected Members have not been provided with the full Preliminary Estimate Report (PER) as indicated in a response to a question at the AGM, Elected Members were provided with a summary of Itemised Costs that related to the project estimate of \$9,420,500, which includes aspects of the PER, under confidential cover on the 2 June 2017.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL –21 NOVEMBER 2017**
Minutes 21 November 2017**COUNCIL RESOLUTION**

At 7:00pm Cr Barling moved, seconded Cr Wieland –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 21 November 2017, be confirmed as a true and accurate record.

At 7.00pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 28 NOVEMBER 2017
Notes 28 November 2017**COUNCIL RESOLUTION**

At 7.01pm Cr Woodall moved, seconded Cr Phelan –

That the Notes of the Agenda Briefing Forum held on Tuesday, 28 November 2017, be received.

At 7.01pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.3 ANNUAL GENERAL MEETING – 6 DECEMBER 2017
Minutes 6 December 2017**COUNCIL RESOLUTION**

At 7.01pm Cr Kepert moved, seconded Cr Wieland –

That the Minutes of the Annual General Meeting held on Wednesday, 6 December 2017, be confirmed as a true and accurate record.

At 7:01 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 - M17/5590 – Decisions of the Annual General Meeting of Electors
Dr Shayne Silcox - Under the Code of Conduct

10. DEPUTATIONS

Mr C McColl and Mr M Fisher representing the Applecross – Mt Pleasant Rugby League Football Club

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 7.02pm Cr Barton moved, seconded Cr Woodall –

That the applications for new leaves of absence submitted by Councillor Mair on 12 December 2017 be granted.

At 7.02pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Item M17/5590 – Decisions or the Annual General Meeting of Electors

13. PETITIONS

Nil.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:03pm the Mayor requested that Item 16.1– The provision of a suitable playing venue for the Applecross Mt Pleasant Rugby League Football Club, be brought forward for discussion.

From 7:04pm to 7:23pm a presentation was heard from Mr C McColl and Mr K Wood representing the Applecross Mt Pleasant Rugby League Football Club.

At 7:53pm Cr Woodall left the meeting and returned at 7:55pm.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 The provision of a suitable playing venue for the Applecross Mt Pleasant Rugby League Football Club

At 7:23pm Cr Kepert moved, seconded Cr Pazolli –

That the Council:

- 1. Notes that the Applecross – Mt Pleasant Rugby League Football Club is one of the founding clubs of rugby league in Western Australia.**
- 2. Notes that the Applecross – Mt Pleasant Rugby League Football Club is a founding, continuing and financial member of the Applecross – Mt Pleasant Sportsman’s Association (AMPSSA) and long term user of the Shirley Strickland Reserve (since 1966).**
- 3. Requests the Chief Executive Officer to identify a suitable sporting venue for the Applecross – Mt Pleasant Rugby League Football Club to play their homes games, both for:**
 - a) the 2018 National Rugby League Western Australia season;**
 - b) the 2019 National Rugby League Western Australia season and beyond;****and to allow the Applecross – Mt Pleasant Rugby League Football Club their use.**
- 4. Requests the Chief Executive Officer investigate the possibility and suitability of:**
 - a) Shirley Strickland Reserve.**
 - b) Gairloch Reserve.**
 - c) Tompkins Park.**
 - d) Other reserves in the City of Melville.**

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

CARRIED (8/5)

16.1 The provision of a suitable playing venue for the Applecross Mt Pleasant Rugby League Football Club

Vote Result Summary	
Yes	8
No	5

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

Reason for Motions

Cr Kepert provided the following reasons in support of the Motion -

1. The Applecross – Mt Pleasant Rugby League Football Club was advised by the City that they have been disallowed from using Shirley Strickland Reserve in the 2018 season and beyond.
2. The sole solution suggested by the City to schedule use Webber Reserve, Willagee at alternative times to the current tenants is not feasible.
3. The Applecross – Mt Pleasant Rugby League Football Club is currently training in anticipation of the 2018 season and as yet has nowhere to play their home games. The matter is growing in urgency.

This motion will also provide the Applecross – Mt Pleasant Rugby League Football Club with an opportunity to have their requirements and concerns heard by the Council.

At 8:15pm the meeting was adjourned.

At 8:20pm the meeting resumed.

**ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE
COMMITTEE MEETING 6 NOVEMBER 2017**

**M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS
AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)**

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

AUTHORITY / DISCRETION

DEFINITION

	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
	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>
	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
	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>

**M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS
AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

In the 14 months to 31 July 2017, the City provided information to a group of ten residents/entities. The significant work that this entailed, based on very conservative estimates, cost the City approximately \$178,000, mainly in staff time, that would otherwise have been used on productive work.

The City is committed to being open and transparent and answering all questions from the community. At the same time the City must consider the statutory requirements of using resources efficiently and effectively.

The City as an employer is required under the *Occupational Safety and Health Act 1984* to provide a safe workplace. The process of having employees, deal with an inordinate number of questions, some of which may target individual officers, exposes the City to the prospect of being unable to provide a safe workplace and maintain appropriate service levels for the benefit of the community.

The City is currently looking to review its policy on Question Time at Committee and Council Meetings (CP-014) which presently does not deal with situations where individuals ask multiple questions which are often repetitive, and in some cases inappropriate, divert a substantial and unreasonable portion of the City's resources away from its other functions.

BACKGROUND

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

M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)**DETAIL**

The terms of reference for this project / review are:

BMS Improvement Officer:

- (a) To collect relevant data to estimate the costs to the City of providing information to this group of ten entities;
- (b) The period covered is 14 months to 31 July 2017; and
- (c) To include questions / answers via various means including question time, emails, customer requests, Freedom of Information (FOI), State Administrative Tribunal (SAT), legal proceeding etc.

Process Improvement Auditor:

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

Refer to the attached for further details: [5579 Internal Audit Report – Costs Of Responding to Questions and Issues Raised By A Group of Ten Entities](#)

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

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

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

M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternative options are presented as part of this report.

CONCLUSION

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

OFFICER RECOMMENDATION (5579)**NOTING**

At 7.46pm Mr Woodgate moved, Mayor Aubrey seconded –

That the Financial Management, Audit, Risk and Compliance Committee notes the Internal Audit Report Re Costs of Responding to Questions and Issues Raised By a Group of Ten Entities.

Amendment

At 7.46pm Mayor Aubrey moved, Cr Woodall seconded –

That the Financial Management, Audit, Risk and Compliance Committee recommend that the Council request the Chief Executive Officer to provide a copy of the Internal Audit Report – Costs of Responding to Questions and Issues Raised by a Group of Ten Entities and attachment, to the Minister for Local Government to form part of the City's review of the *Local Government Act 1995*.

At 8.35pm the Presiding Member submitted the motion, which was declared

CARRIED (6/2)

For: Mayor Aubrey, Cr Barling, Cr Macphail, Cr Wheatland, Cr Woodall, Mr Woodgate
Against: Cr Barton, Cr Pazolli

At 8:35pm Mr B Taylor left the meeting and did not return.

