

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 18 JULY 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, 18 JULY 2017.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:35pm and welcomed the Hon David Templeman MLA, Minister for Local Government, Heritage, Culture and the Arts and Ms Lisa O'Malley MLA, Member for Bicton.

The Mayor invited the Minister to address the meeting.

Mr J Clark, Governance and Compliance Program Manager, 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

Deputy Mayor Cr R Aubrey
Cr D Macphail
Cr N Pazolli, Cr C Schuster
Cr G Wieland, Cr J Barton
Cr M Woodall, Cr C Robartson
Cr P Phelan
Cr N Foxton, Cr T Barling

WARD

City
City
Applecross/Mount Pleasant
Bicton/Attadale
Bull Creek/Leeming
Palmyra/Melville/Willagee
University

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr B Taylor	A/Director Corporate Services
Ms C Young	Director Community Development
Ms K Johnson	A/Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr J Clark	Governance and Compliance Program Manager
Mr N Fimmano	Governance and Property Officer
Ms C Newman	Executive Support and Governance Officer
Mr M Doyle	Healthy Melville Coordinator
Mr J Rae	Strategic Land and Property Executive
Mr S Wachter	Manager Resource Recovery and Waste
Ms G Healey-Burgess	Minute Secretary

At the commencement of the meeting there were 150 members of the public and 1 member from the Press in the Public Gallery.

OBSERVERS

Hon David Templeman MLA, Minister for Local Government, Heritage, Culture and the Arts
Ms Lisa O'Malley MLA, Member for Bicton

Cr D Macphail entered the meeting at 6.38pm.

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

Cr D Macphail (late arrival) City Ward

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

The Mayor advised that 82 questions had been received, and that questions related to the Council would be addressed at the meeting, the other questions would be addressed by Administration in writing following the meeting.

Questions and responses may be summarised in accordance with the provisions of the *Local Government (Administration) Regulations 1996*

6.1 Questions Submitted Prior to the Meeting

6.1.1 City of Melville Residents and Ratepayers Association

Questions related to the “Murdoch hub to drive push for south suburbs urban density” article published on the West Australian website on 12 July, about Minister Cook’s announcement in relation to the Murdoch Health and Knowledge Precinct development, that was reposted on the City’s facebook page and subsequent comments made by Councillor Phelan.

Question 1

Please confirm if this is Council’s agreed position; or if this is merely Councillor Phelan’s personal bizarre, defamatory and ill-founded opinion?

Response

The comments are Cr Phelan’s personal view.

Question 2

Has Council stopped expending resources and funding on its pro-Roe 8 activities?

Response

The public information campaign relating to Roe 8 has currently ceased. Funds not expended in this campaign have not been carried forward to the 2017-2018 budget.

6.1.2 Mr K Kelers, Alfred Cove

Question 1

If the Wave Park proposal is not approved by the government, why then is the Council going to needlessly spend \$9.4m on Tompkins Park and close down the Melville Bowls and Community Centre.

Response

The redevelopment of the Tompkins Park Sporting and Recreational hub is a separate issue to the proposal for the future use of the current Melville Bowling Club site. The financial analysis of the implementation of the State’s supported Sports Hub approach shows an annual financial benefit to the community.

6.1.3 Mr E Nielsen, Booragoon

In view of the fact that two of my three submissions for Question time at the OMC 20 June 2017 were 'intercepted' without explanation, or not even mentioned at the OMC (20 June 2017) nor in the Minutes that followed, I sought clarification from Mr Clark asking who decided (and why) to ignore my questions and to re-direct them to administration?

Question 1

When did Council make a decision allowing officers/staff to intercept and assess incoming Questions for Question Time and decide what goes before Council and ... if so, on what criteria was it based considering Council cannot ignore having to comply with Section 5.24 of the Act?

Response

The Council is required to follow the *Local Government Act 1995* and Regulations and you are advised that administrative questions are responded to by the City's Administration.

Question 2

Mr Christie also mention (sic) that "this long term plan is estimated to be 20 years out" which appear to be in contradiction with Western Power's Annual Planning Reports 2015/16 and in particular 2017 which reads 'upgrade of the Myaree Substation by 2020/21 (some 3 years from now) and may involve converting it into a new 132kV ready substation (no mention of relocation), this leads me to ask the question ...

What checks and balances have the Elected Members put in place to independently ensure that information received from officers and staff can be relied upon?

Response

The question implies that officers can't be trusted or relied upon. This has not been the experience of myself as Mayor nor the Council.

Question 3

With reference to Mr Hitchcock's letter 27 June 2017, Mr Hitchcock in response to my query why the City is engaging in producing a Business Case that is the responsibility of the proponent wishing to sell their product, his response was ...

'The following is an extract of section 3.59 of the Local Government Act 1995:

"a local government is to prepare a business plan"

... presumably directing me to see for myself. Having checked again I now ask Are our Elected Members aware that a local government is not required to prepare a business plan for a land transaction that involves a lease agreement? (lease agreements are not a major trading undertaking or a major land transaction as explained in Section 3.59 (1) and (2).

Question Time - Mr E Nielsen, Booragoon Continued

Response

Mr Nielsen has misunderstood section 3.59 of the *Local Government Act 1995* as this Section does apply in this matter.

Question 4

What follow-up procedures has the Council put in place in order to reconcile which Council Decisions have been implemented and in the case of those not implemented the reasons why they were not? Where is this recorded?

Response

The Administration ensures the Council receives regular reports on actions to implement Council resolutions via the Council's committee system.

Question 5

Are our Elected Members aware of the potential health risks and consequences associated with prolonged exposure to the Electromagnetic Fields emitted from High Voltage transmission lines?

Response

The Elected Members have received presentations on this matter and there have not been further questions. This question relates to an alleged risk and would be better directed to an appropriate external body/agency.

Question 6

When considering that other Councils, both north and south of the river, have a vast archive of all relevant documents and audio recordings published on their website reaching back as long as the 1990's, I have to ask ...

Are our Elected Members happy to participate in this sudden unorthodox handling of archival records affecting not only the ratepayers but also yourselves in your important decision making?

Response

The City's response has been previously provided to Mr Nielsen's questions on this matter. Elected Members may access the City's Agendas and Minutes via the City's website or by requesting particular documents, as can members of the community.

6.1.4 Ms J Christenson, Attadale

The Minutes of the Special Council on 28 November 2016 contain an amendment to the Wave Park Business Case, Section 9 Stakeholders Point 11, to add in the words "Resident Groups" so that the amended Point in the Final Business Case dated 29 November 2016 states "Local Residents, Business Operators and Residents Groups" as key Stakeholders in the Business Case.

Question 1

Could you please explain, firstly, who the Council had in mind when it made the amendment to include "Residents Groups"?

Response

An example of 'residents groups' is the local residents groups that are active in proximity to the area.

6.1.5 Mr C Ross, Applecross

Mr Ross provided background information relating to the Public Sector Commission's findings and the City's Business Case relating to the Urbnsurf and an alleged breach of the *Local Government Act 1995*.

Question 1

Is the Council concerned about the discretions provided to the Chief Executive Officer at Clauses 2.2 and 5.2 in the Caretaker Policy?

Clause 2.2 – Prevailing Circumstances In some circumstances, the Chief Executive Officer may permit a matter defined as a "major policy decision" to be submitted to the Council during the Local Government Caretaker Period.

Clause 5.2 – City of Melville Organised Civic Events/Functions Events and/or functions organised by the City and held during the Caretaker Period will be limited to only those that the Chief Executive Officer considers essential to the operation of the City, and should not in any way be associated with any issues that, in the Chief Executive Officer's opinion, are considered relevant to, or likely to influence the outcome of the local government election.

Response

The Council will resolved its position on the Caretaker Policy at this meeting.

6.2 Questions Submitted at the Meeting

The following questions were received without time to prepare responses and have been taken on notice.

6.2.1 Ms M Towner

I, like many of my friends and neighbours support the Surf Park proposal, however a small group local resident protestors claim the project is not supported by the wider community.

Question 1

Did Council consider the community's support, for or against the surf park proposal in their consideration of the Proposal's ground lease at Tompkins Park?

Response

This question will be taken on notice and a response provided in writing.

6.2.2 Mr M Towner, Winthrop

It is understood that the Risk Assessment Report by PWC (28 October 2016) on the Wave Park Proposal was commissioned by the City of Melville as part of its due diligence process on the proposal's ground lease. The report identified a number of potential risks which included the financial viability of the proposal's operation.

Question 1

Can Council please advise if the proponent was able to provide input into the findings of the report?

Response

This question will be taken on notice and a response provided in writing.

Question 2

Can Council please advise, whether in their consideration of approving the ground lease, implemented standard commercial practices to mitigate these risks? (therefore making many of the findings of the report somewhat redundant).

Response

This question will be taken on notice and a response provided in writing.

6.2.3 Ms J Mulroney, Ardross

It has been noted that a number of the residents within "Pelican Cove", the medium density residential estate adjacent to the proposed surf park location, are opposed to the proposal, and are members of the Alfred Cove Action Group.

A fundamental concerns of these residents and the Action Group is the possible effect on the local environment of the surf park proposal.

Interestingly, the area of foreshore immediately in front (sic) of Pelican Cove is devoid of any trees and there are apparent and visible signs of ongoing illegal clearing occurring (sic).

Question 1

Are Councillors aware of any actual or alleged (sic) illegal clearing of the area of foreshore immediately in front (sic) of Pelican Cove?

Response

This question will be taken on notice and a response provided in writing.

Question 2

If so, are Council aware of the matter/s being referred to the Department of Parks and Wildlife for investigation and possible prosecution?

Response

This question will be taken on notice and a response provided in writing.

Question 3

If the area has indeed been subjected to illegal clearing, would Council be supportive of remedial rehabilitation of this area adjacent to "Pelican Cove"?

Response

This question will be taken on notice and a response provided in writing.

6.2.4 Mr C and Ms C Paul, Willagee

My family and myself, like everyone around us are big supporters of the surf park project. We note that the Alfred Cove Action Group opposed the project, however, we are concerned by the factually incorrect information that is spread by this group (through press, online, letter drops and personally intimidating people in the community) in attempt to undermine the project and the due process the project deserves.

Question 1

Are Councillors concerned by the misinformation that is spread by this group about the proposal and the Council's own procedures it had to adhere to in considering the proposal?

Response

This question will be taken on notice and a response provided in writing.

Question 2

What is Council doing to ensure the misinformation that is spread on an ongoing basis is managed?

Response

This question will be taken on notice and a response provided in writing.

6.2.5 Ms J Wilson, Palmyra

The wave park anti-group continually promotes material suggesting the proposal will result in an "environmental disaster". This theme pervades much of their online material and comments.

Question 1

In the Council's consideration of the ground lease, was there any specific information available suggesting what and how an "environmental disaster" might occur? (specifically, what elements of the surf park proposal will cause this disaster, what sensitive receptors will be affected and what technical studies and/or reports support this claim)?

