



— City of —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

13 OCTOBER 2009

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

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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, 13 OCTOBER 2009.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30 pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and then the Deputy Mayor, Cr P Phelan read aloud the 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 Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

Cr P M Phelan (Deputy Mayor)

Palmyra/Melville/Willagee

COUNCILLORS

Cr H Everett, Cr N Pazolli
Cr T Ceniviva, Cr D Macphail
Cr C Robartson, Cr R Subramaniam
Cr G Wieland, Cr J Barton
Cr C Halton,
Cr M Reynolds

WARD

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

3. IN ATTENDANCE

Mr M Tieleman	A/Chief Executive Officer
Mr S Cope	Director Urban Planning
Mr T Cahoon	A/Director Community Development
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr J Gonzalez (Until 7.40pm)	Planning Services Coordinator
Mr P Camilleri (From 8.08pm – 8.09pm)	Senior Strategic Urban Planner
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the Meeting there were 8 members of the public in the Public Gallery and 1 member of the Press in the Press Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Dr S Silcox	Chief Executive Officer
Ms C Young	Director Community Development

4.2 APPROVED LEAVE OF ABSENCE

His Worship the Mayor, R Aubrey

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBER

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

Nil.

At 6.32pm Cr Reynolds moved, seconded Cr Subramaniam –

That Standing Orders be suspended to allow announcements from retiring Elected Members or Elected Members that will be contesting the forthcoming Election.

At 6.32pm the Deputy Mayor submitted the motion which was declared
CARRIED (11/0)

The Deputy Mayor invited Cr Everett (retiring), Cr Robartson and Cr Macphail to address the meeting. The Deputy Mayor also took the opportunity to reflect on her years of service and thanked staff and Elected Members, both current and past for their help and assistance over her period on Council. Cr Barton who was elected unopposed was also invited to speak and addressed the meeting.

At 6.54pm Cr Macphail moved, seconded Cr Pazolli –

That Standing Orders be reinstated.

At 6.54pm the Deputy Mayor submitted the motion which was declared
CARRIED (11/0)

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 SPECIAL MEETING OF COUNCIL – 23 JUNE 2009 [Min 23Jun 2009](#)

COUNCIL RESOLUTION

At 6.59pm Cr Barton moved, seconded Cr Macphail -

That the Minutes of the Special Meeting of Council held on Tuesday, 23 June 2009, be confirmed as a true and accurate record.

At 6.59pm the Deputy Mayor submitted the motion which was declared
CARRIED (11/0)

8.2 ORDINARY MEETING OF COUNCIL – 15 SEPTEMBER 2009
Min 15Sept 2009

COUNCIL RESOLUTION

At 7.00pm Cr Robartson moved, seconded Subramaniam -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 September 2009, be confirmed as a true and accurate record.

At 7.00pm the Deputy Mayor submitted the motion which was declared
CARRIED (11/0)

8.3 SPECIAL MEETING OF COUNCIL – 24 SEPTEMBER 2009
Min 24Sept 2009

COUNCIL RESOLUTION

At 7.00pm Cr Reynolds moved, seconded Macphail -

That the Minutes of the Special Meeting of Council held on Thursday, 24 September 2009, be confirmed as a true and accurate record.

At 7.00pm the Deputy Mayor submitted the motion which was declared
CARRIED (11/0)

8.4 NOTES OF AGENDA BRIEFING FORUM – 29 SEPTEMBER 2009
Notes 29Sept 2009

COUNCIL RESOLUTION

At 7.01pm Cr Robartson moved, seconded Cr Barton -

That the Notes of Agenda Briefing Forum held on Tuesday, 29 September 2009, be received.

At 7.01pm the Deputy Mayor submitted the motion which was declared
CARRIED (11/0)

9. DECLARATIONS OF INTEREST

- C09/8012 – Cr Everett
- C09/8023 – Cr Halton

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 7.02pm Cr Reynolds moved, seconded Cr Subramaniam –

That the applications for new leaves of absence submitted by Cr Ceniviva and Cr Robartson on 13 October 2009, be granted.

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

CARRIED (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS

12.1 Petition – Application for Temporary/Permanent Closure of Pedestrian Access Way (PAW) between Renou Way and Tintal Way, Bateman

A petition signed by 5 residents was received by the City of Melville on 21 September 2009. The petition reads as follows –

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that the City of Melville will consider/review the permanent closure of Pedestrian Access Way (PAW) between Tintal Way and Renou Way in Bateman.”

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 7.03pm Cr Everett moved, seconded Cr Macphail -

That the petition bearing 5 signatures be noted and a report be presented to a future Council Meeting.

At 7.03pm the Deputy Mayor submitted the motion which was declared

CARRIED (11/0)

13. DEPUTATIONS

P09/3095 - Two Storey Single Dwelling on Lot 1 (42B) Ogilvie Road, Mount Pleasant)

- Mr Andrew Gizariotis – The Residential Planning Consultants on behalf of Atrium Homes (T/A Honest Holdings)

At 7.05pm Mr A Gizariotis, Planning Consultant representing Atrium Homes, presented a deputation relating to Item P09/3095 - Two Storey Single Dwelling on Lot 1 (42B) Ogilvie Road, Mount Pleasant)

At 7.28pm after general discussion and questions from Elected Members, Mr Gizariotis returned to the public gallery.

The following deputation relates to Item 16 – Motions of Which Previous Notice Has Been Given and would be presented prior to consideration of the item later in the meeting.

Motion to Rescind -

P09/3092 – Initiation Amendment No. 56 to Community Planning Scheme No. 5 – Lot 24 (527) Canning Highway – additional uses of “Medical Centre” and “Office” – Ordinary Meeting of Council 15 September 2009.

- Mr Stephen Duckett – Applicant
- Mr Rob Liddell - Applicant

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

The Presiding Member advised Elected Members that when dealing with the following Reports they act in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require a part of the decision making process be conducted in a Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice. This on it's part requires the application of the relevant facts to the appropriate statutory regime.

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross/Mount Pleasant
 Category : Operational
 Application Number : DA-2009-607
 Property : 42B Ogilvie Road, Mount Pleasant WA 6153
 Proposal : Two Storey Single Dwelling
 Applicant : Honest Holdings Pty Ltd
 Owner : Mr A L Elliott and Ms W J Elliott
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mr Peter Prendergast
 A/Manager Planning and Development Services
 Previous Items : Nil

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>when 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>

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The application is for a two-storey residence on a narrow, east-west orientated lot.
- The application proposes a number of variations to the Residential Design Codes (R-Codes).
- These variations specifically relate to boundary setbacks and overshadowing impact.
- The variations require consideration under the relevant Performance Criteria provisions of the R codes.
- One (1) objection has been received from a neighbouring property owner.
- The objector expresses concern regarding natural ground levels, building bulk, access to sunlight and ventilation, and overshadowing.
- The applicant has provided justification for the proposal, demonstrating compliance with the relevant performance criteria of the R Codes, with the exception of overshadowing.
- The overshadowing exceeds 25% and as such is contrary to the acceptable development provisions of the R Codes.
- Application is recommended for approval subject to relevant conditions.



P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**BACKGROUND**

This application seeks consent for the erection of a two storey single house on a cleared survey strata lot. The subject site is located in a Living Area Precinct under the provisions of the City of Melville Community Planning Scheme No 5 (CPS5). The dominant land use activity in this Precinct is residential, and the existing immediate streetscape is made up of single detached one and two storey dwellings.

The subject lot is part of an original subdivision approval dating back to 2006, at which time raised site levels were agreed. Under the Explanatory Guidance provisions of the R codes, natural ground level may be taken as the levels resulting from development carried out as an approved part of a land subdivision. For the purposes of this application therefore, the raised ground levels created post-subdivision, are treated as the natural ground levels.