M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)

COMMITTEE RESOLUTION (5579)

NOTING

- 1** That the Financial Management, Audit, Risk and Compliance Committee notes the Internal Audit Report Re Costs of Responding to Questions and Issues Raised By a Group of Ten Entities.
- 2** *That the Financial Management, Audit, Risk and Compliance Committee recommend that Council request the Chief Executive Officer to provide a copy of the Internal Audit Report – Costs of Responding to Questions and Issues Raised by a Group of Ten Entities and attachment, to the Minister for Local Government to form part of the City's review of the Local Government Act 1995.*

At 8:39pm the Presiding Member submitted the motion, which was declared

CARRIED (6/2)

For: Mayor Aubrey, Cr Barling, Cr Macphail, Cr Wheatland, Cr Woodall, Mr Woodgate
Against: Cr Barton, Cr Pazolli

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5579)

At 8:23pm Cr Macphail moved, seconded Cr Robartson –

That the Council:

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

At 9:19pm the Presiding Member submitted the motion, which was declared

CARRIED (8/5)

**M17/5579 – INTERNAL AUDIT REPORT – COSTS OF RESPONDING TO QUESTIONS
AND ISSUES RAISED BY A GROUP OF TEN ENTITIES (REC) (ATTACHMENT)**

Vote Result Summary	
Yes	8
No	5

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

**T17/3771 – SUPPLY OF TREE PRUNING SERVICES FOR A THREE YEAR TERM
WITH OPTION PERIODS (CO20/17) (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	:	Funding Amount: 2017-2018 Natural Areas and Parks – budget. \$900,000.
Prepared by	:	Jeff Bird – Manager Natural Areas & Parks

AUTHORITY / DISCRETION

DEFINITION

	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>
	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
	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>
	Information	<i>For the Council to note.</i>

T17/3771 – SUPPLY OF TREE PRUNING SERVICES FOR A THREE YEAR TERM WITH OPTION PERIODS (CO20/17) (AMREC) (CONFIDENTIAL ATTACHMENTS)**KEY ISSUES / SUMMARY**

- To recommend the successful tenderer as considered by Contract and Tender Advisory Unit (CTAU) in the Confidential Attachment – Evaluation Panel Report for the Supply of Tree Pruning Services for a Three Year Term with Option Periods.

BACKGROUND

The City of Melville has sought public tenders for a suitably qualified and experienced contractor to perform pruning services on trees located within City owned land. Expenditure for these services exceeds the local government tender threshold of \$150,000 per annum.

This Contract includes tree pruning and removal, chipping, and disposal of green waste material at various sites within the City.

The Contract period is for an initial term of three years with two additional 12 month option periods, which will be exercised at the sole discretion of the City.

The Contract and Tender Advisory Unit (CTAU) has considered all submitted tenders for CO20/17 Supply of Tree Pruning Services for a Three Year Term with Option Periods at its meeting held Tuesday 14 November 2017.

Price Schedule

The original Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Friday 10 November 2017 under confidential cover and to Elected Members on Friday 17 November 2017 under confidential cover.

Tender Evaluation Process

Qualitative scores were achieved by joint agreement of the panel members at the initial 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 for Stage 1 and 2 combined. The recommended tenderer provided very competitive pricing (#1) and provided a qualitative submission that the panel deemed sufficient to be short listed for price assessment.

The original Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Friday 10 November 2017 under confidential cover and to Elected Members on Friday 17 November 2017 under confidential cover.

Evaluation Panel Members consisted of:

Principal Parks Coordinator
Arboriculture Supervisor
Purchasing & Contracts Coordinator

**T17/3771 – SUPPLY OF TREE PRUNING SERVICES FOR A THREE YEAR TERM
WITH OPTION PERIODS (CO20/17) (AMREC) (CONFIDENTIAL ATTACHMENTS)**

DETAIL

Number of Tender documents issued	16
Number of Tender/Quotation Submissions Received:	5

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, Evaluation Sheets and Pricing Schedule.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

No external agencies or consultants have been used for 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-027 Rejecting and Accepting of Tenders will be exercised with the award of this tender.

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

T17/3771 – SUPPLY OF TREE PRUNING SERVICES FOR A THREE YEAR TERM WITH OPTION PERIODS (CO20/17) (AMREC) (CONFIDENTIAL ATTACHMENTS)

FINANCIAL IMPLICATIONS

Approved Budget Details	2017-2018 Budget - \$900,000
Account Cost Centres or Capital Works Project Number	Responsible Officer Accounts– 487,449,444,442,442,448 [Arboriculture, Streetscape, Pt Walter, Reserves East & West, Natural Areas Supervisor] Cost Centre – 21407 [Street Trees Pruning & Maintenance] Line Item – 7129, 7126 [Contractors Adhoc] Activity – 000
Anticipated expenditure over the term of the contract	\$900,000 per annum being \$2.7M over the initial three year contract period plus options period if exercised
Previous financial year expenditure for these services (if applicable)	\$858,722
Percentage difference between identical rates from an existing or recently terminated contract	Potential 50% - 300% saving depending on the item on the schedule of rates.
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	As there is a reactive component to these works and the anticipated expenditure the budget, will be reviewed regularly to enable early identification of any variance which will be addressed as part of budget reviews

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic implications of these works relate only to the consequences of not carrying out the works. Potential implications with respect to management of natural area assets, water quality, safety and security associated with fire regulations and crime prevention, drainage maintenance and storm water management, and disability access and inclusion are all alleviated by carrying out these works in a timely, regular manner.

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.

Potential environmental implications relating to control of weeds and hazardous materials, as well as drainage maintenance and storm water management are all addressed by engaging a qualified and suitably experienced contractor.

POLICY IMPLICATIONS

There are no policy implications.

T17/3771 – SUPPLY OF TREE PRUNING SERVICES FOR A THREE YEAR TERM WITH OPTION PERIODS (CO20/17) (AMREC) (CONFIDENTIAL ATTACHMENTS)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified. The Council may choose not to endorse the successful tenderer.

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) had been demonstrated.

Prices for planned work and rates for reactive work were assessed as providing significant financial advantage to the City in comparison to other tenderers.

CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION AND COUNCIL RESOLUTION (3771)**ABSOLUTE MAJORITY APPROVAL**

At 9:19pm Cr Barling moved, seconded Cr Wieland–

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 points a) and b) be inserted below this point 2 to advise the successful tenderer's name.**
 - a) The Council accepts the tender submitted by Westworks Group Pty Ltd ATF Ussherdan Trust t/as Tree Care WA ABN: 23 100 208 057 for Supply of Tree Pruning Services for a Three Year Term with Option Periods for the schedule or rates, as specified, be accepted as the most advantageous.**
 - b) Any option periods exercised under the contract will be approved by the Director Technical Services**

At 9:20pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**CD17/8103 – COMMUNITY DEVELOPMENT COUNCIL POLICY REVIEW (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Policy
Subject Index	:	Community Development Policy
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	CD15/8072 Disability Access and Inclusion Policy CP-084 Update – Ordinary Meeting of Council, June 2015 CD15/8073 – Non Monetary Grants Policy – Community Partnership Fund Policy – Ordinary Meeting of Council, June 2015 CD15/8075 Policy Review – Ordinary Meeting of Council, November 2015
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Christine Young Director Community Development

AUTHORITY / DISCRETION

DEFINITION

	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
	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>
	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
	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>
	Information	<i>For the Council/Committee to note.</i>

**CD17/8103 – COMMUNITY DEVELOPMENT COUNCIL POLICY REVIEW (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Director Community Development have been examined and brought forward with amendments for consideration and adoption.
- Policies that are defined as a Council Policy require the approval of the Council whereas Operational Policies are approved by the Chief Executive Officer.

BACKGROUND

Officers have reviewed the Community Development Policies endorsed in June and November 2015, and have now brought the reviewed policies with proposed amendments to the Council for consideration. A two yearly review cycle remains in place to ensure all policies remain current.

DETAIL

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

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

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

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

**CD17/8103 – COMMUNITY DEVELOPMENT COUNCIL POLICY REVIEW (REC)
(ATTACHMENT)**

This report provides comment on the reviewed Community Development Policies from the Director Community Development. All seven policies referred to in this report can be accessed via the following attachment links:

[CP-002_Stakeholder_Engagement_Policy](#)

[CP-028_Physical_Activity_Policy](#)

[CP-037_Neighbourhood_Development - Community_Hub_Policy](#)

[CP-038_Discretionary_Services_Review_Policy](#)

[CP-040_Public_Health_Wellbeing_Policy](#)

[CP-084_Disability_Access_and_Inclusion_Policy](#)

[CP-095_Non_Monetary_Grants_Policy - Community_Partnership_Fund](#)

Of the seven policies reviewed by the Director Community Development:

Major Change: Nil

Minor Change: Six as shown below

No Change: Nil

No longer required: One as shown below

CP-002 Stakeholder Engagement Policy

Document has been reviewed with minor changes to updated reference documents that may be applicable to this Policy.