Response

This question will be taken on notice and a response provided in writing.

Question Time - Ms J Wilson, Palmyra continued

Question 2

Could Council please re-affirm their intent to allow the matters that the anti-group are concerned about be properly assessed through normal due process as required by relevant guidelines, legislation and policy?

Response

This question will be taken on notice and a response provided in writing.

6.2.6 Ms N Chill, Kardinya

I commend the City for commissioning PWC to undertake the Risk Assessment Report on the Surf Park Proposal. The findings of the report, since its release, have drawn the (sic) attention from the media and protestors of the project, particularly around the financial feasibility of the project. From reading the PWC report, I understand no economic modelling was provided by PWC by the City or the proponent for review. Accordingly, the following questions are asked of Council:

Question 1

The City has a number of other lease agreements in place. Is it normal practice for Council, or indeed in business generally, to review a prospective tenant's detailed economic modelling in consideration of a ground lease agreement?

Response

This question will be taken on notice and a response provided in writing.

6.2.7 Mr C Caddy, Kardinya

I have a small family and we currently live in Melville (City of Melville ratepayer since 2005). I strongly support the proposed surf park and all its benefits for our local community and wider Perth community.

Question 1

Are Councillors aware of the resources that are required by the City's Executive Team and officers to respond to matters raised by the community group against the proposed project?

Response

This question will be taken on notice and a response provided in writing.

Question Time - Mr C Caddy, Kardinya continued

Question 2

Could the council please estimate how much of ratepayers money has been spent responding to matters raised by the Community?

Response

This question will be taken on notice and a response provided in writing.

Question 3

Are Councillors aware of any potential legal action that could further result in significant costs to the City and ultimately the ratepayers?

Response

This question will be taken on notice and a response provided in writing.

At 7.08pm Ms A Nicholson was requested to leave the meeting for disruptive behaviour.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 20 JUNE 2017**
Minutes 20 June 2017**COUNCIL RESOLUTION**

At 7:11pm Cr Aubrey moved, seconded Cr Schuster–

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 20 June 2017, be confirmed as a true and accurate record.

At 7:12pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 4 JULY 2017
Notes 4 July 2017**COUNCIL RESOLUTION**

At 7:12pm Cr Aubrey moved, seconded Cr Phelan –

That the Notes of the Agenda Briefing Forum held on Tuesday, 4 July 2017, be received.

At 7:12pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.3 SPECIAL MEETING OF THE COUNCIL – 22 JUNE 2017
Minutes SMC 22 June 2017**COUNCIL RESOLUTION**

At 7:12pm Cr Schuster moved, seconded Cr Woodall–

That the Minutes of the Special Meeting of the Council held on Thursday, 22 June 2017, be confirmed as a true and accurate record.

At 7:12pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.4 SPECIAL MEETING OF THE COUNCIL – 27 JUNE 2017
Minutes SMC 27 June 2017**COUNCIL RESOLUTION**

At 7:12 pm Cr Macphail moved, seconded Cr Schuster–

That the Minutes of the Special Meeting of the Council held on Tuesday, 27 June 2017, be confirmed as a true and accurate record.

At 7:12pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Item M17/5559 Cr P Phelan Interest under the Code
- Item M17/5563 His Worship the Mayor Interest under the Code
- Item M17/5563 Cr R Aubrey Interest under the Code
- Item M17/5563 Cr T Barling Interest under the Code
- Item M17/5563 Cr J Barton Interest under the Code
- Item M17/5563 Cr N Foxton Interest under the Code
- Item M17/5563 Cr D Macphail Interest under the Code
- Item M17/5563 Cr P Phelan Interest under the Code
- Item M17/5563 Cr C Robartson Interest under the Code
- Item M17/5563 Cr C Schuster Interest under the Code
- Item M17/5563 Cr M Woodall Interest under the Code
- Item M17/5567 Cr C Robartson Interest under the Code

10. DEPUTATIONS

Item M17/5564 – New Council Policy Election Caretaker Period
Mr C Ross, Applecross and Mr D Maynier, Attadale

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 7:16pm Cr Schuster moved, Cr Aubrey seconded–

**That the application for new leave of absence submitted by Cr Woodall on
18 July 2017 be granted.**

At 7:17pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Item T17/3760 – Supply and Delivery of Waste Bins (Q13/17) contains confidential attachments.

13. PETITIONS**13.1 Parking Restriction – Blaikie Street, Myaree**

A petition signed by eight residents and 19 non residents was received by the City of Melville on Monday 10 July 2017. The petition reads as follows –

We, the undersigned, all being Electors of the City of Melville, do humbly pray that the City of Melville rethink the parking restriction on the road outside Western Diagnostics – Blaikie Street, Myaree and allow Myaree Cranes to park in this area.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 7:18pm Cr Aubrey moved, seconded Cr Macphail -

That the petition bearing 27 signatures be received and acknowledged in writing to the lead petitioner.

At 7:18pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:18pm the Mayor requested that Item M17/5564 – New Council Policy Election Caretaker Period be brought forward for discussion.

From 7:19pm to 7:36pm a presentation was heard from Mr C Ross, resident of Applecross and Mr D Maynier, resident of Attadale.

M17/5564 - NEW COUNCIL POLICY ELECTION CARETAKER PERIOD (REC)
(ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Policy & Policy Development
 Elections
 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 Officer : Corrine Newman
 Executive Support and Governance Officer

AUTHORITY / DISCRETION

DEFINITION

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

**M17/5564 - NEW COUNCIL POLICY ELECTION CARETAKER PERIOD (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Department of Local Government and Communities advocates for local governments to have a policy in place to implement an election caretaker period in the lead up to elections.
- A policy has been drafted to address the Election Bulletin provided by the Department of Local Government and Communities.
- The proposed policy can be implemented in the instances where an elected member nominates for, or is pre-selected as a candidate for a State or Federal election.
- This reports recommends the proposed Council Policy – Election Caretaker Period be endorsed for implementation.

BACKGROUND

The Department of Local Government and Communities has in recent times advocated for individual local governments to consider implementing a Caretaker Period policy with respect to elections, as such a policy provides guidelines to protect the reputation of the local government administration and its Elected Members and that such a policy should cover:

- Decisions made by the Council;
- Materials published by the local government;
- Attendance and participation in functions and events;
- Use of local government resources and
- Access to local government information.

DETAIL

The purpose of the Caretaker Period Policy is to:

- limit major decision-making that may bind an incoming Council;
- ensure public resources and the Council decisions during this period are not seen to be advantageous to Elected Members seeking re-election; and
- provide guidance to ensure the continuation and transparency of ordinary business.

The period before an election may be subject to close scrutiny by the community and it suggested that the Council and the City's administration acknowledge this through the implementation of a caretaker period that would commence from the close of candidate nominations. The proposed Election Caretaker Period policy provides guidance during this time to ensure the continuation of ordinary business for the City in a responsible and transparent manner that ensures elections are conducted in an ethical, fair and equitable manner and are publicly perceived as such.

**M17/5564 - NEW COUNCIL POLICY ELECTION CARETAKER PERIOD (REC)
(ATTACHMENT)**

The policy addresses the following matters:

- a) decisions that are made by the Council and the circumstances where a major decision may be undertaken;
- b) the role of the Chief Executive Officer during the caretaker period.
- b) information and material published by the City, including on-line formats and social media;
- c) attendance and participation in functions and events;
- d) use of the City's resources;
- e) access to information held by the City.

The *Local Government Act 1995* does not provide guidance on protocol when an Elected Member nominates for, or is pre-selected as a candidate for a State or Federal election and this policy may be implemented in these instances.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No comment has been sought from the community.

II. OTHER AGENCIES / CONSULTANTS

No comment has been sought from other agencies or consultants.

STATUTORY AND LEGAL IMPLICATIONS

There is no statutory requirement for a Caretaker Period to be implemented prior to elections, however such a policy would meet the intent of the *Local Government Act 1995* that seeks to ensure that local governments are efficient and effective and accountable to their communities.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of public perception that decisions are made by Elected Members that are not reflective of the community's desires, or the perception or real misuse of resources.	Major consequences which are possible, resulting in a High level of risk	Ensure policy and processes in place to mitigate the likelihood of occurrence and ensure good governance practices and organisational transparency.

**M17/5564 - NEW COUNCIL POLICY ELECTION CARETAKER PERIOD (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to adopt a policy that implements a caretaker period and which may allow the Council to make decisions right up to election day for implementation by the incoming Council.

CONCLUSION

The community has an expectation that the Council and the City will make decisions that are reflective of the community's wishes and conduct its business in a transparent and accountable manner.

The implementation of this policy will provide guidance in the lead up to election day to ensure that wherever possible, major decisions are not made to obligate the incoming Elected Members and that the conduct of the City's day-to-day operations does not, and is not perceived, to favour any candidates.

OFFICER RECOMMENDATION (5564)**APPROVAL**

That the Council approves the implementation of the Council Policy Election Caretaker Period as attached 5564 Election Caretaker Period Policy

PROCEDURAL MOTION

At 7:56pm moved Cr Pazolli, seconded Cr Barton, that the following Procedural Motion in accordance with Clause 13.1(a) of the *City of Melville Meeting Procedures Local Law 2017*.

That the Council defer consideration of this report (Item M17/5564 – New Council Policy Election Caretaker Period) to the August 2017 Ordinary Meeting of Council to allow for further discussion at an Elected Member Information Session.

At 8:16pm the Mayor submitted the motion which was declared

CARRIED (7/6)

NOTE: Due to an equality of votes at the Council Meeting, the Presiding Member exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Pazolli	Yes
Cr Schuster	Yes
Cr Woodall	Yes
Cr Aubrey	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Mayor Aubrey	No

At 8:16pm the CEO, Mr S Silcox left the meeting and returned at 8:18pm

P17/3758 - PROPOSED ROAD RESERVE DEDICATION (REC) (ATTACHMENT)

Ward : University
 Category : Operational
 Application Number : DA-2017-600
 Property : Lot 123, Murdoch
 Proposal : Proposed Road Dedication - Request for City of Melville Council Resolution
 Applicant : Landcorp
 Owner : Crown
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P17/3741 : Ordinary Council Meeting 21 February 2017 - Proposed Road Reserve Closures, Murdoch Mixed Use Precinct Activity Centre Plan,
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P17/3758 - PROPOSED ROAD RESERVE DEDICATION (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- In August 2013 the City resolved to advise the Western Australian Planning Commission (WAPC) that it supported the Murdoch Specialised Activity Centre Structure Plan (MSACSP) which was subsequently approved by the WAPC in October 2013.
- The Murdoch Mixed Use Precinct Activity Centre Plan (the Centre Plan) was approved by the WAPC in September 2016.
- Landcorp have requested, under Section 56 of the *Land Administration Act 1997* for the Council to resolve to take over Lot 123 on DP412089 as a dedicated road reserve for the purpose of the extension of Barry Marshall Parade in accordance with the Centre Plan.
- In February 2017 Council resolved to support a request from Landcorp for the City to initiate two road closures which are required so that lots within the Centre Plan could be formalised.
- Formal advertising for this application is not required under the *Land Administration Act 1997*, however key stakeholders will be informed of the road dedication and any comments provided will be forwarded to the Minister of Lands.
- It is recommended that the Council support the request to dedicate land as a road and advise the Minister of Lands of its decision.