In this particular case, and prior to subdivision, the site sloped down from south to north, across its width. In order to facilitate construction on a more level footprint, artificial raising took place, and this has resulted in an increase in the natural ground level of the site, particularly along its northern side boundary where it abuts No 40A Ogilvie Road. The impact of the raising of the natural ground levels to the southern side where it abuts No 44 is marginal. It is estimated that the top of a retaining wall on the southern boundary where it abuts No 44 is approximately 100mm above the pre-subdivision ground level.

The application is referred to Council for consideration in accordance with the DAU call up procedures.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: MP2 – Living Area
R-Code	: R17.5
Use Type	: Residential
Use Class	: 'P-Use' – use is permitted.

Site Details

Lot Area	: 468.00 sqm
Retention of Existing Vegetation	: n/a
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: No
Site Details	: Refer aerial map above

[3095 Site Floor Plans & Elevations](#)

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Overshadowing	25% of adjoining property	26.5% of adjoining property	Does not comply	MPDS	

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Southern Side garage wall	1m	Nil - parapet	Does not Comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: R-Code Variations
 Support/Object: One (1) neighbour consulted. One (1) objection received to the proposal.

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	Concern is expressed that the proposed zero lot garage boundary wall will result in detriment to the levels of residential amenity currently enjoyed by the owners of the adjoining property at No 44 Ogilvie Road, by virtue of its excessive height and resultant overshadowing impacts.	Objection	It is incumbent on the Council to assess the impact that this setback variation may have as part of the planning application assessment process. In this case the wall in question has been assessed in accordance with the relevant performance criteria of the R codes, and it is concluded that it complies with those criteria. This issue is discussed in greater detail elsewhere within this report.	Not Uphold

REFERRALS TO GOVERNMENT AGENCIES

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval, the applicant will have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Not applicable

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may adopt the view that the parapet wall should be setback in accordance with the acceptable development provisions of Clause 6.3.2 of the R-Codes. It should be noted however, that the proposal has been assessed in accordance with the performance criteria of the Codes, and it is concluded that it is acceptable in that context. Any requirement to deviate from that position may be open to review at the State Administrative Tribunal.

COMMENTS

The proposed dwelling is generally designed to comply with the R Codes and CPS No 5. However, in recognition of the relatively narrow width of the lot (12.1m), there are two (2) variations to the acceptable development provisions of the R-Codes for which the applicant seeks approval under the relevant performance criteria. The first of these variations refers to the amount of overshadowing to the lot to the south, whilst the second refers to the proposed zero garage wall setback in lieu of the 1m setback required under the acceptable development provisions of the R-Codes.

Overshadowing

Based on the proposal currently under consideration, the proposed development will result in 26.5% overshadowing of the adjoining lot to the south. This is in excess of the acceptable development requirement level of 25% by 1.5%. This represents a very minor variation, particularly taking into account the impact of overshadowing does not remain constant throughout the calendar year. As such, the minor variation would likely be acceptable when assessed under the relevant performance criteria. Conversely, it would be a relatively straightforward task to bring the proposal within the acceptable development tolerances of the R-Codes. In this case it is proposed that a condition be attached to require the latter. In so doing, the concerns expressed by the objector are dealt with.

Buildings on boundary

The proposed zero lot side setback refers to the southern side garage wall. This wall is setback from the primary street setback some 6.2m, and has a total length of 7.6m, and a height of 2.7m when measured from the top of the existing retaining wall. The objector has expressed a concern that the wall height should be assessed together with the retaining wall which effectively increases its overall height. The R Codes require that the height of such a wall is taken from the natural ground level. On that basis, the height is 2.7m. In reality, taking into account the height of the recently constructed retaining wall, the combined height of the proposed garage parapet wall with the retaining wall is 2.8m.

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Nonetheless, the proposed wall does require the benefit of the Council's discretion, and as such an assessment under the relevant performance criteria of the R-Codes is necessary.

The Performance Criteria of Clause 6.3.2 of the R-Codes 'Buildings on Boundary' allows buildings to be built up to boundaries other than the street boundary where it is desirable to do so in order to:

- make effective use of space; or
- enhance privacy; or
- otherwise enhance the amenity of the development;
- not have any significant adverse effect on the amenity of the adjoining property; and
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

It is considered that in this case the existence of a zero lot parapet wall on the southern side boundary with the objectors' property will make effective use of space, and enhance privacy and amenity for the occupiers of the proposed residence, whilst retaining amenity levels for the benefit of residents of the adjoining lot to the south. The position of the parapet wall to the south side is unlikely to prejudice the availability of direct sun to habitable rooms and outdoor living areas for the adjoining property to the south, as the bulk of the length of the wall does not actually oppose the side elevation of the adjoining residence.

Whilst the concerns expressed by the neighbour are acknowledged, as the proposed garage parapet wall is considered acceptable when judged against the Performance Criteria of Clause 6.3.2 'Boundary Walls' of the R-Codes, and the amenity provisions of Clause 7.8 of CPS No 5, the variation to the setback of the garage wall is supported.

CONCLUSION

As the proposed development and its variations are deemed to satisfy the performance criteria of the R-Codes and as the proposed development is otherwise in full compliance with the provisions of the R-Codes and the CPS No 5, it is therefore recommended that Council approve the application with conditions.

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

At 7.26pm Cr Reynolds left the meeting and returned at 7.28pm.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3095) APPROVAL

At 7.28pm Cr Subramaniam moved, seconded Cr Halton -

- A) That the application for a two-storey grouped dwelling on Lot 1 (42B) Ogilvie Road, Mount Pleasant be approved subject to the following conditions:**

Special Conditions:

- 1. The proposed two-storey residence at 42B Ogilvie Road, Mount Pleasant is to comply with the acceptable development standards of Clause 6.9.1 of the 2008 Residential Design Codes, whereby the shadow cast at midday on 21 June onto the adjoining property at 44 Ogilvie Road, Mount Pleasant is not to exceed 25% of the total site area.**
- 2. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.**

Standard Conditions:

- 3. All stormwater and drainage run off to be contained on site. An onsite stormwater drainage system with a capacity to contain a 1:100 year storm of twenty-four (24) hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning and Development Services. All downpipes to be connected to soakwells. The proposed stormwater drainage system is required to be shown on the building licence submission for approval prior to the commencement of construction.**
- 4. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.**
- 5. Roofing materials being of a non-reflective material (zinc or white colour metal roofing may only be permitted through special planning consent).**
- 6. Prior to the commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4sqm and a height of 1m and a hinged lid. The receptacle should not be allowed to overfill.**

P09/3095 - TWO STOREY SINGLE DWELLING ON LOT 1 (42B) OGILVIE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

- 7. All unused crossover(s) are to be removed and the kerbing and road verge are to be reinstated at the owners full cost to the satisfaction of the Manager Planning and Development Services.**
 - 8. All new residential dwellings to be serviced by a concrete or brick paved vehicle crossing of no greater width than the lesser of 6m or 40% of the width of the frontage of the lot and constructed in accordance with the Council's specification to the satisfaction of the Manager Planning and Development Services.**
 - 9. All street trees are to be retained.**
- B) The adjoining property owners who objected to the development be advised in writing of A) above.**

At 7.39pm the Deputy Mayor submitted the motion which was declared

CARRIED (8/3)

**C09/8024 - PARKING CONTROL- COMMERCIAL PREMISES 18-22 RISELEY STREET
ARDROSS (REC)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Subject Index : Parking Schemes
 Customer Index : Glen O'Brien Real Estate
 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 : Christine Young
 Director Community Development

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>when 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>

**C09/8024 - PARKING CONTROL- COMMERCIAL PREMISES 18-22 RISELEY STREET
ARDROSS (REC)****KEY ISSUES / SUMMARY**

- Glen O'Brien Real Estate representing the owners of 18-22 Riseley St Ardross has requested that the business premises customer car park be made a Parking station under the Council's Local Laws relating to Parking Facilities.
- The Council may constitute any land or structure as a Parking station by resolution (clause 6 of the Local Law relating to Parking Facilities).
- The City has entered into similar agreements with other shopping centres.