CP-028 Physical Activity Policy

Document has been reviewed with minor changes to update reference to the Western Australian Sport and Recreation Industry Strategic Direction 2016-2020.

CP-037 Neighbourhood Development – Community Hub Policy

Document has been reviewed with minor changes to updated reference documents that may be applicable to this Policy.

CP-038 Discretionary Services Review Policy

Document has been reviewed with minor changes to updated reference documents that may be applicable to this Policy.

CP-040 Public Health and Wellbeing Policy

Document is no longer required due to changes to the Western Australian *Public Health Act 2016* that now requires local governments to prepare a local public health plan.

CP-084 Disability Access and Inclusion Policy

Document has been reviewed with minor changes to updated reference documents that may be applicable to this Policy.

CP-095 Non Monetary Grants Policy Community Partnership Fund

Document has been reviewed with minor changes to include the aspirations of *connectedness* and *participation* from the Strategic Community Plan 2016-2026, to relevant sections of this Policy.

**CD17/8103 – COMMUNITY DEVELOPMENT COUNCIL POLICY REVIEW (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Whilst no specific engagement has occurred in relation to these policies directly, they are informed by ongoing relationships and engagement with stakeholders and the community guided by the implementation of key documents developed following extensive community and stakeholder engagement. These include:

- Strategic Community Plan, People, Places Participation 2016 – 2026;
- Neighbourhood Plans;
- Health and Wellbeing Strategy; and
- Cultural Plan.

II. OTHER AGENCIES / CONSULTANTS

No other agencies or consultants have been involved in the review of policies.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS**CP-002 Stakeholder Engagement Policy**

There are costs associated with the implementation of the Stakeholder Engagement Policy that are linked to specific projects. Cost savings can be realised through well designed engagement processes which inform good decision making which has sustainable outcomes.

CP-028 Physical Activity Policy

There are costs associated with the provision of opportunities for physical activity that include (but not limited to) the provision of facilities, open spaces, sporting club support and development, programmes at recreation facilities, and the bicycle and pedestrian path network.

CP-037 Neighbourhood Development – Community Hub Policy

There are costs associated with the provision of community hub infrastructure and planning. Cost savings can be achieved through proper community hub planning and co-location which sees more effective and multi-use of community facilities.

CP-038 Discretionary Services Review Policy

There are costs associated with the provision of discretionary services, and through the review of such services. Cost savings can be made through the review of such services.

**CD17/8103 – COMMUNITY DEVELOPMENT COUNCIL POLICY REVIEW (REC)
(ATTACHMENT)**

CP-040 Public Health and Wellbeing Policy

There are no financial implications for the Council as this Policy is no longer required.

CP-084 Disability Access and Inclusion Policy

There are costs associated with the implementation of the Disability Access and Inclusion Policy that are linked to specific projects and activities. These include capital upgrades to City facilities to ensure accessibility and fit for use public buildings.

CP-095 Non Monetary Grants Policy Community Partnership Fund

This Policy provides the opportunity to capture financial data in relation to non-monetary or in-kind support to community and not for profit organisations. The cost to the City will be an indirect one and included in financial reporting.

The Non-Monetary Grants Policy has been utilised since the endorsement of the policy in 2015 as indicated below:

	2015-2016	2016-2017	2017 to date
Non-monetary grant	\$1,113	\$688	\$798

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

All Council Policies are being reviewed and a significant number will be amended as a consequence of the review.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternative options presented as part of this report.

**CD17/8103 – COMMUNITY DEVELOPMENT COUNCIL POLICY REVIEW (REC)
(ATTACHMENT)****CONCLUSION**

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8103)

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

- 1. That the Council approves the six policies reviewed by the Director Community Development as contained in the following attachments:**

CP-002_Stakeholder_Engagement_Policy

CP-028_Physical_Activity_Policy

CP-037_Neighbourhood_Development - Community_Hub_Policy

CP-038_Discretionary_Services_Review_Policy

CP-084_Disability_Access_and_Inclusion_Policy

CP-095_Non_Monetary_Grants_Policy - Community_Partnership_Fund

- 2. That the Council approves the deletion of CP-040 Public Health and Wellbeing Policy.**

CP-040_Public_Health_Wellbeing_Policy

At 9:21pm the Mayor submitted the substantive motion, which was declared

CARRIED UNANIMOUSLY (13/0)

M17/5000 – 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

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	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
	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 26 October 2017 up to and including 16 November 2017 for the Council's noting.

M17/5000 – 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
CS2019	The City of Melville and Mont Property, Managing Director, Matthew Podesta	For the purpose of authorising the Agent and the Auctioneer to accept a final bid price which is equal to or greater than the Reserve Price and signing the Contract for Sale of Property on behalf of the Seller – at 85 Ardross Street Applecross.	4463254

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.*

M17/5000 – COMMON SEAL REGISTER (REC)**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 i no strategic, risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)

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 26 October 2017 up to and including 16 November 2017.

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

M17/5589 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Schedule of Meetings
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	:	M16/5510 – Council Meeting Cycle – November 2016 – Ordinary Meeting of Council M17/5545 – Council Meeting Cycle – Alternative Options – May 2017 – Ordinary Meeting of Council
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance & Compliance Advisor

**AUTHORITY / DISCRETION
DEFINITION**

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<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>
	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>When the Council reviews decisions made by Officers.</i>
	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>
	Information	<i>For the Council/Committee to note.</i>

M17/5589 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report summarises the monthly Ordinary Meetings of Council cycle to commence in February 2018.
- The report recommends adoption of the proposed meeting schedule.

BACKGROUND

The Council Meeting Cycle was reviewed in November 2016 and May 2017 where it was resolved to continue a monthly meeting cycle whereby the Agenda Briefing Forum would be scheduled for the first Tuesday of each month and the Ordinary Meeting of Council held on the third Tuesday of every month except in January when the Council is in recess and December when meetings are brought forward.

It was also resolved that the Ordinary Meeting of Council and the Council Agenda Briefing Forums would be rescheduled in October of each Local Government Election year. The rescheduling of the October meetings allows the meeting cycle to be completed prior to the commencement of the newly Elected Members. As no elections are scheduled to be held in 2018, there was no need to reschedule any of the meeting dates.

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public with decision making by the Council only taking place at the Ordinary Meeting of Council.

DETAIL

An attachment showing the proposed meeting cycle has been prepared to inform Elected Members [5589 Meeting Cycle Calendar](#) of the proposed meeting schedule.

The meeting dates for December 2018 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as is the practice in 2017.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The City informs the public of the dates that meetings will be held through the media, press releases and notices at the Civic Centre, Libraries and website. When adopted, the meeting schedule for the 2018 year will be advertised in a local newspaper.

II. OTHER AGENCIES / CONSULTANTS

Whilst no direct consultation has taken place with other agencies the views of the Department of Local Government and Communities as expressed in the Local Government Operational Guideline Number 05 relating to Council Forums, Operations and Procedures has been taken into account in the preparation of this report

M17/5589 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995, Section 5.3 - Ordinary and Special Council Meetings provides that:-

- (1) *A Council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than three months apart.*

The Council must formally resolve to provide its meeting schedule for the next 12 months and advertise the times and date for future meetings of the Council and the Ordinary Meeting of Council Agenda Briefing Forum. Should the Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the *Local Government Act 1995* requires that local public notice of meetings is provided.

The *Local Government (Administration) Regulations 1996* require at Regulation 12(2), that the Local Government give local public notice of any change to advertised meetings date, time or place.

FINANCIAL IMPLICATIONS

A provision for the cost of advertising is held in an operational budget cost centre.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Matters will be brought to the Council on 11 occasions and where required, a Special Meeting of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda. There is no risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The current model provides for 11 scheduled meetings per annum with a provision to call Special Meetings of Council where a matter requires urgent attention.