Figure 1: Aerial imagery of the subject site

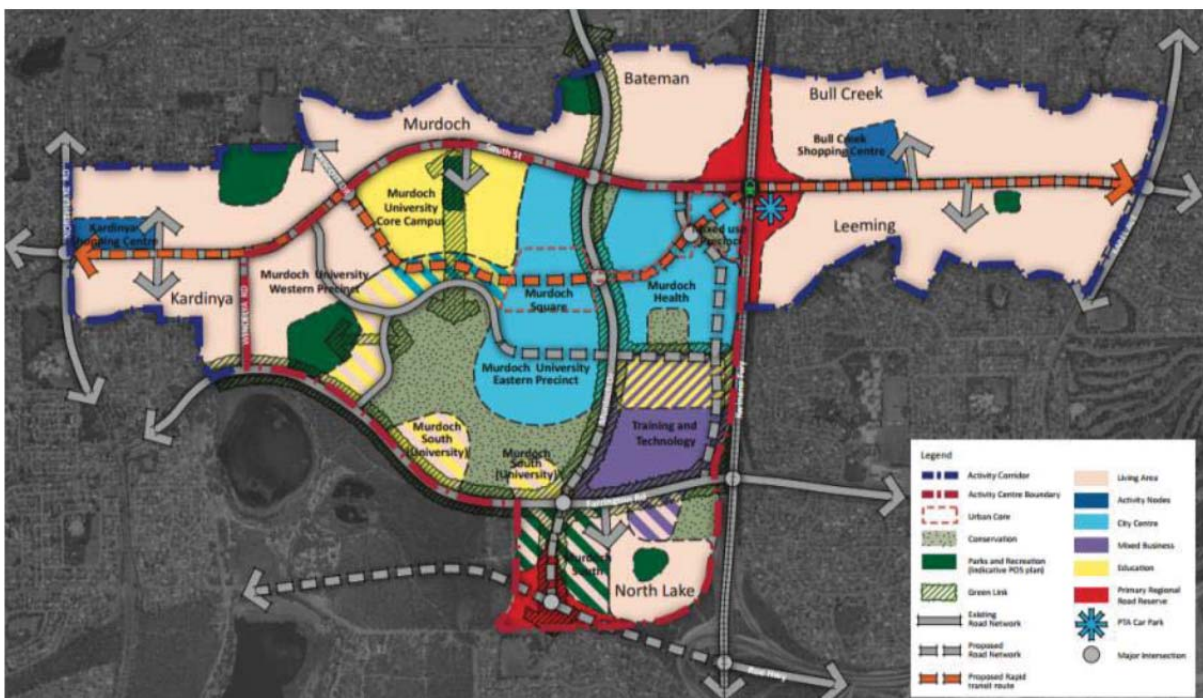
P17/3758 - PROPOSED ROAD RESERVE DEDICATION (REC) (ATTACHMENT)

BACKGROUND

The Council at its meeting on 20 August 2013 resolved to advise the WAPC that it supported the Murdoch Specialised Activity Centre Structure Plan (MSACSP) and this was subsequently approved by the WAPC in October 2013.

The Murdoch Mixed Use Precinct Activity Centre Plan (Centre Plan) was approved by the Western Australian Planning Commission in September 2016. This document identified the road reserve land as being required for future access and development.

Murdoch Specialised Activity Centre Structure Plan Map



In February 2017 the Council resolved to support a request from Landcorp for the City to initiate two road closures which are required so that lots within the Centre Plan area could be formalised.

The portion of land which is the subject of this request to dedicate land as a road has already been constructed. The land portion is located immediately to the west of the Murdoch Train Station, is in State Government ownership and it is currently being utilised by the Public Transport Authority for buses to access Barry Marshal Parade from the Train Station.

P17/3758 - PROPOSED ROAD RESERVE DEDICATION (REC) (ATTACHMENT)**Scheme Provisions**

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

Site Details

Lot Area	:	1,897 m ²
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Yes
Site Details	:	Constructed Access Road

DETAIL

Landcorp has requested under Section 56 of the *Land Administration Act 1997* for the Council to resolve to adopt Lot 123 on DP412089 as a dedicated road reserve for the extension of Barry Marshall Parade.

[3758 Proposed Road Dedication Plans Barry Marshall Parade](#)**Local Planning Scheme and Local Policy Requirements**

Not applicable

R-Code Requirements

Not applicable

P17/3758 - PROPOSED ROAD RESERVE DEDICATION (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

Required: No
Reason: Not required under the *Land Administration Regulations 1998*

I. COMMUNITY

Not applicable

II. OTHER AGENCIES / CONSULTANTS

Whilst formal advertising is not required under the *Land Administration Regulations 1998*, the City will inform key stakeholders of the proposed road dedication and should comments be received, the City will forward those comments to the Minister.

STATUTORY AND LEGAL IMPLICATIONS

The creation of roads is dealt with under Section 56 of the *Land Administration Act 1997* and Regulation 8 of the *Land Administration Regulations 1998*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City as a result of the proposed road dedication. Any costs associated with the dedication will be met by the applicant.

The Centre Plan area will result in the construction of roads, open space and public spaces which will ultimately become the responsibility of the City in terms of maintenance (maintenance of the Conservation Area is the responsibility of the Department of Health). Creation of new lots and associated development will provide future revenue in terms of rates and on-street parking.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no Council Policies that relates to the proposed road dedication.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could elect not to support the proposed road dedication. Doing so may result in delays to the Centre Plan lots being formalised.

P17/3758 - PROPOSED ROAD RESERVE DEDICATION (REC) (ATTACHMENT)**COMMENT**

The road dedication will not affect the traffic movement within the Murdoch Mixed Use Precinct and the Kwinana Freeway as well as the Murdoch Rail Station carpark. The road dedication represents an administrative land assembly process which will facilitate the development of the Landcorp Mixed Use Precinct.

CONCLUSION

It is recommended that the proposed road dedication be supported and that the Council Resolution be forwarded to the Minister for Lands for finalisation.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3758)**SUPPORT****That the Council:**

- 1 Resolves to request that the Minister for Lands dedicate Lot 123 Plan 412089 as road reserve pursuant to Section 56(1) of the *Land Administration Act 1997*;**
- 2 Directs the Chief Executive Officer to request the Minister for Lands to dedicate Lot 123 Plan 412089 as road reserve pursuant to Section 56(1) of the *Land Administration Act 1997*.**

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

T17/3760 – SUPPLY AND DELIVERY OF WASTE BINS (Q13/17) (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 : T17/3749
 Works Programme : Not Applicable
 Funding : Refuse Bin Reserve
 Prepared by : Steve Wachter – Manager Resource Recovery & Waste
 Reviewed by : John Christie – Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

**T17/3760 – SUPPLY AND DELIVERY OF WASTE BINS (Q13/17) (AMREC)
(CONFIDENTIAL ATTACHMENTS)****KEY ISSUES / SUMMARY**

To recommend the acceptance of a quotation submitted by Trident Plastic (SA) Pty Ltd for the Supply and Delivery of Waste Bins for the Food Organics and Garden Organics (FOGO) collection trial.

BACKGROUND

At the Ordinary Meeting of Council held on Tuesday, 18 April 2017 the Council resolved to endorse the implementation and funding of a three bin FOGO trial to commence in the 2017-2018 financial year. As part of the trial, approximately 14,000 bins will need to be supplied and delivered.

At the procurement planning meeting on Wednesday, 29 March 2017 it was agreed that the Southern Metropolitan Regional Council, (SMRC) would administer the quotation process through the Western Australian Local Government Association, (WALGA) preferred supplier panel and provide an evaluation report for the City to review. Quotations were invited on Wednesday, 17 May 2017 and closed on Thursday, 8 June 2017.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 30 June 2017 under confidential cover.

Quotation Evaluation Process

Qualitative scores were achieved by joint agreement of the panel members at the evaluation meeting after each panel member had scored the submission individually. Stage 1 was a weighted comparison against the following qualitative criteria – Financial Position; Relevant Experience; Product Data; Supply Schedule; Bin Delivery and Retrieval Plan; Subcontractors; Workforce; Working Hours; Day Work Rates; Safety; Quality Assurance; Organisational Profile and Referees. Stage 2 was a weighted comparison against price.

The recommended quoter achieved the 4.5 out of 5.

The Qualitative Scoring Matrix sheets and Evaluation Panel Report forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 30 June 2017 under confidential cover.

Evaluation Panel Members consisted of:

Executive Manager Strategic Projects SMRC
Manager Resource Recovery & Waste – City of Melville
Supervisor Resource Recovery & Waste – City of Melville

T17/3760 – SUPPLY AND DELIVERY OF WASTE BINS (Q13/17) (AMREC)
(CONFIDENTIAL ATTACHMENTS)

DETAIL

Number of WALGA eQuotes Documents Issued:	Three
Number of WALGA eQuotes Submissions Received:	Three

Evaluation Process

Details of the quotation process and comparative assessment conducted are detailed in the attached Confidential Attachments – Evaluation Panel Report, Qualitative Scoring Matrix sheets and Pricing Schedules.

STAKEHOLDER ENGAGEMENT

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

EXTERNAL AGENCIES / CONSULTANTS

The quotation specification was prepared in collaboration with the SMRC. The SMRC administered the quotation process on behalf of the City of Melville through the WALGA eQuotes system.

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Approved Budget Details	To be funded from the Refuse Bin Reserve as per Council Resolution, (T17/3749) (\$850,000).
Account Cost Centres or Capital Works Project Number	To be allocated.
Anticipated expenditure over the term of the contract	\$747,227.60 for supply and delivery of the bins.
Previous financial year expenditure for these services (if applicable)	Not Applicable

T17/3760 – SUPPLY AND DELIVERY OF WASTE BINS (Q13/17) (AMREC)
(CONFIDENTIAL ATTACHMENTS)

Percentage difference between identical rates from an existing or recently terminated contract	Not Applicable
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation and prior review of the amendment undertaken by Finance	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option is to award the contract to the lowest price quotation however this has not been recommended by the evaluation panel as their submission is not as comprehensive with regard to bin roll out plan.

CONCLUSION

The WALGA eQuote submission received from Trident Plastics (SA) Pty Ltd demonstrates that the company has the relevant experience and capacity to deliver the required works in accordance with the City's objectives. The submission offered the second most competitive price, however it was the most comprehensive in terms of addressing the selection criteria and demonstrates the best value option for the City.

EVALUATION PANEL RECOMMENDATION (Q13/17)

APPROVAL

That the quotation submitted by Trident Plastics (SA) Pty Ltd for the Supply and Delivery of Waste Bins for the lump sum of \$747,227.60 exclusive of GST, as specified, be accepted as the most advantageous.