BACKGROUND

The owners (Jetcove Pty Ltd) of 18-22 Riseley Street, Ardross are experiencing problems with vehicles parking in the customer car park of the premises for extended periods. This is limiting the number of customer bays available to customers visiting the complex. The businesses primarily affected by this activity include the Bank of Queensland and the Dome Café.

The owners are seeking Council's assistance in controlling the parking at the customer car park of 18-22 Riseley Street Ardross.

DETAIL

The creation of a Parking station at 18-22 Riseley Street, Ardross would assist in controlling the activities of vehicles using the car park. The car park would be subject to a time limit which will be indicated by signage at entrances to the car park.

Signage would be erected to the satisfaction of the Council and would be at the cost of the applicant.

The owners have paid a \$750 fee for establishment of the Parking station. A formal deed of agreement will be entered into with the owners.

The Parking station will be included into Schedule one (1) of the Local Laws relating to Parking facilities.

**C09/8024 - PARKING CONTROL- COMMERCIAL PREMISES 18-22 RISELEY STREET
ARDROSS (REC)**



PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The Council may constitute any land or structure as a parking station by resolution under clause 6 of the Local Law relating to Parking Facilities.

FINANCIAL IMPLICATIONS

There are no up front financial implications for the Council. All costs associated with the establishment of the parking station are the responsibility of the owners of the premises.

The parking deed of agreement requires the owner to reimburse the Council for the cost of employment of authorised persons to enforce the Local Laws relating to parking facilities.

**C09/8024 - PARKING CONTROL- COMMERCIAL PREMISES 18-22 RISELEY STREET
ARDROSS (REC)**

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The agreement will not impact on the strategies of the Council.

POLICY IMPLICATIONS

There is no Council Policy that relates to this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil.

CONCLUSION

The City has entered into similar agreements with other shopping centres.

The Council Rangers already enforce a similar parking agreement with the owners of Kearns Crescent East, Shopping centre.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8024)

APPROVAL

At 7.39pm Cr Wieland moved, seconded Cr Everett -

- 1. That subject to a Deed of Agreement being negotiated and at full cost to the owners of 18-22 Riseley Street, Ardross, the car park at 18-22 Riseley Street, Ardross be established as a Parking Station Number 27 and that the provisions of the Parking Facilities Local Law, of the City of Melville apply to the car park.**
- 2. That the Chief Executive Officer be authorised to execute the documentation regarding the Deed of Agreement for parking controls at 18-22 Riseley Street, Ardross.**

At 7.39pm the Deputy Mayor submitted the motion which was declared

CARRIED (11/0)

The Presiding Member advised Elected Members that the Meeting is now moving out of the Quasi-Judicial phase.

At 7.40pm Cr Pazolli left the meeting.

At 7.40pm Mr J Gonzalez left the meeting.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

Ward : All
 Category : Strategic
 Application Number : N/A
 Subject Index : Strategic Urban Planning - Jandakot Airport
 Master Plan
 Customer Index : Jandakot Airport
 Property : N/A
 Proposal : N/A
 Applicant : N/A
 Owner : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this
 report has a declarable interest in this matter.
 Responsible Officer : Peter Camilleri
 Acting Manager Strategic Urban Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input checked="" type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

KEY ISSUES / SUMMARY

Jandakot Airport is within the City of Cockburn but is governed by the Commonwealth Airports Act 1996.

The Airports Act 1996 (Section 79) requires the airport lessee to formulate a five year (5) *master plan* and to consult with local governments surrounding the airport.

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(ATTACHMENT)**

Subsequent to the final master plan the Airports Act 1996 [Section 91 (1A) (b)] requires the airport lessee to produce a *major development plan* consistent with the airport lease and the final master plan, and setting out objectives for, and a detailed outline of, the development. The *major development plan* must also ‘...address the extent of consistency with planning schemes in force under a law of the State or Territory in which the airport is located.’ [Section 91 (4)]

The *Jandakot Airport Master Plan 2009 Preliminary Draft* has been issued for public comment.

The *Jandakot Airport Master Plan 2009 Preliminary Draft* proposes developments for new aviation and non-aviation related land uses and activities with the potential to impact on some residential, environmental, infrastructure and activity centres issues, both existing and planned, within the City of Melville.

The *Jandakot Airport Master Plan 2009 Preliminary Draft* includes changes in proposed land uses to secure some areas of environmental significance for example exchanging Precinct 5 (commercial) for Precinct 1A (conservation).

The City of Melville will submit comments covering these issues to Jandakot Airport Holdings on the *Jandakot Airport Master Plan 2009 Preliminary Draft*.

Attachments:

[3096 Jandakot Airport Master Plan 2009 Precincts Map](#)

[3096 Jandakot Airport Master Plan 2009 Aviation Ultimate Development Plan](#)

[3096 Jandakot Airport Master Plan 2009 ANEF](#)

[3096 Jandakot Airport Master Plan 2009 N60 Contours](#)

[3096 Jandakot Airport Master Plan 2009 Traffic Flows](#)

[3096 Jandakot Airport Master Plan 2009 Rare & Endangered Flora](#)

[3096 Jandakot Airport Master Plan 2009 Ecological Corridor](#)

[3096 Jandakot Airport Master Plan 2009 Appendix 1 Traffic Forecasting](#)

BACKGROUND

Jandakot Airport comes under the jurisdiction of the Commonwealth Airports Act 1996, as well as the Airports (Environmental Projection) Regulations 1997 and other relevant Commonwealth legislation such as the Environment Protection and Biodiversity Conservation Act 1999.

The Airports Act 1996 requires the airport lessee to formulate a five (5) year master plan that is approved by the Minister.

The Jandakot Airport Master Plan 2009 Preliminary Draft has been circulated for comment to local governments surrounding the Jandakot Airport as required by the Commonwealth Airports Act 1996.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

Contextual Overview

In the sub-regional context Jandakot Airport has a catchment that includes;

- The local government areas of the City of Cockburn, the City of Melville and the City of Canning
- Bush Forever (Ken Hurst Park – City of Melville)
- The Jandakot Water Mound - a significant regional water catchment area
- Endangered flora – the *Caladenia huegelii* (Grand Spider Orchid) and the *drakae elastica* (Glossy-leaved Hammer Orchid) Endangered fauna – the *Calyptorhynchus latirostris* (Carnaby's Black Cockatoo).
- Fauna of conservation significance – the *Marcopus irma* (Western Brush Wallaby) and the *Isodon obesulus fusciventer* (Southern Brown Bandicoot - Quenda)
- Resource Enhancement wetlands (Damplands)
- Major regional and sub-regional transport infrastructure and associated transport activities
- Major regional, sub-regional and district residential, commercial and industrial activity centres in the local government areas of Melville, Cockburn and Canning
- Rural land uses and rural / urban land use transition areas.

Key Development Issues

The Jandakot Airport Master Plan 2009 proposes the following developments:

Aviation

- Provision for a fourth runway
- Extensions to the existing main runway to 1,600 metres.
- Provision for extension of runway 12/30 to a length of 1,508 metres.
- Provision for enhanced helicopter training area and operation.
- Expansion of physical aviation capabilities
- Expansion of aviation operational capabilities by the airport's clients eg Royal Flying Doctor Service
- Expansion of aviation activities eg training, maintenance etc
- Expansion of complementary activities eg FESA
- The expansion of Residential Housing for Trainees.