There is an option to revert to a prior model which provided for 12 meetings of the Council from January to December. A more frequent cycle of Ordinary Meetings of Council will have the effect of increasing the amount of decision making opportunities for the Council, increase the timeliness of responses to customers awaiting Council decisions but additional staff resources may be required to service the increased frequency of meetings.

M17/5589 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**CONCLUSION**

The current monthly Council meetings cycle was adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Ordinary Meetings of Council Agenda Briefing Forums. The current model has been successful in achieving the requirements of the Council and it is recommended that it be maintained.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5589)**APPROVAL****That the Council:**

- 1. Approves the Ordinary Meetings of Council to be held on the third Tuesday of each month, commencing in February 2018 to November 2018 and on the second Tuesday of December 2018.**
- 2. Approves the Agenda Briefing Forums to be held on the first Tuesday of each month, commencing in February 2018 to November 2018 and also on 27 November 2018 and be chaired by the Mayor or his delegate.**
- 3. Go into recess in January 2018 and neither the Ordinary Meeting of Council nor a Council Agenda Briefing Forum will be held.**
- 4. Endorses that Elected Member Information Sessions occur as required on any Tuesday evenings that are not required for Ordinary Meetings of Council, Agenda Briefing Forums or meetings of Standing Committees.**
- 5. Directs the Chief Executive Officer to advertise the Schedule of Council Meetings in order to inform the community of the Council Meeting dates.**

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

C17/6000 - INVESTMENT STATEMENTS AS AT 31 OCTOBER 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

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

KEY ISSUES / SUMMARY

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

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)

BACKGROUND

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

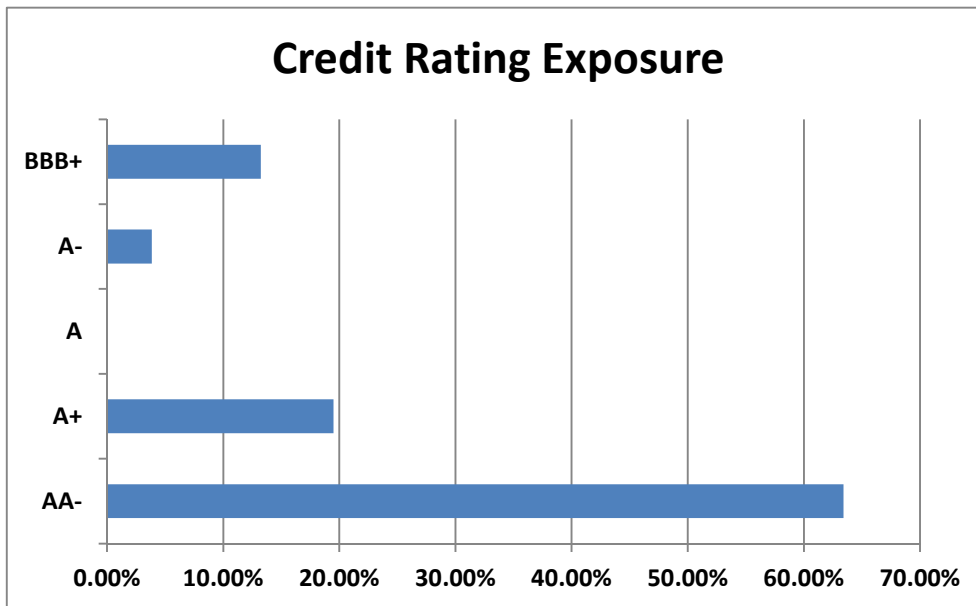
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

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

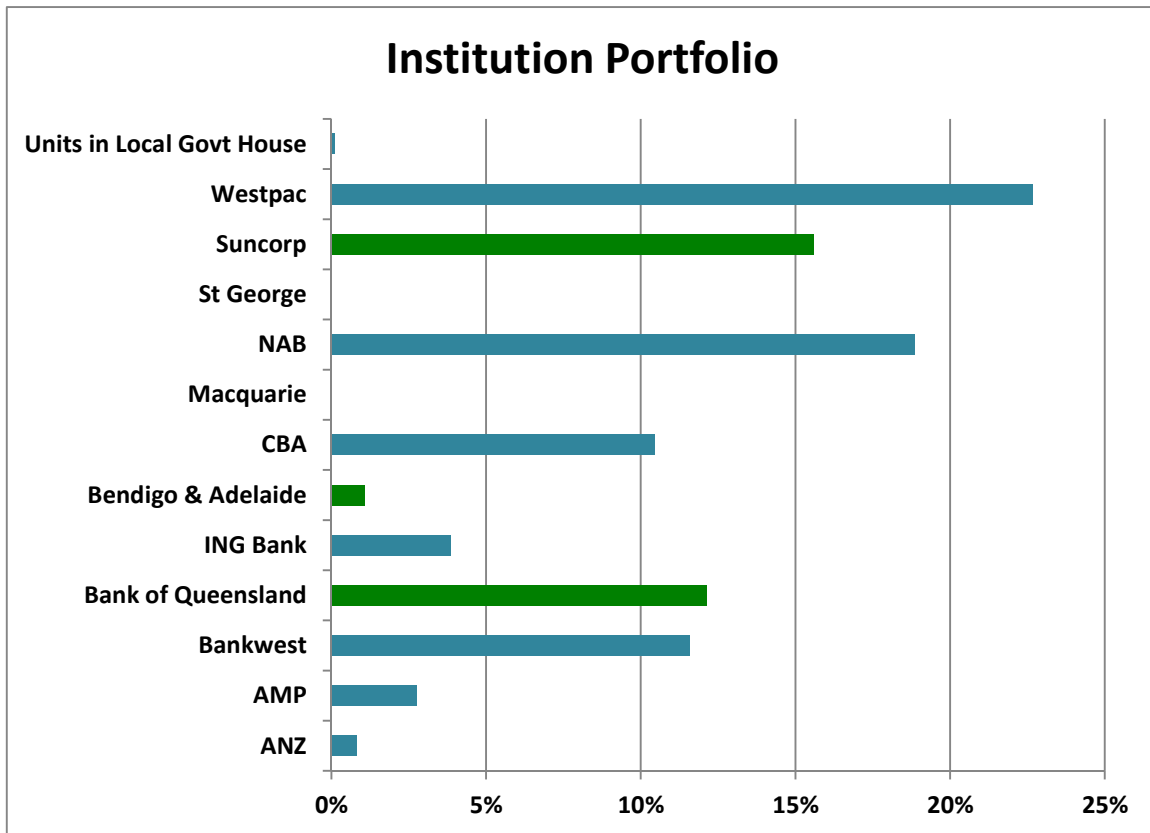
CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 OCTOBER 2017	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 55,865,496
RESERVE	\$ 124,155,837
TRUST	\$ 1,136,071
CITIZEN RELIEF	\$ 210,281
	\$ 181,367,685
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 7,527,607
31DAYS AT CALL	\$ 24,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 7,600,000
TERM DEPOSIT	\$ 140,009,434
UNITS (Local Govt Hse)	\$ 230,645
	\$ 181,367,685
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 114,837,040
A+	\$ 35,300,000
A	\$ -
A-	\$ 7,000,000
BBB+	\$ 24,000,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 181,367,685

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 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		0.83%	0.83%	30%	No	
AMP BANK (TERM)	TERM	A+	5,000,000		2.76%	2.76%	25%	No	
BANKWEST (TERM)	TERM	AA-	21,000,000		11.58%	11.58%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	22,000,000		12.13%	12.13%	15%	Yes	22,000,000
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	2,000,000		1.10%	1.10%	15%	Yes	2,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	19,000,000		10.48%	10.48%	30%	No	
ING BANK (TERM)	TERM	A-	7,000,000		3.86%				
ING BANK (FRD)	FRD	A-	-		0.00%	3.86%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	34,209,434		18.86%	18.86%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	28,300,000		15.60%	15.60%	25%	Yes	28,300,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	867,373		0.48%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,042,974		0.58%				
WESTPAC (MAXI DIRECT)	11AM	AA-	5,617,260		3.10%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	24,000,000		13.23%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.10%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	7,600,000		4.19%				
WESTPAC (TERM)	TERM	AA-	-		0.00%	22.68%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	230,645		0.13%	0.13%		N/A	
			181,367,685		100%	100%			52,300,000
Total Non Fossil Fuel Lending ADI									29%