Director Technical Services moved, A/Director Community Development seconded.

**T17/3760 – SUPPLY AND DELIVERY OF WASTE BINS (Q13/17) (AMREC)
(CONFIDENTIAL ATTACHMENTS)****CONTRACT AND TENDER ADVISORY UNIT RESOLUTION Q3/17 APPROVAL**

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

- a) the WALGA eQuotation submitted by Trident Plastics (SA) Pty Ltd for the Supply and Delivery of Waste Bins for the lump sum of \$747,227.60 exclusive of GST and inclusive of the bin buyback credits, as specified, be accepted as the most advantageous.
- b) by Absolute Majority decision a 2017-18 budget amendment be approved to transfer \$750,000 from the Refuse Bins Reserve to the Waste Services Capital Expenditure Budget to undertake the Food Organics and Garden Organics Bin Rollout.

**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION AND COUNCIL
RESOLUTION (3760) ABSOLUTE MAJORITY APPROVAL**

At 8:17pm Cr Aubrey moved, seconded Cr Schuster –

That the Council:

- a) accepts the Western Australian Local Government Association eQuotation submitted by Trident Plastics (SA) Pty Ltd for the Supply and Delivery of Waste Bins for the lump sum of \$747,227.60 exclusive of GST and inclusive of the bin buyback credits, as specified, as the most advantageous.
- b) authorises the Chief Executive Officer to execute the contract for the Supply and Delivery of Waste Bins for the lump sum, as specified.
- c) by Absolute Majority decision approves a 2017-2018 budget amendment to transfer \$750,000 from the Refuse Bins Reserve to the Waste Services Capital Expenditure Budget to undertake the Food Organics and Garden Organics Bin Rollout.

At 8:20pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

Disclosure of Interest

Item No. M17/5559
Member Cr P Phelan
Type of Interest Interest under the Code of Conduct
Nature of Interest Lives in the FOGO Trial area

The Mayor read aloud the Purpose and Effect of the proposed local law.

Purpose: - The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling and reuse within the district.

Effect: - The effect of the local law is to establish obligations that owners and occupiers of premises must observe in relation to the use of waste receptacles and to influence waste collection, recycling and reuse activities within the district.

M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC) (ATTACHMENT)

Ward : All
Category : Operational
Subject Index : Acts, Statutes and Local Laws
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 Officer : Corrine Newman
Executive Support and Governance Officer

AUTHORITY / DISCRETION

DEFINITION

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

**M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The *Waste Avoidance and Resource Recovery Act 2007* provides local governments with the ability to make a local law specifically for the control and management of residential waste within their district.
- The Western Australian Local Government Association has developed a model local law to ensure consistency in waste local laws across the State.
- The City of Melville will be implementing the Food Organics and Garden Organics (FOGO) trial later this year and the introduction of a Waste Local Law would assist in meeting the purpose and objectives of the FOGO initiative.
- The *Local Government Act 1995* requires that the City advertise the proposed local law for a period of at least six weeks and receive submissions during this time.
- A further report will be presented to the Council on the outcome of the submission period.

BACKGROUND

The introduction of the *Waste Avoidance and Resource Recovery Act 2007*, gives local governments the ability to make local laws specifically to deal with residential waste, rather than reliance upon the City's *Health Local Law 1997* made under the outdated *Health Act 1911*.

At the Ordinary Meetings of Council held 15 March 2016, 13 December 2016 and 18 April 2017 the Council supported the introduction of a three bin Food Organics and Garden Organics (FOGO) trial in the City of Melville, commencing around October 2017 and running until 30 June 2018.

It is considered timely to implement a City of Melville Waste Local Law 2017 to support the objectives of the FOGO trial.

A Contamination Management Strategy is being developed to provide a framework for the prevention and management of contamination of the general waste, recycling and organics bins presented kerbside for collection in the City of Melville. The strategy details the actions to be undertaken by Resource Recovery and Waste officers to minimise contamination of the residential waste stream. These actions focus on education, communication and enforcement.

Minimising contamination of kerbside recycling and FOGO bins is essential in order to:

- Maximise landfill diversion through recovery
- Decrease processing costs
- Ensure the products meet regulatory requirements
- Ensure the composted and recycled products can be marketed and used without causing harmful environmental impacts.

Whilst the primary focus of the Contamination Management Strategy is education and communication to increase community participation and manage contamination, it provides an option for enforcement in instances where ongoing contamination is occurring despite multiple notifications of disposal requirements.

M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)

DETAIL

The Western Australian Local Government Association has developed a “model” waste local law to assist local governments in the development of local laws that suit their district, whilst ensuring some consistency in waste local laws across the State.

Officers suggest that the model local law be modified as outlined below:

	Proposed Local Law
Part 1 – Repeal	Sections of the <i>Health Local Law 1997</i> that require repeal are: <ul style="list-style-type: none"> • Clauses 43(a) and 43(b); and • Clauses 44, 46 - 49 all inclusive.
	Rationale: The intent of these clauses are replicated in the proposed Waste Local Law.
Part 2 – Local Government Waste	Clause 2.10(2) - Delete Clause 2.10(3) – Delete the words “Except where waste is lawfully removed from a verge under this clause”.
	Rational: The reuse and recycling of goods deposited on a verge for collection as part of a verge waste collection is encouraged.
Part 3 – General Duties	Clause 3.1(a) – Delete
	Rationale: The City provides the rubbish receptacle for properties within the district.
Schedule 1 – Mean of ‘non-collectable waste’	(e) electrical and electronic equipment – Delete (i) non-frangible metal – Delete
	Rationale: Both of these descriptions are items considered to generally be collectable for disposal, recycling or reuse purposes.
Penalties	Reduction of penalties to \$200 with the exception of damage, destruction or interfering with a receptacle which would be \$250 to cover costs.
	Rationale: The penalties in the model local law are substantial. The purpose of the local law is to provide guidance on waste activities and the opportunity for education of the community, with enforcement as a last resort.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Clause 3.12(3) of the *Local Government Act 1995* requires that the City of Melville give Statewide notice of its intention to make a local law and advise that it will receive submissions on the local law for a period of at least six weeks.

**M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

In accordance with s 3.12(3)(b), once the City has given Statewide notice of its intention to make the local law and invited submissions from the community, a copy of the local law is required to be lodged with the Minister for Local Government and the Minister for the Environment for consideration

Additionally following the submission period, and once the local law has been adopted by the Council, the Joint Standing Committee on Delegated Legislation will also review the local law.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* outlines the process that the City must undertake to make a local law and requires that the Council endorse the initial step of advertising the proposal to make the local law for public submission. Following the submission period a further report will be presented to the Council advising of the submissions received and seeking Council's absolute majority decision to make the Waste Local Law 2017.

FINANCIAL IMPLICATIONS

There are costs associated with the advertising of the proposed local law for community submissions in accordance with the requirements of the *Local Government Act 1995* and advertising and gazettal of the local law once endorsed by the Council. Provision for these costs is made in the 2017-2018 budget.

The penalties associated with the local law are not intended to raise revenue, but rather to act as a deterrent or to assist with the cost recovery for the additional services required to deal with contaminated receptacles.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Under the *Local Government Act 1995*, local governments are empowered to make local laws to help perform their functions as long as the local laws are not inconsistent with the Act or any other written law.

The creation of adequate and appropriate local laws benefits the community by ensuring the regulation of activities within the district.

**M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

Council Policy 036 – Waste Minimisation has the objective of minimising collected domestic waste going to landfill for the longer term, which is directly supported by this Waste Local Law 2017. It is also anticipated that as part of the FOGO trial and the implementation of this Waste Local Law 2017, an operational policy will be developed to provide guidance on education before enforcement of the principles of the Waste Local Law 2017.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could choose not to adopt a Waste Local Law, which would mean that waste collection and disposal within the district would continue to be regulated under the Health Local Laws made under the outdated *Health Act 1911*, rather than the *Waste Avoidance and Resource Recovery Act 2007* which was developed for this purpose.

CONCLUSION

The purpose of the Waste Local Law 2017 is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district.

The effect of the Waste Local Law 2017 is to establish obligations that owners and occupiers of premises must observe in relation to the use of waste receptacles and to influence waste collection, recycling and reuse activities within the district.

The proposed Waste Local Law 2017 provides the City with a purpose designed local law that provides the necessary support to achieve the City's objectives to reduce the amount of waste directed to landfill in the longer term.

**M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION (5599)

APPROVAL

At 8:21pm Cr Wieland moved, seconded Cr Robartson –

That the Council:

1. Authorises the Chief Executive Officer to advertise the proposed City of Melville Waste Local Law 2017 as contained in 5599 Proposed Waste Local Law for public comment, in accordance with the requirements of Section 3.12(3) of the *Local Government Act 1995*.
2. Requests the Chief Executive Officer to forward a copy of the proposed City of Melville Waste Local Law 2017 to the Minister for Local Government and the Minister for Environment in accordance with section 3.12(3) of the *Local Government Act 1995*.
3. Requests the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.

AMENDMENT

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

That the Council amend the attachment “5599 Proposed Waste Local Law” by re-inserting the following prescribed offences in Schedule 2, and amending each associated modified penalty to \$100:

Item No.	Clause No.	Description	Modified Penalty
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$100
12	2.7(a)	Failing to keep a receptacle in the required location	\$100
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$100
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$100
17	2.9(b)	Removing a receptacle from premises	\$100
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$100
27	3.2(1)	Unauthorised removal of waste from premises	\$100
28	3.2(2)	Removing waste from a receptacle without approval	\$100

At 8:46pm the Mayor submitted the amendment, which was declared

CARRIED (8/4)

**M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)**

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Aubrey	No
Cr Barling	No
Cr Barton	No
Cr Foxtton	No

Reasons for Amendment

1. The clauses which these items relate to are still included in the local law text, and residents must therefore still comply with those clauses.
2. If the prescribed offences are deleted as per the officer recommendation, officers would appear to have no ability to issue a penalty to an offender without commencing a prosecution under Part 5, with a potential penalty of up to \$5,000.
3. Prosecutions under local laws are understood to be difficult, time-consuming and expensive. The ability to issue a low-value penalty is to be preferred as it will often be sufficient to achieve compliance.
4. Officers have indicated that health local laws will be used to deal with waste offences relating to odour, uncleanliness and fly breeding etc. This is logical and appropriate. However, the above items do not relate to health local law matters.
5. In summary this amendment would ensure that City officers are able to enforce all aspects of the waste local law without resorting to prosecution. It is intended that City officers would still be able to exercise their discretion with a view to education rather than enforcement.