Economic Development

- Urban land development for commercial buildings and associated transport, sewerage, drainage and telecommunications infrastructure
- Enhanced aviation-related businesses
- Establishment of commercial businesses
- Enhanced employment
- Enhanced financial contribution to the sub-region and the metropolitan region.

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(ATTACHMENT)**

Existing and proposed scale of commercial activities

Current	Estimated
40 businesses	Approx 190 businesses
1,000 employed	5,700 employed

Environmental management

- A new environmental conservation area - Precinct 1A.
- Topsoil from development areas to be used to rehabilitate sand mining area adjoining the airport ie areas 7 and 8 (note these are outside the airport boundary)
- Proposed environmental greenway linkages with Ken Hurst Park and other areas around the airport
- Proposed environmental management strategies for critical bio-diversity resources such as bush forever (Ken Hurst Park), *Calyptorhynchus latirostris* (Carnaby's Black Cockatoo), the Western Brush Wallaby and the Southern Brown Bandicoot (Quenda).

Proposed Commercial Precincts, Land uses and Activities

Land use

The zoning, objective and permitted discretionary land uses are consistent with the City of Cockburn's Town Planning Scheme No 3. The Jandakot Airport Master Plan 2009 states that -

'The uses in Precinct 4 will be based on the City of Cockburn's mixed business zone with the exception of Precinct 4C which will also include aviation uses.'(p.71)

'Precinct 4 was identified for commercial development under the approved Master Plan 2005 and is approximately 116 hectares in area. Precinct 4 is currently partially under construction and will include business, office, bulk retail, showroom, warehouse and storage uses consistent with the Master Plan 2005.' (p.70)

Summary of Proposed Land Uses

Precinct	Area	Type of activities
Precinct 4A	22ha	Existing commercial development Bulky goods and show rooms
Precinct 4B	9ha	Existing commercial development identified for office commercial land uses.
Precinct 4C	13ha	Commercial mixed uses and land aviation uses.
Precinct 4	72ha	Existing commercial development, ware house storage land uses.
Total Precinct 4	116 ha	
Local and convenience retail		Some retail services for airport-based work force eg convenience and day-to-day retail services for example, local or neighbourhood centre level retail facilities as per City of Cockburn Local Commercial Strategy.

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Precinct 5	40ha	Some new commercial area, warehouse storage land uses; exchanged for Precinct 1A previously conservation.
Precinct 6 and 6A	53ha	Conservation area but to be reviewed in 5 years for future commercial/aeronautical development subject to environmental objectives. Additional commercial /aeronautical development potential is for approximately 160,000m ² of warehouse and storage floor area, approximately 50 businesses and 1,072 employees.

Summary of Proposed Commercial Activities and Floorspace (m²) [NB it is not clear whether m² are net lettable area or gross lettable area]

Commercial Activity	m²
Business and office	40,000m ²
Bulk retail and showroom	80,000m ²
Warehouse and storage	470,000m ²
Ultimate potential businesses – • approx 190 businesses	Ultimate potential employees – • approx 5,700 employees

Metropolitan Planning Context

Although Jandakot Airport is under the jurisdiction of Commonwealth legislation it is also classified as a *Regional Specialised Centre* (within the City of Cockburn) by the State's *Directions 2031 Draft Spatial Framework for Perth and Peel* (June 2009), and the draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009)

The Role and Function of Specialised Centres

The attributes of specialised centres are explicit in the draft *State Planning Policy, Activity Centres for Perth and Peel* for example -

- b. Specialised centre ... have a focus on specific activities that generate a high number of work and visitor trips. They have significant economic and employment benefits, may lead to accumulation of similar activities and require excellent movement networks, including access to high-frequency public transport. They should only contain uses that are consistent with the growth of their primary functions; however, mixed uses that complement the role of these centres are encouraged, but should not be of a scale that will compete with other centres in the hierarchy. (*Appendix 2 Activity centre hierarchy* page 15)

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This statement underscores the intent of planning policy at both State and Commonwealth levels for example, although the Jandakot Airport is independent of both the Western Australian and local government fields of statutory and policy parameters it is also guided by the complementary intent of Commonwealth legislation (Airports Act 1996 Section 91 (4)) that requires the airport's major development plan to

'...address the extent of consistency with planning schemes in force under a law of the State or Territory in which the airport is located.'

The category of *Specialised Centre* therefore acknowledges the Jandakot Airport's contribution to the sub-region, specifically in the context of enhanced aviation and non-aviation activities that will increase substantially employment and economic development in the sub-region, and integrate the airport's functions and role into the WAPC's framework of activity centres for Perth and Peel.

In addition the *Jandakot Airport Master 2009 Plan Preliminary Draft* expresses the intent to comply with the City of Cockburn's local planning scheme and local commercial strategy guidelines for commercial land use zones and activities.

Local Government Context**The City of Cockburn Town Planning Scheme No3.**

Jandakot Airport is entirely within the City of Cockburn local government area. The *City of Cockburn Town Planning Scheme No3* provides some broad guidance for land use and development including,

(6.5) Jandakot Airport (JA)

(a) In considering any proposal for the subdivision, use or development of land within the boundaries of the Airport, referred to the local government by the lessee, the local government shall have regard to the *Jandakot Airport Master Plan* and *Environmental Strategy* for the airport land, approved by the Federal Government, when providing advice on a proposal.

(c) The referral of and processing of any proposals for the airport is to be undertaken in accordance with any informal or formal protocol established and agreed between the airport lessee and the local government.

The City of Cockburn Local Commercial Strategy (2006)

The *City of Cockburn Local Commercial Strategy* identifies both *Mixed Business* and *Mixed Use* areas.

The *Local Commercial Strategy* specifically acknowledges the potential of Jandakot Airport as a *Mixed Business* area, that is containing "Other Retail" activities such as showrooms and bulky goods.

The Strategy also suggests the need to moderate a tendency for the "Shop Retail" categories to drift into the *Mixed Business* areas.

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The role of “Shop Retail” is primarily to contribute to and support the diversity and viability of *Mixed Use* activity centres, for example *Regional Centres* such as Melville City Centre or *District Centres* such as the Bull Creek Shopping Centre.

The attraction of “Shop Retail” into *Mixed Business* areas is typically based on a combination of factors such as close proximity to major retail centres, availability of diverse floor space areas (m²), availability of parking and favorable lease and costs per m² of floor space.

The *City of Cockburn Local Commercial Strategy* provides a summary of the primary distinguishing characteristics for *Mixed Business* and *Mixed Use* areas, that also apply to Jandakot Airport, as follows:

Mixed Business Areas	Mixed Use Areas
Predominantly car-oriented rather than pedestrian-oriented.	Predominantly pedestrian-oriented rather than car-oriented.
Generally suitable for showrooms, some office buildings and a range of other large stand-alone commercial developments, including major chain fast-food outlets.	Pleasant and/or interesting to be in, forming part of an identifiable ‘central place’.
Generally not suitable for “Shop Retail” uses.	Suitable for a wide range of “Shop Retail”, office, restaurant, entertainment and other commercial uses in a ‘main street’ format.
Generally not suitable for integration with residential uses.	Not suitable for on-site parking between buildings and the street reserve.
Suitable for some on-site parking between buildings and the road reserve.	Suitable for integration with medium and/or high density residential development, which is highly desirable to impart some after hours liveliness.
In some cases suitable for service industrial as well as commercial uses.	Generally not suitable for showrooms or major chain fast-food outlets.