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)



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

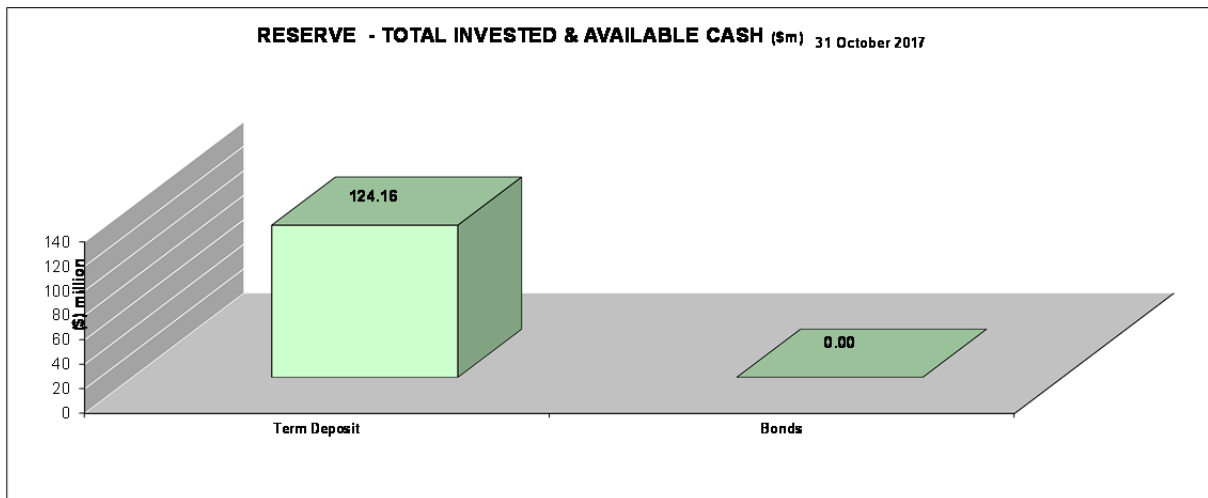
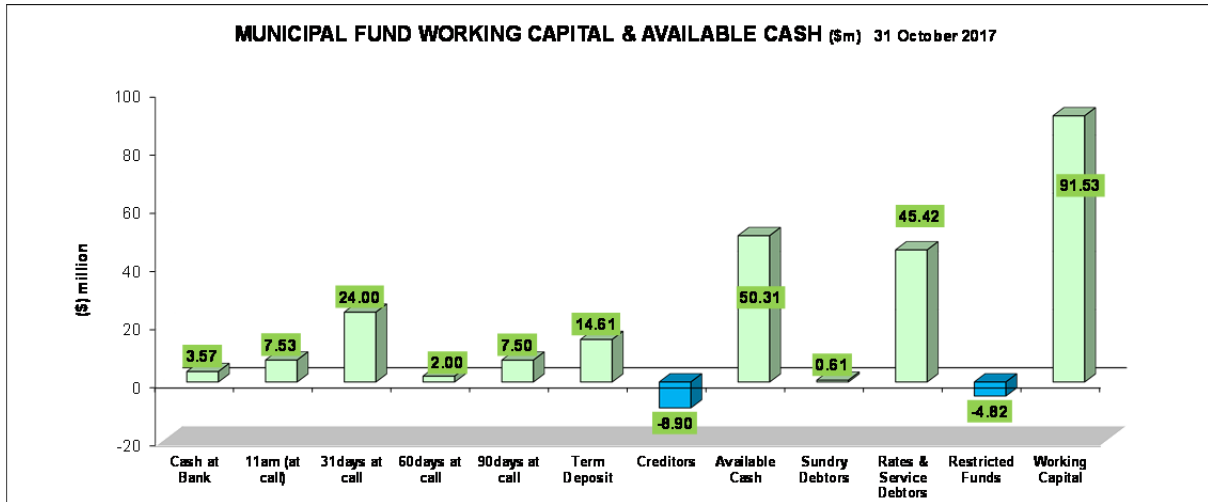
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 October was \$52,300,000 or 29% of total investment holdings being in non-fossil fuels institutions. This compared to \$52,300,000 (30%) in September 2017. The amount of investment holdings in non-fossil fuels institutions remained the same between September and October however, the percentage of holding decreased as more funds are being invested in October 2017. The total investment holding for September was \$176,865,928 and October was \$181,367,685.

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)

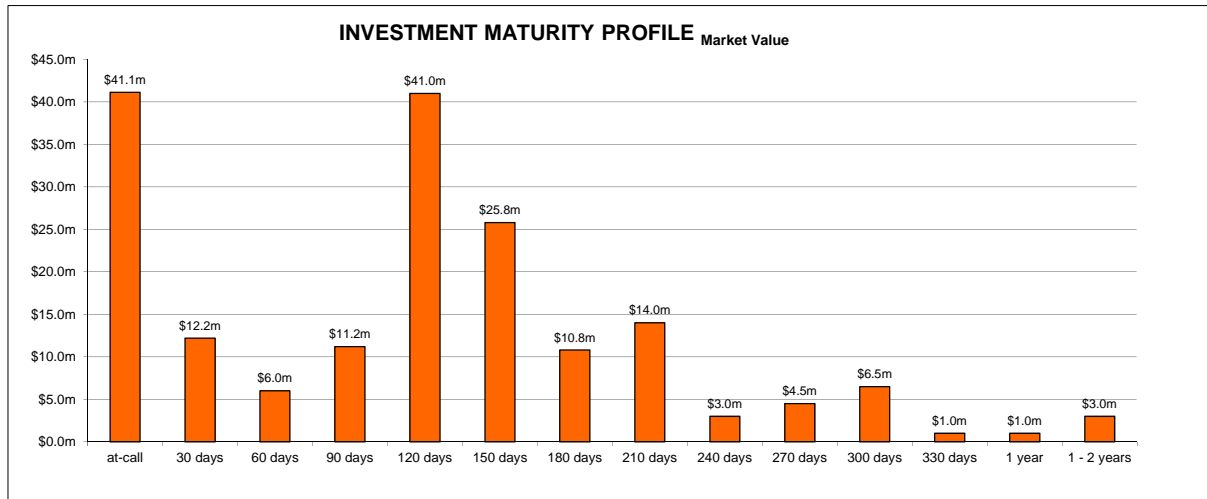
Net Funds Held

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 October 2017.



C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 31 October 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 enable the City to achieve better investment returns.

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)

FINANCIAL IMPLICATIONS

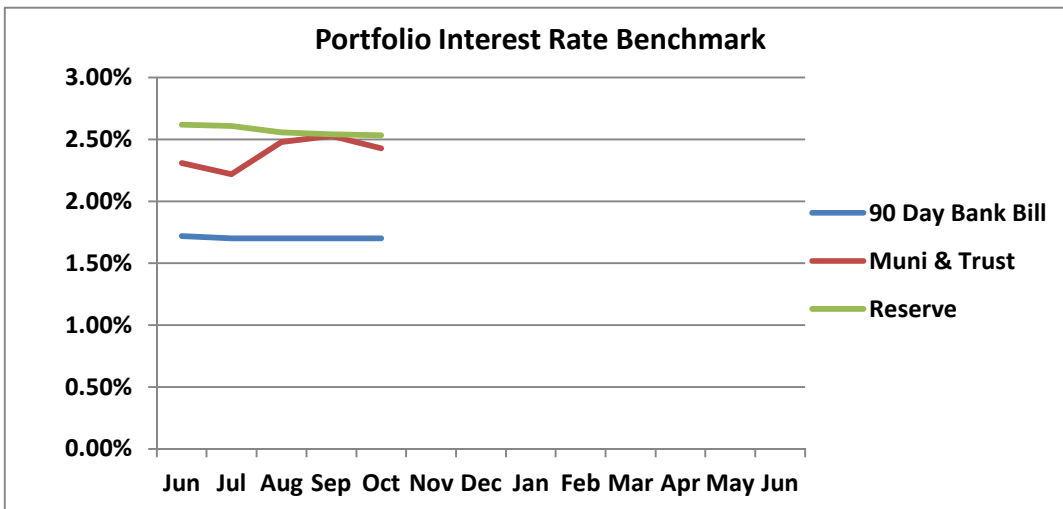
For the period ending 31 October 2017:

- Investment earnings on Municipal and Trust Funds were \$324,762 against a year to date budget of \$202,333 representing a \$122,429 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 October 2017 was 2.43% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.70%.