**M17/5559 – PROPOSED CITY OF MELVILLE WASTE LOCAL LAW 2017 (REC)
(ATTACHMENT)**

COUNCIL RESOLUTION (5599)

APPROVAL

That the Council:

1. **That the Council amend the attachment [5599 Proposed Waste Local Law](#) by re-inserting the following prescribed offences in Schedule 2, and amending each associated modified penalty to \$100:**

Item No.	Clause No.	Description	Modified Penalty
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$100
12	2.7(a)	Failing to keep a receptacle in the required location	\$100
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$100
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$100
17	2.9(b)	Removing a receptacle from premises	\$100
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$100
27	3.2(1)	Unauthorised removal of waste from premises	\$100
28	3.2(2)	Removing waste from a receptacle without approval	\$100

2. **Authorises the Chief Executive Officer to advertise the proposed City of Melville Waste Local Law 2017 as contained in for public comment, in accordance with the requirements of Section 3.12(3) of the *Local Government Act 1995*.**
3. **Requests the Chief Executive Officer to forward a copy of the proposed City of Melville Waste Local Law 2017 to the Minister for Local Government and the Minister for Environment in accordance with section 3.12(3) of the *Local Government Act 1995*.**
4. **Requests the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.**

At 8:50pm the Mayor submitted the substantive motion as amended, which was declared
CARRIED UNANIMOUSLY (12/0)

At 8:51pm the Presiding Member adjourned the meeting.

At 8:51pm Hon David Templeman MLA, Minister for Local Government, Heritage, Culture and the Arts left the meeting and did not return.

At 8:51pm Ms Lisa O'Malley MLA, Member for Bicton left the meeting and did not return.

At 8:51pm Mr J Rae left the meeting and did not return.

At 8:51pm Mr M Doyle left the meeting and did not return.

At 8:51pm Mr S Wachter left the meeting and did not return.

At 9:03pm the meeting was resumed.

Disclosure of Interest

Item No. M17/5563
Member His Worship the Mayor
Type of Interest Interest under the Code of Conduct
Nature of Interest Several of the people named in the agenda item are well known to the Mayor

Disclosure of Interest

Item No. M17/5563
Member Cr R Aubrey
Type of Interest Interest under the Code of Conduct
Nature of Interest Familiar with most of the individuals listed in the recommendation.

Disclosure of Interest

Item No. M17/5563
Member Cr T Barling
Type of Interest Interest under the Code of Conduct
Nature of Interest Serves on Council with some of the persons named in the agenda item.

Disclosure of Interest

Item No. M17/5563
Member Cr J Barton
Type of Interest Interest under the Code of Conduct
Nature of Interest Knows all of the Councillors who have received the Distinguished Service Award

Disclosure of Interest

Item No. M17/5563
Member Cr N Foxton
Type of Interest Interest under the Code of Conduct
Nature of Interest Has served on Council with several of the Councillors listed in the agenda item

Disclosure of Interest

Item No. M17/5563
Member Cr P Phelan
Type of Interest Interest under the Code of Conduct
Nature of Interest Name appears in the Schedule of Names

Disclosure of Interest

Item No. M17/5563
Member Cr D Macphail
Type of Interest Interest under the Code of Conduct
Nature of Interest Recipient of Distinguished Service Award and names appears in the Schedule of Names

Disclosure of Interest

Item No. M17/5563
Member Cr C Robartson
Type of Interest Interest under the Code of Conduct
Nature of Interest Mentioned by name in the report
Request Stay, Discuss and Vote
Decision of the Council Not Applicable

Disclosure of Interest

Item No. M17/5563
Member Cr C Schuster
Type of Interest Interest under the Code of Conduct
Nature of Interest Several of the people named in the agenda item are well known to Cr Schuster

Disclosure of Interest

Item No. M17/5563
Member Cr M Woodall
Type of Interest Interest under the Code of Conduct
Nature of Interest Professional relationship with Councillors on the list

M17/5563 – CITY OF MELVILLE SCHEDULE OF NAMES FOR ASSETS (REC)
(ATTACHMENT)

Ward : All
Category : Operational
Subject Index : Road Renaming & Renumbering Proposals
Naming of Parks and Reserves
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 : M16/5461 – New Council Policy – Naming of Roads, Parks, Buildings and Infrastructure February 2016.
Works Programme : Not Applicable
Funding : Not Applicable
Responsible Officer : Corrine Newman
Executive Support and Governance Officer

AUTHORITY / DISCRETION

DEFINITION

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

M17/5563 – CITY OF MELVILLE SCHEDULE OF NAMES FOR ASSETS (REC)
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held 16 February 2016, the Council adopted a new policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure.
- A Schedule of Names for asset naming has been developed.
- This report proposes the inclusion of new names on the Schedule of Names and seeks the Council's endorsement of the Schedule of Names.

BACKGROUND

At the Ordinary Meeting of Council held 16 February 2016, Council adopted new Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure.

The Policy provides guidance for community consultation in naming opportunities and sought to expand the previous Road and Park Names Inventory to include:

- (a) prominent district identities (including pioneering families);
- (b) persons who have made a significant contribution to the community;
- (c) Elected Members who have been presented with the City of Melville Award for Distinguished Service to Council under Policy CP-015.
- (d) personal names who have had a direct long-term association with the area, or have made a significant contribution to the area such as twenty or more years voluntary service associated with a local community group or service club;
- (e) traditional indigenous names relevant to a site or locality or with a relevant meaning;
- (f) names that have historical connotations with the site or surrounding area;
- (g) names that represent any relevant local landmarks, flora or fauna.

DETAIL

At a State level, Landgate and the Geographic Names Committee (GNC) have delegated authority for all official naming of topographical and/or cultural features and to oversee policies and standards for geographical naming in Western Australia. This Committee regulates and provides guidelines for the naming of specific features to ensure the selection and recording of names in a systematic and timely manner. Any naming proposals are required to meet the GNC Policies and Standards and must be endorsed by the Council before being submitted to the GNC for final determination.

There are a number of factors that need to be considered and assessed in any naming process, however it is worth noting section 1.4.2 of Landgate's Policies and Standards for Geographical Naming in Western Australia states that *"requests to approve names that commemorate, or that may be construed to commemorate living persons will not be considered. Community attitudes and opinions may change over time and as a result any requirement to rename may lead to confusion and be costly to process."*

M17/5563 – CITY OF MELVILLE SCHEDULE OF NAMES FOR ASSETS (REC)
(ATTACHMENT)

The approval to commemorate an individual by naming of a topographical and/or cultural feature will only be considered if:

- such application is in the public interest;
- there is evidence of broad community support for the proposal;
- the person has been deceased for at least two years;
- the applicant requesting the new name is not an immediate relative, and written permission of the person's family is obtained;
- the person being honoured by the naming has had either some direct and long-term association, twenty (20) or more years, with the feature;
- the person being honoured by the naming has made a significant contribution to the area in which it is located;
- where it is proposed to commemorate an individual with an outstanding national or international reputation, that person has had a direct association with the area in which the commemorative name is to be located.

Components of local parks or recreational reserves such as pavilions, oval, gardens etc may be named in honour of living community members who have contributed towards the establishment of a particular feature or towards the community in general.

In order to avoid multiple community consultations on naming for any one project, the Council policy refers to the City's Schedule of Names (Asset Naming) which is a list of names, suitable for all naming opportunities that have been approved by the Council.

The Schedule was previously known as the Road and Park Names Inventory which was developed in 1999. The draft Inventory proposes inclusion of a number of names identified in 2014 as a result of community consultation, which have not previously been presented to Council. The Inventory has been revised and reformatted to allow for expansion in accordance with Council Policy criteria. A copy of the list is attached.

[5563 Schedule of Names for Assets](#)

This criteria provides for the names of the Elected Members who have been presented the City of Melville Award for Distinguished Service to Council to be included on the Schedule and seven Elected Members have been awarded the Distinguished Service Award as follows:

CENIVIVA	Anthony (Tony) Recipient of the Distinguished Service to Council Award (1997).
ROBARTSON	Clive Recipient of the Distinguished Service to Council Award (1999).
BAJADA	Alex Recipient of the Distinguished Service to Council Award (1999).
PHELAN	Patricia Recipient of the Distinguished Service to Council Award (2009).
EVERETT	Harvey Recipient of the Distinguished Service to Council Award (2009).

M17/5563 – CITY OF MELVILLE SCHEDULE OF NAMES FOR ASSETS (REC)
(ATTACHMENT)

MACPHAIL Duncan
Recipient of the Distinguished Service to Council Award (2009).

REYNOLDS Mark
Recipient of the Distinguished Service to Council Award (2015)

Recent requests have been made for the following names to also be included on the schedule:

PETROSSIAN Sarkis
The name SARKIS was submitted as part of the naming of the laneways within the Riseley Centre in 2014. At the time the name was not deemed appropriate by Landgate as first/given names are not permitted as road names and at that time the required time had not elapsed since Mr Sarkis' passing. Advice was received that the name PETROSSIAN may be suitable and could be submitted. This lane remains unnamed.

Mr Petrossian had a long and distinguished career as a traffic engineer with Main Roads WA, then as a consultant, has a Main Roads Road Safety Award named after him, was the City of Melville Citizen of the Year 2011 and is considered to have been a local identity.

CORSER Sydney Douglas
Mr Corser is a long time resident of Melville. He was co-founder of Perth homebuilder Pacesetter Homes, well known for his contributions to Western Australia in the areas of housing and yachting and was the 1992 WA Citizen of the Year. He received an Order of the British Empire for his services to housing and an Order of Australia for his contribution to the Ngala Family Resource Centre and helping to establish Australia's first urological research centre and was awarded the Centenary of Federation Medal for services to sailing and the community in Western Australia.

The purpose of this report is only to seek the Council's endorsement of the City of Melville Schedule of Names (Asset Naming) including the new names as detailed above. The Schedule serves as a collation of names that may be considered appropriate for naming purposes in the future, in accordance with the Council's Policy.

As naming opportunities present themselves, a range of relevant names will be selected from the Schedule and presented to the Council for short-listing prior to community consultation.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The community are able to submit names for inclusion on the City of Melville Schedule of Names on an ad-hoc basis, and the City will use existing community engagement opportunities to provide opportunities for the community to submit names for inclusion on the Schedule.

M17/5563 – CITY OF MELVILLE SCHEDULE OF NAMES FOR ASSETS (REC)
(ATTACHMENT)

As naming opportunities arise, the community will be consulted in accordance with Council Policy and the requirements of the Geographic Naming Committee.

II. OTHER AGENCIES / CONSULTANTS

The naming of topographical and geographical features requires community consultation and in some instances consultation with relevant service providers. Consultation will be undertaken on a project-by-project basis to ensure requirements of a naming submission are met.

STATUTORY AND LEGAL IMPLICATIONS

The Minister for Lands has delegated authority for the official naming of topographical and cultural features within the State and the Geographic Names Committee, who has published the Policies and Standards for Geographical Naming in Western Australia. This provides for the orderly selection and recording of names in a systematic and timely manner.

Official naming of features is also governed by;

- *Land Administration Act 1997*
- *Land Information Authority Regulations 2007*
- *AS/NZ 4819-2011 Rural and urban addressing*

FINANCIAL IMPLICATIONS

There are no financial implications associated with the inclusion of names on the City of Melville Schedule of Names.