Appendix F Examples of Mixed Use and Mixed Business Development: City of Cockburn Local Commercial Strategy (2006)

This commercial land use and activity guidance reflects the intent for the preferred type of land uses and activities for Jandakot Airport. However the scale and intensity of the land uses and activities proposed in the *Jandakot Airport Master Plan 2009 Preliminary Draft* requires clarification through joint-agency processes as described in the City of Cockburn TPS No3.

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(ATTACHMENT)****Implications for the City of Melville****Environmental Health – (City of Melville Environmental Health Services)**

The *Jandakot Airport Master Plan 2009 Preliminary Draft* modelling of flight numbers and frequency for the period to 2029/30 shows that:

- a larger catchment is likely to experience noise levels over 60dB (from planes) more than 20 times on an average day
- catchments closer to the airport are likely to experience noise levels (from planes) at 60dB or more as many as 100 times daily.

In 2029/30 an estimated 590,650 movements including 76,000 helicopter operations are forecast.

The average daily movements at the airport will be 1,618 an approximate average of 67 movements per hour and more than one every minute.

The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the *Jandakot Airport Master Plan 2009 Preliminary Draft* and the following measures should be explored as a means of attenuating some of the impact

- The ‘Fly Neighbourly’ campaign should be maintained and strengthened to ensure that pilots are more answerable for not flying as per the approved flight paths and policies.
- A comprehensive study into the impacts of current and increased helicopter activity on approved flight paths in residential areas.
- Airservices Australia (ASA) should continue to maintain the complaint line and a good complaint management procedure.

The Natural Environment – (City of Melville Environmental Services)

From an environmental perspective the proposal to introduce a large commercial estate as well as extending the airport runway and roads facilities will have a negative impact on the local environment.

The airport zone is *Bush Forever site No 388* and home to a large area of excellent through to poor condition remnant bushland including rare orchid species, kangaroos, bandicoots, reptiles and visiting bird populations. The proposed plans will further degrade and fragment the existing habitats at the airport.

It is proposed that top soil and flora from *Precinct 5* (commercial) will be deposited at areas 7 and 8 (not part of the airport area) and contribute to these area’s rehabilitation. Areas 7 and 8 are a degraded former sand mining site and are proposed to be rehabilitated with topsoil and flora from development areas as an offset for pristine bushland containing rare orchids and remnant Banksia woodland vegetation. Areas 7 and 8 are proposed as a linking habitat but are currently degraded and will not be able to significantly contribute to the environmental corridor linkages for up to 15 years.

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The degraded site is also proposed as a *Calyptorhynchus latirostris* (Carnaby's Black Cockatoo) habitat and food source however it will take a minimum of 10 -15 years for trees to mature to the point where there is enough food for a flock of *Calyptorhynchus latirostris* (Carnaby's Black Cockatoo)s to graze.

Other general comments:

- The plan does not specify the timeframe for the revegetation project; ongoing support and funding will be essential to the success of this type of project.
- The report proposes changing conservation areas 6 and 6A to commercial uses and aviation development, subject to the effective rehabilitation of sites 7 and 8 (not part of the airport area).
- There is a lack of depth in the environmental plan. The environmental plan is mainly concerned with complying with legislation and overall management of the site, not specifically the rehabilitation project.
- The ecological corridor linking Ken Hurst Park through areas 1A and 1B to the former sand mining rehabilitation sites (areas 7 and 8) will be bisected by a new road which will again fragment and degrade at least the edge areas of the corridor.
- The report proposes transplanting rare spider orchids from development areas to other areas of bushland. This technique has been tried with limited success and is not the solution to protecting rare and endangered wildlife in the Perth area. It should be noted that fifteen percent of Western Australia's biodiversity is found in the Perth metropolitan region and more sustainable offset models should be developed for commercial land uses.
- There is no mention of mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed "corridor" to Jandakot regional park.

Transport Infrastructure and Traffic – (City of Melville Traffic and Road Safety - Engineering Design)

The Jandakot Airport Master Plan 2009 Preliminary Draft indicates access to the Airport is to be provided via the following connections:

- Karel Avenue, via Karel Avenue extension (Hope Road)
- Berrigan Drive
- South Link – a newly constructed road linking Berrigan Drive (from Jandakot Road) to Karel Avenue
- East Link , a new road linking to Ranford Road, via Nicholson Road

It should be noted at this stage, that the South Link and East Link have considerable merit as they provide alternative traffic routes to the existing Hope Road. Should this road be blocked due to a crash or any other incident then this could lead to the following risks:

- Emergency access is lost – this has severe ramifications for the Royal Flying Doctor Service (RFDS).
- Access to RFDS by St John of God Ambulance is restricted.
- Evacuation due to a chemical spill or bushfire is limited.

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The new road links will alleviate much of these identified risks as the proposed road network affords increased flexibility for airport access. However it should be noted that a more direct connection, outside the immediate Master Plan site, to Fiona Stanley Hospital for Emergency vehicles has not been addressed in this Master Plan. For example, the connectivity between a future extension of Roe Hwy and the southern end of Murdoch Dr.

Traffic Forecasting

Traffic forecasts for 2016 and 2031 were undertaken in 2007 using a Paramics modelling system and at that time, several traffic scenarios were modelled. The results were published in the final report *Transport Planning for Jandakot airport Major Development Plan – August 2007* by Bruce Aulabaugh .

A summary of the forecasted traffic volumes for 2016 in the PM Peak Hour (the worst case scenario) is presented in **Appendix 1 Traffic Forecasting** and shows what traffic conditions are likely to be with or without the East Link. In the Natural Environment section of this report, it was identified that the East Link Road will have a negative impact on the local environment and was raised as a concern by the City of Canning.

More significantly, is the change in land use for Precinct 5 from Conservation to Commercial. This change will support warehouse and storage uses. Whilst this falls with the City of Cockburn's jurisdiction for Planning issues, it should be noted that traffic generated from the changed land use has not been quantified.

The *Jandakot Airport Master Plan 2009 Preliminary Draft* does not identify if traffic generated figures were remodelled and therefore, the traffic impacts of this change are unknown. It is recommended that Jandakot Airport Holdings (JAH) provide the City of Melville with updated traffic forecasts for 2016.

In addition these, and any other projected traffic generation changes need to be made available for input into the current traffic modelling as part of the South West Corridor and Peel Strategic Transport Review currently being carried out. (See also below regarding traffic forecasts to 2031)

The *Jandakot Airport Master Plan 2009 Preliminary Draft* shows the Development and Non-Development Traffic flows for the PM Peak. There is no mention of when these figures were modelled but suffice to say that Karel Avenue and Farrington Road will be affected as these routes both provide direct connectivity to Kwinana Freeway and South Street.

Not explored in the Master Plan is the increased demand for heavy vehicles to access the Jandakot Airport, transport goods for showrooms, bulky goods stores and warehouses, the proposed routes that these vehicles might take between Fremantle and Welshpool, and any likely impact this will have on the City of Melville road network.

The Commercial section of the Airport development will generate approximately 32,000 vehicular trips per day and the traffic related to Aviation component will generate approximately 4,000 vehicular trips per day.