- Investment earnings on Reserve accounts were \$1,057,691 against a year to date budget of \$882,865 representing a \$174,826 positive variance.

The weighted average interest rate for Reserve account investments as at 31 October 2017 was 2.53% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.70%.



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”.

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)**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.

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.

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.

C17/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2017 (REC)**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 2.43% to 2.53% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.70%.

29% 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 October 2017.

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

**C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 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

	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
	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>
	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
	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 presents the details of payments made under delegated authority to suppliers for the month of October 2017 and recommends that the Schedule of Accounts Paid be noted.

**C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2017 (REC)
(ATTACHMENT)**
BACKGROUND

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to 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 October 2017 including Payment Registers numbers, Cheques 615 - 621 and Electronic Funds Transfers batches 475 - 478, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 24 November 2017. Payments for the period totalled \$9,559,169.18 for the Municipal Fund and \$353,237.80 for the Trust Fund whilst new investment transactions totalled \$4,500,000.00. Details of the payments are shown in attachment [6001 October 2017](#).

Supplier Name	Remittance Number	Remittance Details	Amount
Aquamonix Pty Ltd	E059817 & E060081	Irrigation controllers for various sites	\$36,598.10
Asphaltech Pty Ltd	E059771 & E060057	Road resurfacing at various sites	\$476,775.78
Briteshine Cleaning Services	E059639 & E059946	Cleaning services at various City buildings	\$25,800.47
Building & Construction Industry Training Fund	Chq 007159	Remittance of the building construction training levy collected by the City with building licence applications	\$201,424.85
Caltex	Direct Bank Transfer	Caltex fuel	\$81,633.27
City of Cockburn	E059617	Commercial waste tip fees for September	\$93,660.56
Contraflow Pty Ltd	E059754 & E060044	Traffic management services at various sites	\$25,852.79
Crothers Construction Pty Ltd	E059847 & E060111	Demolition and clean-up of Deep Water Point Cafe	\$30,576.70
CSP Group Pty Ltd T/A Stihl Shop	E059828	Purchase of small plant equipment	\$28,431.10
Data#3 Limited	E059997	Enterprise Vault Cloud Discovery Personal license	\$45,216.60
Department of Commerce	E059610	Remittance of Building Service Levy collected on building licence applications	\$151,812.95
Department of Fire & Emergency Services	E060051	ESL remittance for September 2017	\$764,477.77
Dickies Tree Service	E059618 & E059921	Tree lopping services	\$74,756.55
EMSO Maintenance T/A Crabclaw Holdings Pty Ltd	E059680 & E059986	Building maintenance	\$49,583.88
Excel Kerbing	E059734 & E060028	Kerbing at various sites	\$25,363.25
Flexi Staff	E059638 & E059945	Temporary employment	\$57,645.86
Forrest Hills Spraying Services	E059781 & E060059	Pest and weed control at various sites	\$60,313.50
Globe Australia Pty Ltd	E059755 & E060045	Purchase of fertilisers and wetting agents	\$31,317.00

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

**C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2017 (REC)
(ATTACHMENT)**

Supplier Name	Remittance Number	Remittance Details	Amount
Hays Specialist Recruitment (Australia) Pty Ltd	E059770 & E060056	Temporary employment	\$34,368.17
Horizon West Landscape and Irrigation Pty Ltd	E059601 & E060086	Supply and install irrigation system at Bert Jeffery Reserve and public access way vegetation maintenance	\$60,178.25
Hydroquip Pumps	E059645 & E059953	Irrigation pump servicing at various sites	\$56,176.93
Marketforce	E059735 & E060029	Various advertisements	\$25,644.97
MG Group (ATF) Menchetti Consolidated Pty Ltd	E060101	Additional timber substruction, joints and footings at Heathcote Park	\$58,191.63
Natural Area Management & Services	E059861 & E060126	Planting, weed control, erosion maintenance, grass treatment and revetment works at various Reserves	\$162,850.41
RBM Drilling	E059658 & E059966	Drilling of bores at various sites	\$112,219.80
Reece Pty Ltd	E059715 & E060014	Irrigation parts	\$36,255.81
Rhysco Electrical Services	E059729 & E060024	Electrical services	\$56,317.91
Slater Gartrell Sport	E059767	Plastic javelins and double practice wicket facility at Bill Ellison Reserve	\$50,012.60
Southern Metropolitan Regional Council	E059700	Green waste, MRF, MSW and over compaction gate fees for September	\$516,983.47
Superior Pak Pty Ltd	E059737 & E060030	Repairs to waste trucks	\$31,253.95
Synergy	E059637 & E059944	Electricity charges	\$249,033.70
Titan Ford	E059662 & E059969	Purchase of two Ford Ranger utilities and servicing to vehicles	\$66,476.18
TJS Cleaning Services Perth Pty Ltd	E059786	Cleaning services for LeisureFit Booragoon and Melville and AH Bracks Library	\$29,173.22
Trident Plastics Pty Ltd	E060107	Purchase of rubbish bins	\$641,428.70
WALGA (ATF) LGISWA	E059644 & E059952	Insurance premiums	\$570,519.78

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 04.10.2017 & 18.10.2017	Payment of salaries and wages to City employees net of tax and deduction for pays 7 and 8	\$2,098,398.86
Australian Taxation Office	Direct Bank Transfers 04.10.2017 & 18.10.2017	Pay as You-Go taxation and other deductions from employee payroll for pays 7 and 8	\$638,272.00
Creditors	Direct Bank Transfers 04.10.2017 & 18.10.2017	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 7 and 8	\$505,773.56
Total			3,242,444.42

STAKEHOLDER ENGAGEMENT

- I. **COMMUNITY**
Not applicable.

- II. **OTHER AGENCIES / CONSULTANTS**
Not applicable.

**C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2017 (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for interfund for the period totalled \$9,559,169.18 for the Municipal Fund and \$353,237.80 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 31 October 2017 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 October 2017](#)

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

**C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 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

	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>
	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
	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>
	Information	<i>For the Council/Committee to note.</i>

**C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)
(ATTACHMENTS)****KEY ISSUES / SUMMARY**

This report presents:

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

BACKGROUND

The Statements of Financial Activity for the period ending 31 October 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.