There are no fees or charges associated with making submission to Geographic Names Committee for a feature to be named, however there may be cost associated with advertising if paid media is used.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The updated City of Melville Schedule of Names (Asset Naming) supports Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could choose not to include any or all of the names on the list.

**M17/5563 – CITY OF MELVILLE SCHEDULE OF NAMES FOR ASSETS (REC)
(ATTACHMENT)****CONCLUSION**

The purpose of this report is to seek the Council's endorsement of the City of Melville Schedule of Names (Asset Naming) including the new names as detailed above. The Schedule serves as a collation of names that meet the Council's Policy requirements that may be considered appropriate for naming purposes in the future.

Future naming opportunities will be presented to the Council for consideration.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5563) APPROVAL

**That the Council endorses the City of Melville Schedule of Names (Asset Naming)
5563 Schedule of Names for Assets**

including the following names:

- **CENIVIVA, Anthony (Tony)**
- **ROBARTSON, Clive**
- **BAJADA, Alex**
- **PHELAN, Patricia**
- **EVERETT, Harvey**
- **MACPHAIL, Duncan**
- **REYNOLDS, Mark**
- **PETROSSIAN, Sarkis**
- **CORSER, Sydney Douglas**

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

M17/5564 - NEW COUNCIL POLICY ELECTION CARETAKER PERIOD (REC)
(ATTACHMENT)

This item was moved to the beginning of the meeting at the request of the Mayor, please see page 15.

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 Program Manager

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
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<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 19 May 2017 up to and including 22 June 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
1366	The City of Melville and Amalgamated Homing Club	Amalgamated Melville Homing Club 2 year Licence Renewal	4154658
1370	The City of Melville and Community First International Pty Ltd (Roberts Street, Subiaco,)	Community First International Ltd Extension of Lease for a further 12 months until June 2018	4164181
1393	The City of Melville and The Scout Association. of Australia WA Branch - 1st Attadale	The Scout Association Extension of Lease for a further 5 years commencing 1 July 2017 and expiring 30 June 2022.	4214105
1395	The City of Melville and Boab Tree Trial Agreement - Civic Square Library	The City has agreed to allow the Boab Café to operate a coffee cart/café at the Civic Square Library on a trial basis for up to 12 months Expiring April 2018	4210578
1433	The City of Melville	Local Planning Scheme 6 Amendment No 2	4068736

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M17/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)**NOTING**

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 19 May 2017 up to and including 22 June 2017.

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

C17/6000 - INVESTMENT STATEMENTS AS AT 31 MAY 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

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

KEY ISSUES / SUMMARY

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

C17/6000 - INVESTMENT STATEMENTS FOR MAY 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.

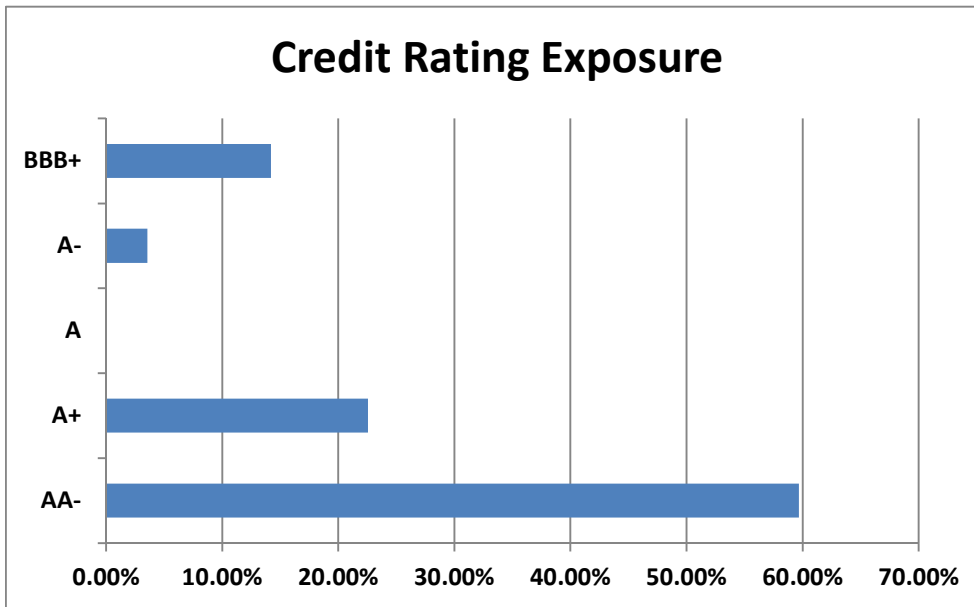
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

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

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 MAY 2017	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 22,006,176
RESERVE	\$ 118,032,864
TRUST	\$ 905,136
CITIZEN RELIEF	\$ 209,131
	\$ 141,153,307
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 5,815,960
31DAYS AT CALL	\$ 4,500,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 6,100,000
TERM DEPOSIT	\$ 122,506,702
UNITS (Local Govt Hse)	\$ 230,645
	\$ 141,153,307
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 84,122,662
A+	\$ 31,800,000
A	\$ -
A-	\$ 5,000,000
BBB+	\$ 20,000,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 141,153,307

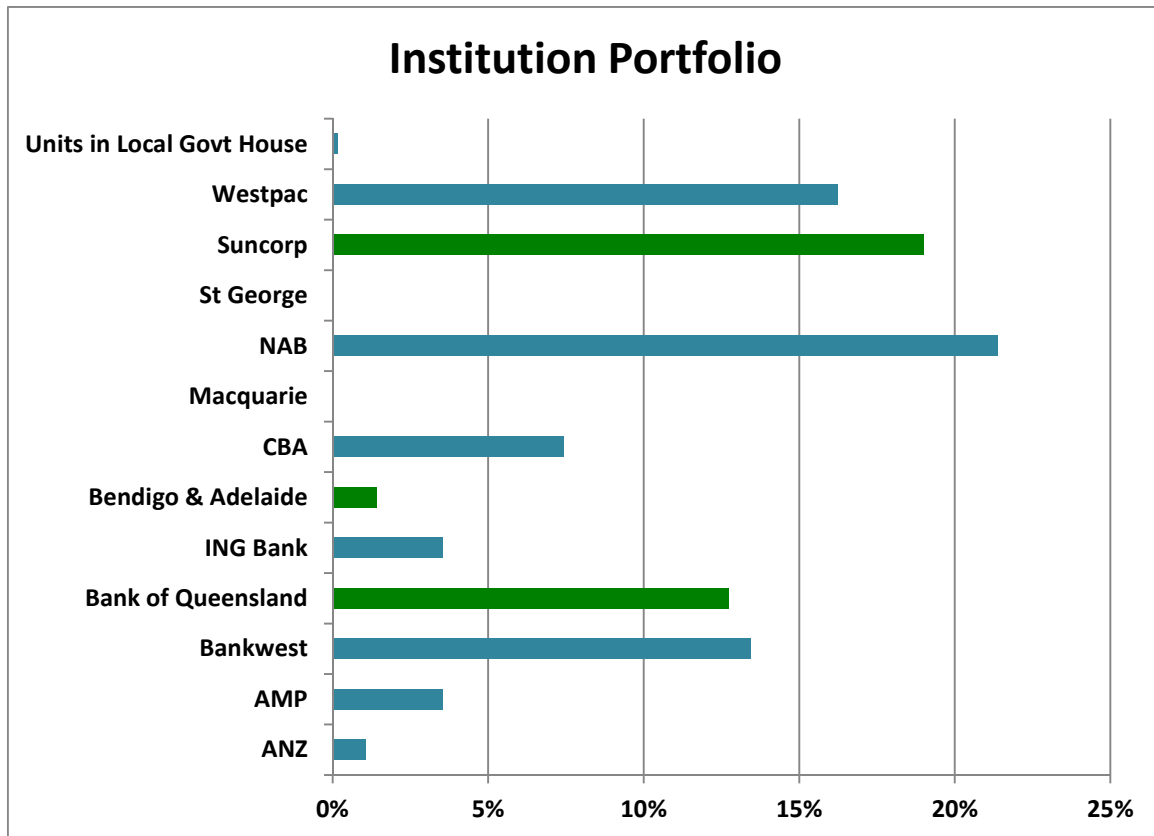
C17/6000 - INVESTMENT STATEMENTS FOR MAY 2017 (REC)



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		1.06%	1.06%	25%	No	
AMP BANK (TERM)	TERM	A+	5,000,000		3.54%	3.54%	20%	No	
BANKWEST (TERM)	TERM	AA-	19,000,000		13.46%	13.46%	25%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	18,000,000		12.75%	12.75%	10%	Yes	18,000,000
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	2,000,000		1.42%	1.42%	10%	Yes	2,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	10,500,000		7.44%	7.44%	25%	No	
ING BANK (TERM)	TERM	A-	5,000,000		3.54%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	3.54%	20%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	20%	No	
NAB (TERM)	TERM	AA-	30,206,702		21.40%	21.40%	25%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	25%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	26,800,000		18.99%	18.99%	20%	Yes	26,800,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,360,304		1.67%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,038,395		0.74%				
WESTPAC (MAXI DIRECT)	11AM	AA-	2,417,260		1.71%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	4,500,000		3.19%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.42%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	6,100,000		4.32%				
WESTPAC (TERM)	TERM	AA-	4,500,000		3.19%	16.23%	25%	No	
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645		0.16%	0.16%		N/A	
			141,153,307		100%	100%			46,800,000
Total Non Fossil Fuel Lending ADI									33%

C17/6000 - INVESTMENT STATEMENTS FOR MAY 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.