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The *Jandakot Airport Master Plan 2009 Preliminary Draft* identifies the extent of road improvements required by 2016 to support the road network within the land owned by Jandakot Airport Holdings (JAH). These include the following:

- Queuing lengths on Karel Avenue approaching the Karel Avenue Extension /Berrigan Drive intersection currently (known as the Hope Road/Berrigan Drive intersection), are identified as an issue, particularly if there is a strong demand for a right turn in the evening peak hour into Berrigan Drive. JAH proposes to install traffic signals at the intersection and restrict green time in peak periods for traffic moving in/out of Berrigan Drive (north).
- To address congestion on Karel Avenue it is proposed to upgrade Karel Avenue (south) and Hope Road to a 4 lane arterial standard (additional investigation is required to determine the Karel Avenue/Roe Highway interchange upgrade requirements).
- Upgrade Karel Avenue bridge to 4 lanes and taper back to 2 lanes prior to Farrington Road. (Additional investigation is required to determine the Karel Ave/Roe Highway interchange upgrade requirements)

Of concern is the last point as this will leave approximately 100m of two lanes on Karel Avenue (south of Farrington Road) that will generate congestion as motorists try to merge into this narrowed section of Karel Avenue, given that north of Farrington Road is 4 lanes already.

JAH are responsible to fund and construct the all the infrastructure that falls within the Jandakot Airport land. Whilst some infrastructure outside of JAH area is normally under the responsibility of the City of Melville and Main Roads, JAH should be responsible for this infrastructure given that the significant traffic impact was generated by the proposed development of the airport.

It is therefore recommended that JAH fund the construction of lanes on Karel Avenue from the Bridge over the railway line to south of Farrington Road by 2016.

The need for upgrades to the road network affecting the City of Melville have not been discussed in any detail in the Master Plan. City officers are concerned with impacts on Karel Avenue, Farrington Road, South Street, Murdoch Drive, Findlay Street and North Lake Road as these routes provide direct connectivity to Kwinana Freeway, Murdoch Railway Station, Fremantle and Welshpool Industrial areas. It is anticipated that future congestion on Kwinana Freeway, South Street, Leach Highway, and Karel Avenue will lead to 'rat running' onto minor roads within the City of Melville. To alleviate the existing and future demands made on these roads

It is recommended that JAH actively examine the feasibility of a more direct access to Roe Highway and to Murdoch Drive, which may entail the extension of Roe Highway.

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Also not fully addressed in the Jandakot Airport Master Plan 2009 Preliminary Draft is the proposed change of Precinct 6 from Conservation to Commercial by 2029. This will significantly alter the modelled figures for 2031 and increase the forecasted traffic figures to over 40,000 vehicles per day.

It is recommended that JAH provide the City of Melville with updated traffic forecasts for 2031.

JAH indicated that they are committed to reducing green house gases and to this end have pursued the provision of *“regular shuttle bus services between the Airport and Murdoch Bus/Rail interchange while TransPerth bus services are being upgraded.”* The proposed routing will be via Karel Avenue, Farrington Road, Findlay Road, and South Street to the Murdoch Bus/Rail Interchange.

It is therefore recommended that Strategic Urban Planning consult with JAH on the feasibility of extending the proposed “CAT” bus service from Murdoch Train Station to Garden City and the Canning Bridge Precinct.

Land use and Activity Centres Planning

The basis of activity centres planning is the principle of optimizing the concentration of complementary urban, economic, infrastructure, social, and environmental factors in the context of a metropolitan spatial framework.

Through the draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009) the network of planned activity centres is further guided by governance objectives that aim for high levels of infrastructure and services integration and usage.

These objectives are in turn achieved through synergies between a mix of land uses and activities such as types of employment, commercial, retail, residential and community services.

This diversity of co-located infrastructure, services, land uses and activities in and around activity centres is a fundamental objective for all activity centres, and State and Local Government policies and statutes provide distinct management and governance guidelines that distinguish clearly the attributes and related planning parameters of centre typologies and their predominant roles and functions.

This provides the context for determining the appropriateness, proportion, scale and mix of land uses and activities in specific centres as defined in the draft *State Planning Policy, Activity Centres for Perth and Peel* (June 2009).

Similarly this approach also establishes the policy and planning context for assessing the appropriateness of the mix and scale of land uses and activities proposed in the *Jandakot Airport Master Plan 2009 Preliminary Draft*.

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It is important to acknowledge the substantial positive initiatives and the contributions of the economic, employment and skills development proposed by the Jandakot Airport's aviation and non-aviation land uses and activities.

It is also topical to discuss the types of activities, proportions and scale proposed, in particular the 40,000m² of *Business and Office* floor space, and the 80,000m² of *Bulk Retail and Showroom*, particularly in the context of provisions for these land uses and activities in adjoining centres and the airport's aviation focused primary functions.

This acknowledges that specific converging synergies define the predominant characteristics, roles and functions of *Commercial, Specialized* and *Industrial* activity centres.

A number of key activity centres within the City of Melville could be affected by the significant scale of some developments in the Jandakot Airport commercial precincts.

These include in particular the Melville City Centre - Booragoon, with a total of approximately 93,800m² of nla floor space, Myaree Industrial Area, with a total of approximately 277,100m² (nla), and O'Connor Industrial Area with a total of approximately 88,400m² (nla). (Department of Planning, 2007 Perth Employment Survey, Preliminary Results)

Also the Murdoch Activity Centre mixed use and medical precincts will have significant office / business floor space capacity and Murdoch University's eastern precinct has an estimated potential for approximately 300,000m² of education, office and business related activities.

It is clear from this overview that a land use and activity centres governance and planning gap exists and that a joint management model should be developed in order to ensure complementary and integrated planning within the sub-region.

STATUTORY AND LEGAL IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

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STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The maintenance of a consistently applied commercial and industrial land uses and activities governance model is a critical pre-condition to planning, investing and managing viable and sustainable infrastructure, commerce, industry, employment and community services.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Unregulated development that introduces a significant scale of new land uses and activities, in the context of specific State Planning Strategy parameters for existing and proposed activity centres, in State and local government jurisdictions.	Medium	Non-statutory inter-agency framework to work towards achieving complementary development strategies.

POLICY IMPLICATIONS

The City of Melville contains a number of activity centres that are potentially influenced by the development proposals outlined in the *Jandakot Airport Master Plan 2009 Preliminary Draft*.

In particular impact on planning, land uses, and activities are likely to range in significance from the *Regional Melville City Centre – Booragoon*, the *Strategic Specialised Centre* of Murdoch, the *District* level centre of Bull Creek and the *Industrial* centres of Myaree and O'Connor.

Aviation related developments will also impact on residents within the airport flight-path catchment.

CONCLUSION

The sub-region to which Jandakot Airport is a significant contributor is characterized by –

- a *Strategic Specialised Centre* at Murdoch that comprises major hospitals, a *Mixed Use Activity Centre*, a major train station, Murdoch University and its commercial oriented eastern precinct, and the substantial development potential on land along the south-eastern portion of Murdoch Drive,
- the *Regional Melville City Centre – Booragoon* with major existing retail and substantial office potential,

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- major road transport routes such as Leach Highway, South Street, Kwinana Freeway, Roe Highway and the commuter railway to the Primary Centre of Rockingham and Mandurah.
- significant environmentally sensitive flora and fauna resources.

The joint-agency protocol model as expressed in the *City of Cockburn Town Planning Scheme No3* is especially relevant at the sub-regional level.

This illustrates the major scale of developments emerging within the sub-region and further highlights the need to ensure a co-ordinated approach to achieve optimal planning and implementation effectiveness for both individual agencies and jointly.

This approach provides a sound option given the range of jurisdictions, regulatory and policy instruments, and critical impacts on the land uses, economic planning and sustainability of activity centres, transport infrastructure and environmental resources within the Jandakot Airport catchment area.

It is considered that an inter-agency framework or process should be explored with the objective of establishing a co-operative basis for land use and activities planning to ensure complementary commercial development at the Jandakot Airport.

It is also considered that detailed structure planning for non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, should be formulated according to the intent in of the draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.

In this context centre planning according to assigned primary roles and functions, accompanied by relevant impact assessments, and including appropriate consultation with adjoining local government areas, should be key components of Jandakot Airport's development processes.