**C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)
(ATTACHMENTS)**
Variations

CITY OF MELVILLE EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE IN EXCESS OF \$50,000 for the Period 1 July 2017 to 31 October 2017								
	October Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commit. \$
Revenue								
General Purpose Funding	547,122	4,868,173	5,374,974	506,801	10%	10,206,355	10,206,355	-
Community Amenities	134,361	2,379,642	2,155,823	(223,819)	-9%	4,005,202	3,510,202	-
Recreation and Culture	662,333	2,837,497	2,778,286	(59,211)	-2%	8,570,847	9,282,847	-
Economic Services	201,330	1,337,322	1,439,372	102,050	8%	2,613,767	2,613,767	-
Other Property and Services	176,099	92,810	377,696	284,886	307%	1,881,450	2,235,250	7,840
	2,752,359	15,629,330	16,283,780	654,449	4%	33,687,094	34,967,572	7,840
Expenses								
Governance	(282,533)	(1,769,892)	(1,335,578)	434,314	-25%	(5,263,277)	(5,436,369)	(222,495)
General Purpose Funding	(60,695)	(305,552)	(496,009)	(190,457)	62%	(3,232,581)	(3,232,581)	(11,443)
Law, Order, Public Safety	(288,875)	(1,296,492)	(1,179,920)	116,572	-9%	(4,118,059)	(4,212,294)	(76,655)
Education & Welfare	(212,604)	(899,276)	(784,436)	114,840	-13%	(2,729,585)	(2,755,855)	(90,803)
Community Amenities	(2,133,852)	(8,818,967)	(7,931,237)	887,730	-10%	(24,667,337)	(25,849,196)	(622,644)
Recreation and Culture	(2,589,772)	(9,786,097)	(8,522,954)	1,263,143	-13%	(29,988,278)	(30,257,624)	(1,438,867)
Transport	(1,439,302)	(5,835,054)	(5,373,724)	461,330	-8%	(17,725,955)	(17,692,930)	(587,655)
Economic Services	(214,705)	(767,433)	(826,518)	(59,084)	8%	(2,390,021)	(2,410,021)	(51,527)
Other Property and Services	(1,021,169)	(4,309,062)	(3,520,259)	788,803	-18%	(10,369,279)	(10,998,264)	(620,359)
	(8,337,594)	(34,174,250)	(30,347,344)	3,826,906	-11%	(101,719,144)	(104,079,908)	(3,748,748)
Net Result Excluding Rates	(5,585,235)	(18,544,920)	(14,063,564)			(68,032,050)	(69,112,335)	
Capital Revenue & Expenditure								
Purchase of Land & Buildings	(83,060)	(775,098)	(524,574)	250,524	-32%	(12,992,772)	(20,369,234)	(1,219,415)
Purchase of Infrastructure Assets	(1,339,976)	(4,528,969)	(3,278,616)	1,250,353	-28%	(17,552,829)	(24,260,466)	(2,882,231)

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

Revenue

\$85.38 million in Rates was raised to 31 October 2017, compared to \$82.50 million for the same reporting period last year. This is compared with a revised year to date budget of \$85.22 million, resulting in a positive variance of \$163,231. This variance has arisen out of an 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 October 2017.

**C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)
(ATTACHMENTS)****Budget Amendments**

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

- \$130,000 – Transfer of surplus budget to drainage maintenance due to additional funds required for drainage works.
- \$583,117 – Transfer of budget for purchase of new bins for Three Bin Food and Garden Organic trial.
- \$50,000 – Transfer budget from Canning Beach Foreshore Restoration to Foreshore Restoration Project 2017-2018 Program.
- \$60,000 – Consolidation of budgets for Sub Metering Projects.
- \$121,000 – Consolidation of budgets for Tompkins Park Works.
- \$310,571 – Transfer of Insurance Premium adjustments to Reserve.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$11,299,296 were collected over the course of the month. Rates collection progress for the month of October is 0.6% below the target of 71%. This represents a dollar value of \$654,789. As at 31 October 70.4% of 2017-2018 rates, including prior year arrears had been collected compared with 70.6% collected for the same time last year. Rates collection for 2017-2018 excluding prior year rates arrears and underground power is 72.6%.

Total sundry debtor balances decreased by \$239,215 over the course of the month from \$634,210 to 394,995. The 90+ day's debtor balance increased by \$16,076 from \$105,646 to \$121,722. This represents 30.8% of the total Sundry Debtors balance.

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.

**C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)
(ATTACHMENTS)**

\$1,428.00 was written off under delegated authority in the month of October 2017 as the City has exhausted all avenues to recover costs for removal, replacement and stump grinding works for a tree damaged in Mount Pleasant.

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

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

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)**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.

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)**FINANCIAL IMPLICATIONS****Variances**

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

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 October 2017.

**C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2017 (AMREC)
(ATTACHMENTS)**

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

At 9.22PM Cr Wieland moved, seconded Cr Barling –

That the Council:

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

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

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

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

15. EN BLOC ITEMS

At 9:23pm Cr Phelan moved, Cr Barling seconded –

That the recommendations for items M17/5000, M17/5589, C17/6000 and C17/6001 be carried En Bloc.

At 9.23 pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 The provision of a suitable playing venue for the Applecross Mt Pleasant Rugby League Football Club**

Item brought forward refer to page 13.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**COUNCIL RESOLUTION****APPROVAL**

At 9:23pm Cr Robartson moved, seconded Cr Barling –

That Cr Woodall be permitted to present to the Council a Motion Without Notice relating to Improving Public Question Time

At 9:23pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

At 9:24pm L Hitchcock left the meeting and returned at 9:26pm

At 9:27pm Cr Barton left the meeting and returned at 9:31pm.

At 9:33pm Mr J Bird left the meeting and returned at 9:35pm.

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

At 9:48pm Cr Robartson left the meeting and returned at 9:50pm

At 9:55pm Cr Macphail left the meeting and returned at 9:57pm

17.1 Motion - Improving Public Question Time

At 9:23 pm Cr Woodall moved, seconded Cr Robartson –

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 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);**
- 5) Questions 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.**

Procedural Motion

At 9:38pm Cr Mair moved, seconded Cr Macphail -

That this item be deferred for consideration with the review of Public Question Time Policy.

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

LOST (4/9)

Vote Result Summary	
Yes	9
No	4

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

17.1 Motion - Improving Public Question Time

COUNCIL RESOLUTION

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 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);
- 5) Questions 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.

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

CARRIED BY ABSOLUTE MAJORITY (12/1)

Vote Result Summary	
Yes	12
No	1

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

Disclosure of Interest

Item No. M17/5590
 Staff Dr S Silcox
 Type of Interest Interest under the Code
 Nature of Interest Relates to me as an employee

LATE ITEM - M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS (REC)

Ward : All
 Category : Operational
 Subject Index : Council Administration – Annual General Meeting
 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 : M16/5519 – Annual General Meeting of Electors – Motions Carried - Ordinary Meeting of Council – 13 December 2016
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance and Compliance Advisor

AUTHORITY / DISCRETION

DEFINITION

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

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)****KEY ISSUES / SUMMARY**

- At the City of Melville Annual General Meeting of Electors held on 6 December 2017, five motions were presented by residents and considered.
- Two of these motions were carried and three motions were lost.
- In accordance with the requirements of the *Local Government Act 1995* the recommendations for each motion are referred for consideration of the Council.

BACKGROUND

The City of Melville held the General Meeting of Electors on 6 December 2017. At the meeting five motions were considered by the Meeting and two motions from electors were carried. The Council is required to consider at the next ordinary Council meeting, the decisions and decide on any future action that should be resolved in the interests of the City.

DETAIL

The following three motions moved by Mr Bajada of Bicton and seconded by Mr G Jackson of Attadale (Motion 1), Mr A Belotti of Attadale (Motion 2) and Mr Cuttone of Mount Pleasant (Motion 3) were declared Lost.

Motion 1

The electors of the CITY OF MELVILLE:

- 1 Request that Minister for Local Government fully outline the terms of reference of the proposed department inquiry and fully outline the basis of the nature of the alleged complaints.**
- 2 Further to the above, the electors request that all costs of the inquiry be at the department's expense.**

Motion 2

The electors of the CITY OF MELVILLE strongly condemn the proposed rezoning of the Roe 8 Reserve by the State Government thereby reducing future road traffic options for the City of Melville and requests that the Council take every legal measure to prevent this rezoning.

Motion 3

The electors of the CITY OF MELVILLE strongly endorse the efforts and performance carried out by the CEO, Staff and elected members at the City of Melville. The electors also congratulate the City on achieving the Business Excellence Prize which reflects the level of performance achieved.