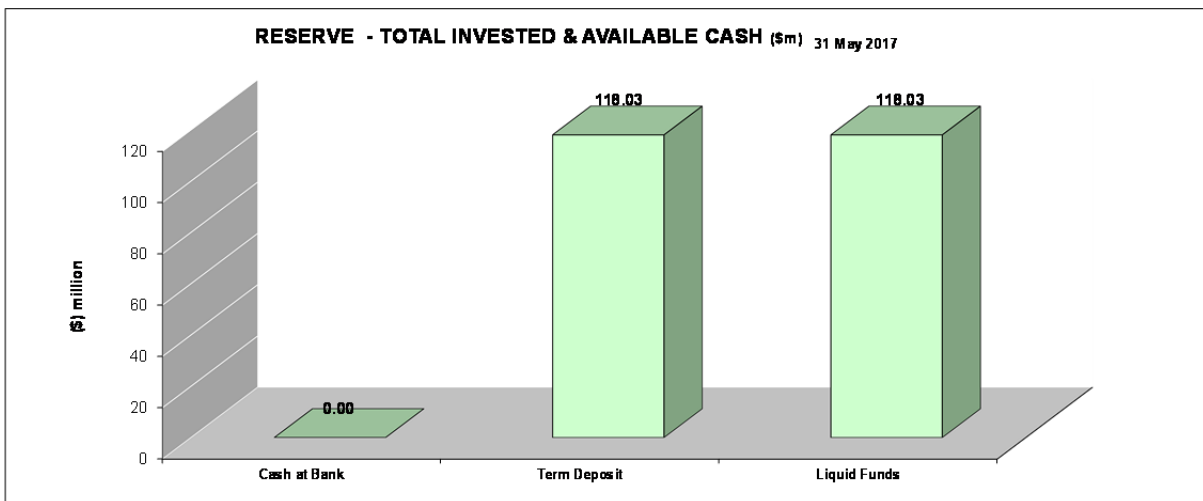
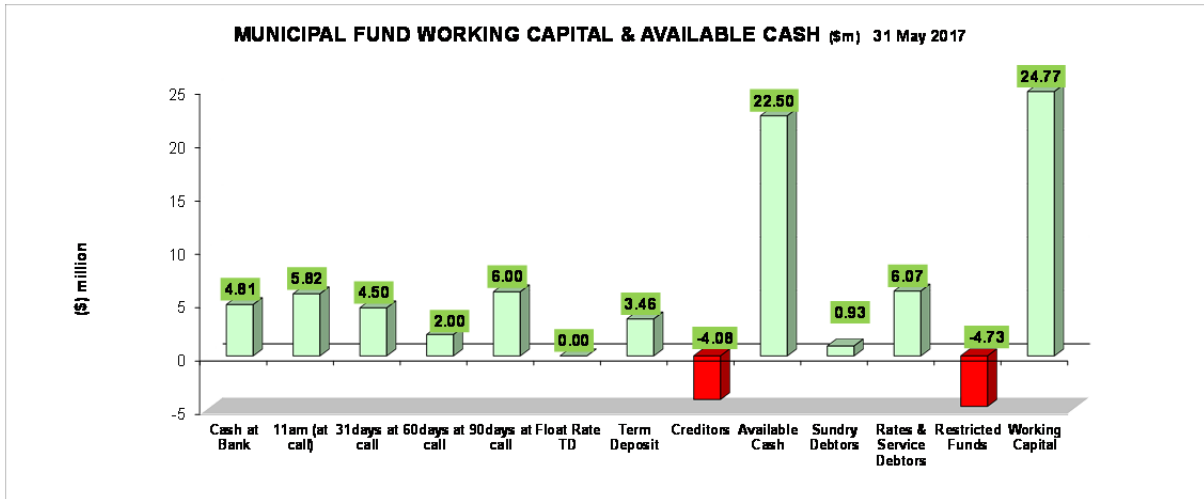
The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 May 2017 was 33%.

For the month of ending May 2017, Bank of Queensland portfolio had exceeded the Investment of Funds policy threshold limit of 10% for investments in any one institution rated BBB and above by 2.75%. This is due to recent changes in the Standard and Poor's Australian ratings on certain regional banks (from A- to BBB+). An amended Policy was approved by the Council at the Ordinary Meeting of the Council held on Tuesday 20 June 2017 which resulted in the BBB and BBB+ categories being split and the threshold on BBB+ investments raised to a maximum of 15% with any one institution and 25% overall. The investment portfolio will be rebalanced to meet the new Policy thresholds when investments come to maturity.

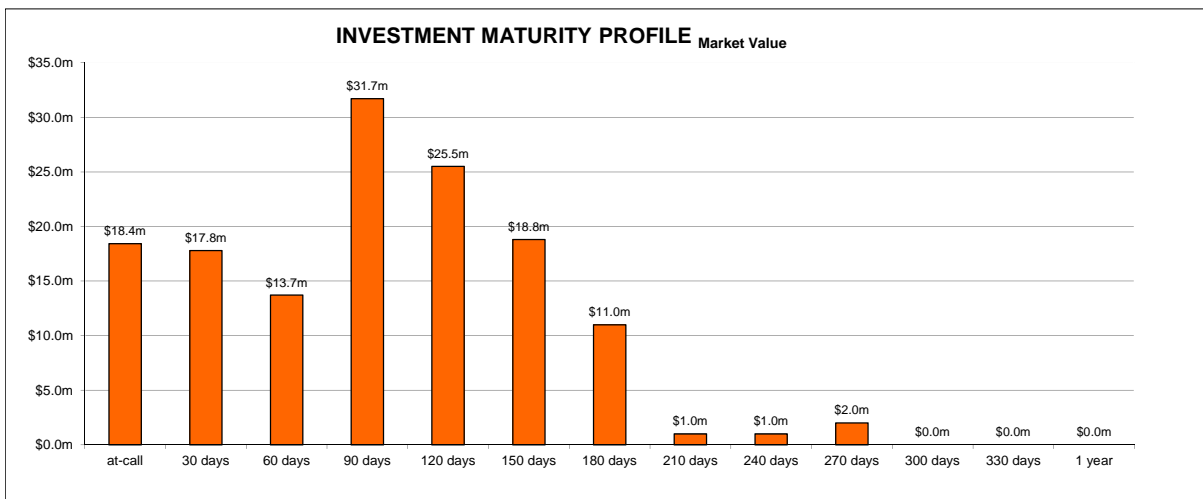
C17/6000 - INVESTMENT STATEMENTS FOR MAY 2017 (REC)

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 May 2017.



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



C17/6000 - INVESTMENT STATEMENTS FOR MAY 2017 (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

This report is available to the public on the City's web-site and hard copies of this agenda and attachments are available for viewing at the City's five public libraries.

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).

FINANCIAL IMPLICATIONS

For the period ending 31 May 2017:

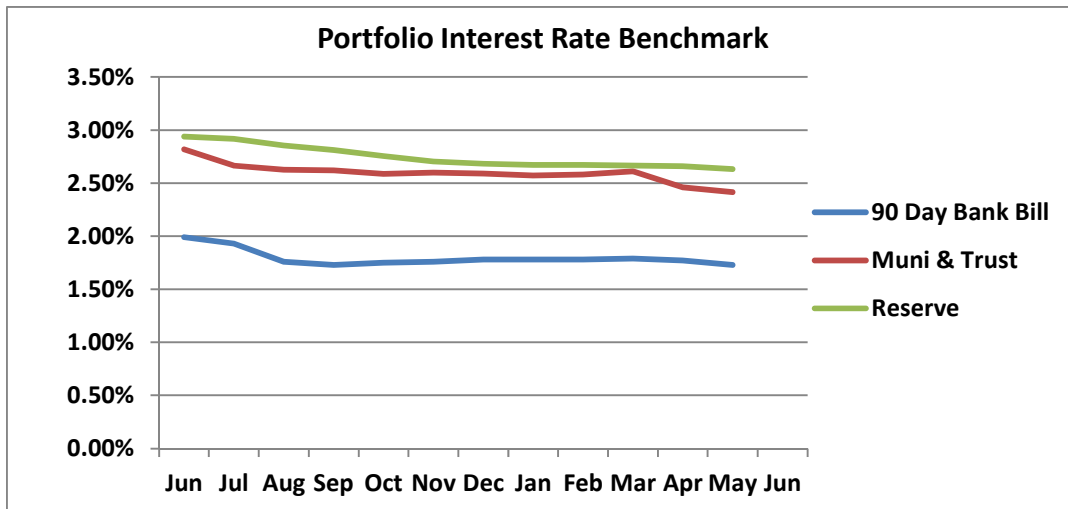
- Investment earnings on Municipal and Trust Funds were \$500,565 against a year to date budget of \$587,612 representing a \$87,047 negative variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 May 2017 was 2.42% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.73%.

- Investment earnings on Reserve accounts were \$3,247,000 against a year to date budget of \$2,957,987 representing a \$289,014 positive variance.

The weighted average interest rate for Reserve account investments as at 31 May 2017 was 2.63% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.73%.

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



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

The Council’s Investment of Funds Policy CP-009 was drafted so as to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates mechanisms that protect the City’s investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community. The interest rate risk is high due to the short-term nature of the City’s investments and the inability, due to legislative restrictions, to lock into longer dated investments which attract higher interest rates and help reduce exposure to reductions in interest rates.

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

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

provisions governed by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Part III of the *Trustees Act 1962*.

Policy Implications Contd.

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 report only presents information for noting.

CONCLUSION

The City’s investment portfolio is invested in highly secure investments that are returning low investment returns which are commensurate with the low level of risk of the portfolio.

33% 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 are expected to continue to decrease when compared to previous years as interest rates continue to stay low and readjustment from the Standard and Poor’s Australian ratings on the banks (from A- to BBB+) will force us to reduce our investment with institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels.

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.

Council Policy CP-009 Investment of Funds was amended at the Ordinary Meeting of Council meeting held 20 June 2017, Item C17/5561- Policy Review – Corporate Services, to reflect the above change to legislation and an increase in the thresholds for BBB+ investments.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)**NOTING****That the Council note the Investment Report for the period ending 31 May 2017.**

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 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 May 2017 including Payment Registers numbers, Cheques 582 to 589 and Electronic Funds Transfers batches 447 to 453, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 30 June 2017. Payments for the period totalled \$11,455,315.61 for the Municipal Fund and \$109,496.65 for the Trust Fund whilst new investment transactions totalled \$5,500,000.00. Details of the payments are shown in attachment [6001 May 2017](#).

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

Supplier Name	Remittance Number	Remittance Details	Amount
Asphaltech Pty Ltd	E056727 & E057049	Road resurfacing at various sites	\$1,059,306.86
Axiis Contracting Pty Ltd	E056742 & E057062	Concrete works at various sites	\$58,976.98
Building & Construction Industry Training Fund	Chq 007154	Remittance of the building construction training levy collected by the City with building licence applications	\$57,612.30
Caltex	Direct Bank Transfer	Caltex fuel	\$81,085.51
Department of Commerce	E056572	Remittance of Building Service Levy collected on building licence applications	\$51,884.35
Department of Fire & Emergency Services	E057041	ESL remittance for April	\$338,195.69
Dickies Tree Service	E056598 & E056885	Tree lopping services	\$136,273.78
EMSO Maintenance T/A Crabclaw Holdings Pty Ltd	E056657 & E056958	Building maintenance	\$123,673.06
Finesse Flooring	E056934	Replaced flooring at LeisureFit Booragoon	\$97,318.10
Flexi Staff	E056625 & E056915	Temporary employment	\$72,870.77
Hydroquip Pumps	E056632 & E056921	Irrigation systems at Ken Hurst Reserve, Alan Edwards Reserve and Piney Lakes Reserve and repairs to pump at Piney Lakes Reserve	\$60,630.90
M P Rogers & Associates Pty Ltd	E056656 & E056957	Design of foreshore revetment works at Deep Water Point	\$41,145.34
McLeods Barristers & Solicitors	E056655 & E056955	Legal services for City matters	\$56,712.41
Mesloe Pty Ltd T/A Jim's Trees Willetton	E056724	Tree lopping services	\$25,027.51
Natural Area Management & Services	E056808 & E057152	Weed control and maintenance to various Bushland reserves	\$27,181.10
Nature Play Solution Pty Ltd	E056736	Progress claims 6 and 7 for Piney Lakes Sensory Play Space	\$142,079.48