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(ATTACHMENT)**

PREVIOUS OFFICER RECOMMENDATION (3096)

APPROVAL

- 1. That the City of Melville acknowledges the positive contribution to sub-regional economic development and employment as expressed in the developments proposed in the Jandakot Airport Master Plan 2009 Preliminary Draft.**
- 2. That in response to advertising for comment on the Jandakot Airport Master Plan 2009 Preliminary Draft, Jandakot Airport Holdings be advised that the City of Melville submits the following issues for consideration;**

2.1 Environmental Health

- The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the Jandakot Airport Master Plan 2009 Preliminary Draft.**
- The 'Fly Neighbourly' campaign should be maintained and strengthened to ensure that pilots are more answerable for not flying as per the approved flight paths and policies.**
- A comprehensive study be conducted into the impacts of current and increased helicopter activity on approved flight paths in residential areas.**
- Airservices Australia (ASA) continue to maintain the complaint line and a good complaint management procedure.**

2.2 Environmental

- The environment management plan should elaborate on the timeframe, management and resources for implementing sustainable rehabilitation projects associated with the development stages of the Jandakot Airport Master Plan.**
- Due to the limited success of transplanting rare flora to rehabilitate other areas of bushland further consideration be given to develop a more sustainable offset model.**
- Specific mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed "corridor" to Jandakot regional park be developed.**

2.3 Transport Infrastructure and Traffic

- Jandakot Airport Holdings (JAH) should provide the City of Melville with updated traffic forecasts for 2016.**
- Jandakot Airport Holdings should fund the construction of lanes on Karel Avenue from the bridge over the railway line to south of Farrington Road by 2016.**

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- *Jandakot Airport Holdings should actively examine the feasibility of a more direct access to Roe Highway and to Murdoch Drive, which may entail the extension of Roe Highway.*
- *Jandakot Airport Holdings should provide the City of Melville with updated traffic forecasts for 2031.*

2.4 Land use and Activity Centres Planning

- *Notwithstanding the roles and guidance defined by Commonwealth, State and Local Government jurisdictions it is clear that a gap exists in land use and activity centres governance. This suggests that an inter-agency management model should be explored in order to ensure complementary and integrated planning and development at the Jandakot Airport and within the sub-region.*
- *Detailed structure planning for non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, and appropriate impact assessments should be formulated according to the intent of the draft State Planning Policy Activity Centres for Perth and Peel (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.*

3. That the City of Melville advise the City of Cockburn, the City of Canning and the Western Australian Planning Commission of the issues addressed in the foregoing report (P09/3096).

Following the Council Agenda briefing forum held on 29/9/09 and the Elected Member information Session held on 7/10/09 the recommendation contained in the report has been revised and is presented as follows.

At 7.40pm Cr Pazolli returned to the meeting.

OFFICER RECOMMENDATION (3096)

APPROVAL

At 7.40pm Cr Macphail moved, seconded Cr Reynolds -

1. **That the City of Melville acknowledges the positive contribution to sub-regional economic development and employment as expressed in the developments proposed in the Jandakot Airport Master Plan 2009 Preliminary Draft.**
2. **That in response to advertising for comment on the Jandakot Airport Master Plan 2009 Preliminary Draft, Jandakot Airport Holdings (JAH) be advised that the City of Melville submits the following issues for consideration;**
 - 2.1 **Environmental Health**
 - **The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the Jandakot Airport Master Plan 2009 Preliminary Draft.**

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- The 'Fly Neighbourly' campaign should be maintained and strengthened to ensure that pilots are more accountable for not flying as per the approved flight paths and policies.
- A comprehensive study should be conducted into the impacts of current and increased helicopter activity on approved flight paths in residential areas.
- Air Services Australia (ASA) should continue to maintain the complaint line and an effective and responsive complaint management procedure.
- The number of flights per year should be capped at an agreed level significantly lower than 514,000 for fixed wing and 76,000 for helicopter flights unless it is shown that recommendations in the Jandakot Airport Master Plan 2009 are being met and that assessment is being made for other training circuits.
- Individual plane noise level assessment for an agreed noise emission range and maximum should be enforced with the "noisiest" planes having restricted flight times e.g. not permitted 0600-0800 hours and 1800-2200 hours Saturday and weekdays with further agreed limits for Sundays.

2.2 Environmental

- The environment management plan should elaborate on the timeframe, management and resources for implementing sustainable rehabilitation projects associated with the development stages of the Jandakot Airport Master Plan 2009 Preliminary Draft.
- Due to the limited success of transplanting rare flora to rehabilitate other areas of bush land further consideration should be given to develop a more sustainable offset model.
- Specific mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed "environmental corridor" to Jandakot regional park should be developed.
- JAH should specify how much of the remaining bush land in a 20km radius of the airport is suitable habitat for *Calyptrorhynchus latirostris* (Carnaby's Black Cockatoos) and (*Caladenia huegelii* (Grand Spider Orchids).
- JAH should specify how much of remaining bush land (both on and offsite) is permanently protected from development.
- JAH should clarify exactly who completed the surveys of (*Caladenia huegelii* (Grand Spider Orchids) and when they were completed and in which areas of the airport site.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
((ATTACHMENT))**

- JAH should conduct annual surveys of *Caladenia huegelii* (Grand Spider Orchids) for the whole of the area to give an adequate estimate of the total population.
- JAH should present evidence, sourced from peer reviewed technical research, of the successful translocation of orchids over a five year period.
- JAH should provide bush land condition surveys for precincts 4 and 4A which will be subject to development so as to provide a comparison with the proposed conservation areas 1 and 1A.
- JAH should establish measures to protect, (and regularly monitor impacts on), the Jankakot Water Mound from the adverse affects of development.
- JAH should provide a detailed plan for determining the success measures for the rehabilitation in precinct 7 and 8 before further clearing and development of Precinct 5.
- JAH should provide a commitment to the timeframe for the rehabilitation of Precincts 7 and 8 and the provision for monitoring its ongoing success.
- Precincts 6 and 6A should be clearly identified as conservation areas in the 2009 Master Plan and should only be considered for future reclassification in the context of subsequent Master Plans subject to independent evaluation of the sustained success of the rehabilitation of areas 7 and 8.
- JAH should provide a commitment to protect the remaining “remnant bush land” from future development by means of a covenant (eg. Bush Forever Status).

2.3 Transport Infrastructure and Traffic

- The proposed developments in the Jandakot Airport Master Plan 2009 Preliminary Draft will generate direct and significant traffic and road infrastructure impacts. An infrastructure contributions agreement should be established between the JAH, the City of Melville, Main Roads WA and other Local Government Authorities as appropriate.

Under this agreement JAH should be responsible for contributions to the construction and maintenance of traffic and road infrastructure commensurate to the demand and maintenance impacts generated by the expansion of developments at Jandakot Airport.