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

Motion 4 moved by Mr McLerie of Bicton was carried on a show of hands at the Annual General Meeting of Electors as follows:

Motion 4

Council to amend and/or adopt policies that have the effect of:

- 1 Providing the public unrestricted access to any Council meeting audio recordings free of charge; and to**
- 2 Enabling live streaming of the meetings via the City's website to enable members of the public to listen to proceeding remotely; and**
- 3 Accessing copies of meeting audio recordings via the City's web page on the City's website for future consumption by members of the public.**

Motion 5 moved by Mr Rice of Winthrop was carried on a show of hands at the Annual General Meeting of Electors as follows:

Motion 5

A vote of no confidence in the CEO of City of Melville due to pending enquiry and the lack of acknowledgement by the CEO regarding this matter and the unresolved issues of citizens of Melville surrounding this enquiry.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Stakeholder engagement has occurred in relation to all Motions at the Annual General Meeting of Electors held on the 6 December 2017.

II. OTHER AGENCIES / CONSULTANTS

No consultation has taken place with other Agencies/Consultants as the Motions were provided on Wednesday morning and at the Meeting.

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.

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

(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.

The *Local Government Act 1995* provides at S5.23(2)(b) that “a matter affecting an employee or employees” advises that the meeting may be closed to members of the public while that matter is being dealt with.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this item. Prior to the implementation of resolution 4, should the Council support Motion 4 in principle, it would be necessary for a business case to be presented to the Council, setting out, amongst other aspects, the financial implication of implementation of such a project.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic management implications contained in this report. Should the Council resolve to support Motion 4, the risk implications will be considered and included in that report.

POLICY IMPLICATIONS

The Council's Policy, Recording of Meetings CP-088 will require amendment to the access provisions within the Policy should Motion 4 be adopted by the Council. A review of this policy will be conducted in 2018.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council is required by the *Local Government Act 1995* to consider the decisions of the General Meeting of Electors.

CONCLUSION

Motions presented whether carried or not, are not binding on the Council. However, the Council is required to consider any decisions made at an Annual General Meeting of Electors and any decision made, will be recorded in the minutes of the Council meeting.

*At 9:58pm Cr Wieland left the meeting and returned at 10:00pm
At 10:02pm Cr Kepert left the meeting and returned at 10:04pm
At 10:28pm Cr Barling left the meeting and returned at 10:29pm
At 10:41pm Cr Pazolli left the meeting and returned at 10:43pm
At 10:48pm Cr Robartson left the meeting and returned at 10:49pm.*

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

OFFICER RECOMMENDATION (5590)

APPROVAL

At 9:57pm Cr Phelan moved, seconded Cr Wieland –

That the Council;

1 Notes Motions 1-3 below that were declared lost:

Motion 1

The electors of the CITY OF MELVILLE:

- 1 Request that Minister for Local Government fully outline the terms of reference of the proposed department inquiry and fully outline the basis of the nature of the alleged complaints.**
- 2 Further to the above, the electors request that all costs of the inquiry be at the department's expense.**

Motion 2

The electors of the CITY OF MELVILLE strongly condemn the proposed rezoning of the Roe 8 Reserve by the State Government thereby reducing future road traffic options for the City of Melville and requests that the Council take every legal measure to prevent this rezoning.

Motion 3

The electors of the CITY OF MELVILLE strongly endorse the efforts and performance carried out by the CEO, Staff and elected members at the City of Melville. The electors also congratulate the City on achieving the Business Excellence Prize which reflects the level of performance achieved.

At 9:56pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

Vote Result Summary	
Yes	10
No	3

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

At 9:57pm Cr Robartson moved, seconded Cr Robins –

That the Council;

2 Notes Motion 4 below:

Motion 4

Council to amend and/or adopt policies that have the effect of:

- 1. Providing the public unrestricted access to any Council meeting audio recordings free of charge; and to**
- 2. Enabling live streaming of the meetings via the City’s website to enable members of the public to listen to proceeding remotely; and**
- 3. Accessing copies of meeting audio recordings via the City’s web page on the City’s website for future consumption by members of the public.**
- 4. Directs the Chief Executive Officer to advise Mr McLerie in writing that the Council has noted the matters raised in Motion 4.**

At 9:58pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Motion 6

At 9:59pm Cr Robartson moved, seconded Cr Mair –

That the Council notes the receipt of the Community Annual Report.

At 9:59pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

At 10:07pm Dr S Silcox left the meeting and did not return.

At 10:07pm Cr Phelan moved, seconded Cr Wieland –

That the meeting be closed to the public to permit discussion on confidential matters (Item M17/5590 – Decisions of the Annual General Meeting of electors, covered under section 5.23 (2) (a) of the *Local Government Act 1995*, a matter affecting an employee or employees;

At 10:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 10:09pm Cr Wieland moved, seconded Cr Phelan –

That the Council notes Motion 5 below:

Motion 5

A vote of no confidence in the CEO of City of Melville due to pending enquiry and the lack of acknowledgement by the CEO regarding this matter and the unresolved issues of citizens of Melville surrounding this enquiry

- 5 Notes, in respect of motion 5 above, that Motion 5 is flawed and factually incorrect, as it is based on the premise of an acknowledgement by the Chief Executive Officer of matters not yet fully known from the details of the Inquiry, and issues yet unresolved.**
- 6 Directs the Chief Executive Officer to advise Mr Rice in writing that the Council rejects Motion 5 and that the Council has a robust annual statutory review process for the Chief Executive Officer's performance and all matters relating to performance will be considered on the next occasion of review.**

Amendment – Motion 5

At 10:12pm Cr Woodall moved, seconded Cr Mair –

That the Council amend the Officer's Recommendation 5590 as follows:

- 1 Delete recommendation 5 in relation to Motion 5; and**
- 2 Delete the word "rejects" in the second line of recommendation 6 in relation to Motion 5, and replace it with the word "notes". and**
- 3 Deletes the word "and" in the second line of recommendation 6 in relation to Motion 5, and replace it with the word "but advises".**

At 10: 40pm the Mayor submitted the amendment, which was declared

CARRIED (8/5)

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

Vote Result Summary	
Yes	8
No	5

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

PROCEDURAL MOTION

At 10:48pm Cr Woodall moved, seconded Cr Robartson the following procedural motion in accordance with Clause 13.1(c) of City of Melville Meeting Procedure Local Law 2017 –

That the motion be now put.

At 10:48pm the Presiding Member submitted the motion which was declared

CARRIED (10/3)

Vote Result Summary	
Yes	10
No	3

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

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

COUNCIL RESOLUTION

That the Council directs the Chief Executive Officer to advise Mr Rice in writing that the Council notes Motion 5 but advises that the Council has a robust annual statutory review process for the Chief Executive Officer's performance and all matters relating to performance will be considered on the next occasion of review.

At 10:48 the Mayor submitted the motion as amended, which was declared

CARRIED (9/4)

Vote Result Summary	
Yes	9
No	4
Vote Result Summary	
Cr Kepert	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Mair	Yes
Cr Robins	Yes
Cr Barling	Yes
Cr Barton	Yes
Cr Pazolli	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Wieland	No
Mayor Aubrey	No
Cr Phelan	No

Reason for Amendment:

1. The standard practice of this Council in relation to electors motions has been to note the motions and advise the mover as such. It is then up to each councilor to consider the electors motions and determine whether they wish to move a similar motion at a future Council meeting. This provides Council with an opportunity to give each motion proper consideration, to discuss the motion amongst Councillors and seek additional information from officers.
2. Should Council now decide to reject an electors motion, it would set a clear precedent for both rejecting and endorsing other electors motions at the time they first come to Council. In my view this would be undesirable as it would force Council to make a decision with limited information and limited time to consider each issue.

**M17/5590 – DECISIONS OF THE ANNUAL GENERAL MEETING OF ELECTORS
(REC)**

At 10:50pm Cr Barling moved, seconded Cr Robins –

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

At 10.50pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

The Mayor advised those present of the Council's resolution in relation to motion 5 from the Annual General Meeting of Electors, as follows:

“That the Council directs the Chief Executive Officer to advise Mr Rice in writing that the Council notes Motion 5 but advises that the Council has a robust annual statutory review process for the Chief Executive Officer's performance and all matters relating to performance will be considered on the next occasion of review.”

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 10:50pm.