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

Supplier Name	Remittance Number	Remittance Details	Amount
Roadsafe Traffic Management	E056755 & E057088	Traffic management services	\$36,576.27
Site Architecture Studio	E057107	Design development for AH Bracks Library	\$40,304.00
Southern Metropolitan Regional Council	E056669 & E056977	MSW and green waste gate fees for March, MSW, MRF and green waste gate fees for April and MSW gate fees for May	\$1,160,285.87
Synergy	E056557, E056575, E056624 & E056914	Electricity charges	\$498,441.80
Tree Planting & Watering (ATF) Baroness Holdings Pty Ltd	E056725 & E057046	Street tree watering	\$63,688.37
Turf Care WA Pty Ltd	E056847 & E056974	Turf verti-mowing at various Reserves	\$39,339.50
Water Corporation	Chqs 066849, 066862, 066892 & 066958	Water charges	\$60,470.19
West Coast Turf	E056638 & E056928	Replacement of turf at various Reserves	\$34,872.53
Western Power	E056574 & E056910	Cash call 5 for Bicton North and street lighting design and construction for Ardross Street	\$687,833.00
Youngs Plumbing Service Pty Ltd	E056684 & E056993	Building maintenance	\$38,055.95

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 03.05.2017, 17.05.2017 & 31.05.2017	Payment of salaries and wages to City employees net of tax and deduction for pays 22, 23 & 24	\$3,115,651.95
Australian Taxation Office	Direct Bank Transfers 03.05.2017, 17.05.2017 & 31.05.2017	Pay as You-Go taxation and other deductions from employee payroll for pays 22, 23 & 24	\$924,109.00
Creditors	Direct Bank Transfers 03.05.2017, 17.05.2017 & 31.05.2017	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc.	\$763,577.09
Total			\$4,803,338.04

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

C17/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 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 the period totalled \$11,455,315.61 for the Municipal Fund and \$109,496.65 for the Trust Fund whilst new investment transactions totalled \$5,500,000.

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 May 2017 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 May 2017](#)

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

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

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

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

DETAIL

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

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

Variances

CITY OF MELVILLE EXTRACT OF RATE SETTING STATEMENT FOR VARIANCES IN EXCESS OF \$50,000 for the Period 1 July 2016 to 31 May 2017								
	May Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commit. \$
Revenue								
General Purpose Funding	1,039,234	12,980,698	13,237,992	257,293	2%	12,931,170	14,084,868	-
Community Amenities	148,885	3,088,139	3,261,744	173,605	6%	3,136,387	3,259,858	-
Recreation and Culture	562,440	7,373,345	7,475,328	101,982	1%	8,649,982	8,208,893	(2,500)
Transport	1,276,617	3,724,002	4,534,555	810,553	22%	4,641,787	5,236,215	-
Economic Services	143,225	2,575,277	3,139,653	564,376	22%	2,773,415	2,672,575	-
	3,228,206	33,583,905	35,607,364	1,867,125	6%	35,739,377	37,431,975	(2,500)
Expenses								
Governance	(320,245)	(3,779,341)	(2,949,261)	830,080	-22%	(4,078,269)	(4,289,715)	(147,864)
General Purpose Funding	(1,315,875)	(6,853,012)	(6,627,869)	225,143	-3%	(6,919,538)	(6,919,538)	(2,938)
Law, Order, Public Safety	(410,743)	(3,759,357)	(3,512,016)	247,341	-7%	(4,051,723)	(4,118,269)	(58,045)
Health	(107,045)	(1,018,799)	(940,980)	77,819	-8%	(1,115,196)	(1,109,792)	(3,248)
Education & Welfare	(277,045)	(2,420,723)	(2,297,842)	122,881	-5%	(2,650,229)	(2,635,182)	(17,604)
Community Amenities	(2,101,073)	(21,530,377)	(20,635,983)	894,394	-4%	(24,619,692)	(25,193,301)	(485,671)
Recreation and Culture	(2,983,683)	(26,455,599)	(25,744,115)	711,483	-3%	(28,742,880)	(29,008,595)	(1,185,341)
Transport	(1,680,820)	(14,129,995)	(15,421,754)	(1,291,759)	9%	(15,078,943)	(15,069,496)	(567,553)
Economic Services	(239,163)	(1,960,975)	(2,305,622)	(344,647)	18%	(2,174,143)	(2,195,276)	(43,810)
Other Property and Services	(848,644)	(10,688,946)	(8,513,382)	2,175,564	-20%	(11,740,320)	(11,528,781)	(506,840)
	(10,287,755)	(92,654,691)	(89,005,037)	7,591,426	-4%	(101,232,456)	(102,129,466)	(3,024,905)
Net Result Excluding Rates	(7,059,549)	(59,070,787)	(53,397,673)			(65,493,079)	(64,697,491)	
Capital Revenue & Expenditure								
Purchase of Furniture & Equipment	(120,226)	(1,447,549)	(991,811)	455,738	-31%	(1,454,494)	(2,472,308)	(399,053)
Purchase of Plant & Equipment	(59,211)	(4,292,117)	(2,634,838)	1,657,279	-39%	(2,441,631)	(4,320,617)	(431,344)
Purchase of Land & Buildings	(233,679)	(7,660,846)	(6,693,802)	967,044	-13%	(3,786,000)	(12,181,271)	(828,546)
Purchase of Infrastructure Assets	(1,506,849)	(17,605,442)	(12,779,914)	4,825,528	-27%	(15,935,141)	(21,256,767)	(2,938,573)

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

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

\$82.58 million in Rates was raised to 31 May 2017. This is compared with a revised year to date budget of \$82.54 million, resulting in a positive variance of \$41,629.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for May 2017.

Budget Amendments

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

- \$50,000 – Transfer existing budget from City buildings to Natural Areas & Parks.
- \$93,920 – Transfer of budget for Footpath program to be in line with the revised schedule.

Rates Collections and Debtors

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$1,014,804 were collected over the course of the month. Rates collection progress for the month of May is 0.1% below the target of 96%. This represents a dollar value of \$86,607. As at 31 May, 95.9% of 2016-2017 rates, including prior year arrears had been collected compared with 96.5% collected for the same time last year.

Rates collection for 2016-2017 excluding prior year rates arrears is 98.02%.

Total sundry debtor balances decreased by \$446,953 over the course of the month from \$924,516 to \$477,563. The 90+ day's debtor balance also decreased by \$3,234 from \$20,082 to \$16,848.

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.

No debts were written off under delegated authority in the month of May 2017.

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

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

C17/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2017 (AMREC)

- (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing —*
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown —*
- (a) according to nature and type classification; or*
 - (b) by program; or*
 - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H May 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 May 2017.

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

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

At 9:07pm Cr Schuster moved, seconded Cr Robartson –

That the Council:

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

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

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

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

15. EN BLOC ITEMS

At 9:07pm Cr Schuster moved, seconded Cr Foxton –

That the recommendations for items P17/3758, M17/5563, M17/5000, C17/6000 and C17/6001 be carried En Bloc.

At 9:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. LATE ITEM FOR CONSIDERATION BY COUNCIL

Disclosure of Interest

Item No.	M17/5563
Member	Cr C Robartson
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Mentioned by name in the report

**M17/5567 - POLICY REVIEW – ELECTED MEMBERS PROFESSIONAL DEVELOPMENT
(REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Council Policy
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M15/5458 - Policy Review – Ordinary Meeting of the Council – 8 December 2015
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

M17/5567 - POLICY REVIEW – ELECTED MEMBERS PROFESSIONAL DEVELOPMENT
(REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The policy within the responsibility of Management Services have been examined and brought forward with minor amendments for consideration and adoption.
- Policies that are defined as a Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.
- This report recommends that the reviewed policy be adopted.
- The report also recommends that approval be given for Cr Clive Robartson to attend the Annual Conference and General Meeting of the Western Australian Local Government Association.

BACKGROUND

The City of Melville Council Policy “Elected Members Professional Development” was previously reviewed on the 8 December 2015. Officers have again reviewed the Elected Members Professional Development Policy and have now brought the reviewed policy with proposed amendments to Council for consideration. A two yearly review cycle has been implemented to ensure all policies remain current.

DETAIL

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

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

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

Where applicable procedures will be prepared for some policies to define a sequence of activities, tasks or steps that when undertaken in the sequence laid down produces the described result, product or outcome.

**M17/5567 - POLICY REVIEW – ELECTED MEMBERS PROFESSIONAL DEVELOPMENT
(REC) (ATTACHMENT)**

This report provides comment on Elected Members Professional Development Policy as follows:

CP-092 Elected Members Professional Development

The current policy does not provide for Elected Members to be able to attend the Annual General Meeting of the Western Australian Local Government Association unless they have been nominated as a voting delegate or proxy voting delegate to the Annual General Meeting.

The proposed minor amendments to the policy also provides for attendance by Elected Members at the Western Australian Local Government Association Annual Conference and Annual General Meeting to be exempt from the requirement to obtain Council approval. The current requirement in the Policy confirms that to attend any conference or seminar held after 30 June in the year where the Elected Member's term of office concludes, the Elected Member requires approval from the Council.

The proposed amendments to the policy are shown as track changes in attachment [5567 Elected Members Professional Development Policy](#)

STAKEHOLDER ENGAGEMENT**1 COMMUNITY**

Not applicable.

2 OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The review of policies includes references to legislation to support the policy position. The policy is consistent with the current *Local Government Act 1995* and relevant Regulations.

FINANCIAL IMPLICATIONS

There are no Financial Implications

M17/5567 - POLICY REVIEW – ELECTED MEMBERS PROFESSIONAL DEVELOPMENT
(REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

Risk Statement	Level of Risk	Risk Mitigation Strategy
Administration undertakes functions delegated by 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 which provides clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Each policy may be subject to various options which would be associated with a range of different options. The Council could resolve to continue to require Elected Members attending the Western Australian Local Government Conference and Annual General Meeting to request Council approval.

CONCLUSION

The policy has been reviewed by senior officers and the amendments are consistent with the current provisions of the *Local Government Act 1995* and Regulations.

**M17/5567 - POLICY REVIEW – ELECTED MEMBERS PROFESSIONAL DEVELOPMENT
(REC) (ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5567)

APPROVAL

At 9:09pm Cr Barling moved, seconded Cr Aubrey –

That the Council adopts the amendments to the Elected Members Professional Development Policy as contained in attachment [5567 Elected Members Professional Development Policy](#).

At 9:09pm the Mayor submitted the first part of the motion, which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Mayor Aubrey	Yes
Cr Woodall	No

At 9.10pm Cr Robartson having declared an interest left the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5567)

APPROVAL

That the Council gives approval for Cr Clive Robartson to attend the Annual Conference and General Meeting of the Western Australian Local Government Association.

At 9:13pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

Vote Result Summary	
Yes	11
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes

At 9:13pm Cr Robartson returned to the meeting.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9:14pm.