For example: the upgrading of the Karel Avenue bridge to four lanes; and the upgrading of the approach and departure lanes near the Roe Highway interchange should be continued as four lanes to tie into the existing four lanes south of Farrington Road by 2016;

- JAH should actively examine of the feasibility of a more direct access to Roe Highway and to Murdoch Drive which will entail the extension of Roe Highway and additional linkages into Murdoch Drive.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- **JAH should provide further traffic forecasting/modelling reports to 2016 and 2031 incorporating data that demonstrates the impact on roads within the City of Melville and covers transport routes such as Karel Avenue, South Street, Leach Highway and local distributor roads such as Farrington Road, Finlay Road and Murdoch Drive.**

The traffic reports to be undertaken should incorporate:

- (i) **assessment of demand generated by the proposed commercial land uses that includes Precinct 5 as well as the increased heavy vehicular movements accessing the Airport to transport goods to/from showrooms bulky goods stores and warehouses;**
 - (ii) **the proposed change of use for Precincts 6 and 6A from Conservation to Commercial should be incorporated in the updated traffic forecasts and impact assessments to 2031;**
 - (iii) **assessment of whether traffic signals at the intersection of South Street and Findlay Road should be provided to accommodate the introduction of the proposed shuttle bus service from the Airport to Murdoch station via Karel Avenue, Farrington Road and Finlay Road.**
- **In the context of additional traffic forecasting /modelling reports JAH should provide a risk assessment covering the possibility of a crash on Karel Avenue or Karel Avenue extension (Hope Road) that addresses:**
 - (i) **alternative emergency access**
 - (ii) **access by St John Ambulance or FESA**
 - (iii) **evacuation due to fuel or chemical spillages.**

2.4 Land use and Activity Centres Planning

- **Notwithstanding the roles and guidance defined by Commonwealth, State and Local Government jurisdictions it is clear that a gap exists in land use and activity centres governance. This suggests that a formal interagency management model should be explored and established in order to ensure complementary and integrated planning and development at the Jandakot Airport and within the sub-region**
- **JAH should conduct a comprehensive and integrated economic impact assessment of the aviation and non-aviation proposals contained within the Jandakot Airport Master Plan.**
- **The study area for the comprehensive and integrated economic impact assessment should include the airport land and the adjoining local government areas (the City of Cockburn, City of Melville and the City of Canning), and provide objective evaluation and guidance on the viability and sustainability of options for retail and commercial activities, traffic and transport, infrastructure, the natural environment and environmental health issues for Jandakot Airport, the adjoining Local Governments and the sub-region, including in particular the impacts on the Murdoch activity centre and other commercial centres in the vicinity.**

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- In order to facilitate co-ordinated planning and governance JAH should provide detailed structure planning reports for aviation and non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, and appropriate impact assessments formulated and administered according to the intent of the draft State Planning Policy Activity Centres for Perth and Peel (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.
3. That the City of Melville advise the City of Cockburn, the City of Canning and the Western Australian Planning Commission of the issues addressed in the foregoing report (P09/3096).

Amendment 1

At 7.41pm Cr Robartson moved, seconded Cr Subramaniam that the following amendment be made to point 2.2 of the Officer Recommendation.

2.2 Environmental

Last dot point - delete all words after “future development by” and replace with “extending the Bush Forever status of the abutting Ken Hurst Park to include precinct 1A and 1B”.

At 7.52pm Cr Ceniciva left the meeting.

At 7.55pm the Deputy Mayor submitted the amendment which was declared **CARRIED (10/0)**

At 7.58pm Cr Ceniciva returned to the meeting.

Amendment 2

At 7.58pm Cr Robartson moved, seconded Cr Subramaniam that the following amendment be made to point 2.3 of the Officer Recommendation.

2.3 Transport Infrastructure and Traffic

First dot point - delete the last paragraph commencing “For example: the upgrading of the Karel Avenue bridge to four lanes; and the upgrading of the approach and departure lanes near the Roe Highway interchange should be continued as four lanes to tie into the existing four lanes south of Farrington Road by 2016;”

At 8.06pm the Deputy Mayor submitted the amendment which was declared **CARRIED (8/3)**

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

Amendment 3

At 8.07pm Cr Robartson moved, seconded Cr Subramaniam that a point 2.4 be added to the Officer Recommendation and point 2.4 be renumbered as point 2.5.

At 8.08pm Mr P Camilleri attended the meeting and spoke briefly on the proposed amendment.

At 8.09pm Mr P Camilleri left the meeting.

2.4 Passenger Rail Access (and re-number remaining points)

- *JAH should include in the Jandakot Airport Master Plan 2009 future access through the site for passenger rail from the existing standard gauge rail link. It is most likely that the passenger rail service will eventually be linked between Thornlie and the Perth - Mandurah line at Glen Iris. An easement should be created in the Master Plan for future development of such a line. Alignment along the proposed eastern access and through the Mixed Business precincts could be one option for consideration.*

At 8.15pm the Deputy Mayor submitted the amendment which was declared

CARRIED (7/4)

At 8.16pm Cr Barton left the meeting.

COUNCIL RESOLUTION (3096)

APPROVAL

At 8.15pm the Deputy Mayor submitted the substantive motion as amended –

1. That the City of Melville acknowledges the positive contribution to sub-regional economic development and employment as expressed in the developments proposed in the Jandakot Airport Master Plan 2009 Preliminary Draft.

2. That in response to advertising for comment on the Jandakot Airport Master Plan 2009 Preliminary Draft, Jandakot Airport Holdings (JAH) be advised that the City of Melville submits the following issues for consideration;

2.1 Environmental Health

- The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the Jandakot Airport Master Plan 2009 Preliminary Draft.
- The 'Fly Neighbourly' campaign should be maintained and strengthened to ensure that pilots are more accountable for not flying as per the approved flight paths and policies.
- A comprehensive study should be conducted into the impacts of current and increased helicopter activity on approved flight paths in residential areas.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- **Air Services Australia (ASA) should continue to maintain the complaint line and an effective and responsive complaint management procedure.**
- **The number of flights per year should be capped at an agreed level significantly lower than 514,000 for fixed wing and 76,000 for helicopter flights unless it is shown that recommendations in the Jandakot Airport Master Plan 2009 are being met and that assessment is being made for other training circuits.**
- **Individual plane noise level assessment for an agreed noise emission range and maximum should be enforced with the “noisiest” planes having restricted flight times e.g. not permitted 0600-0800 hours and 1800-2200 hours Saturday and weekdays with further agreed limits for Sundays.**

2.2 Environmental

- **The environment management plan should elaborate on the timeframe, management and resources for implementing sustainable rehabilitation projects associated with the development stages of the Jandakot Airport Master Plan 2009 Preliminary Draft.**
- **Due to the limited success of transplanting rare flora to rehabilitate other areas of bush land further consideration should be given to develop a more sustainable offset model.**
- **Specific mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed “environmental corridor” to Jandakot regional park should be developed.**
- **JAH should specify how much of the remaining bush land in a 20km radius of the airport is suitable habitat for *Calyptrorhynchus latirostris* (Carnaby’s Black Cockatoos) and (*Caladenia huegelii* (Grand Spider Orchids).**
- **JAH should specify how much of remaining bush land (both on and offsite) is permanently protected from development.**
- **JAH should clarify exactly who completed the surveys of (*Caladenia huegelii* (Grand Spider Orchids) and when they were completed and in which areas of the airport site.**
- **JAH should conduct annual surveys of *Caladenia huegelii* (Grand Spider Orchids) for the whole of the area to give an adequate estimate of the total population.**
- **JAH should present evidence, sourced from peer reviewed technical research, of the successful translocation of orchids over a five year period.**
- **JAH should provide bush land condition surveys for precincts 4 and 4A which will be subject to development so as to provide a comparison with the proposed conservation areas 1 and 1A.**

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- JAH should establish measures to protect, (and regularly monitor impacts on), the Jankakot Water Mound from the adverse affects of development.
- JAH should provide a detailed plan for determining the success measures for the rehabilitation in precinct 7 and 8 before further clearing and development of Precinct 5.
- JAH should provide a commitment to the timeframe for the rehabilitation of Precincts 7 and 8 and the provision for monitoring its ongoing success.
- Precincts 6 and 6A should be clearly identified as conservation areas in the 2009 Master Plan and should only be considered for future reclassification in the context of subsequent Master Plans subject to independent evaluation of the sustained success of the rehabilitation of areas 7 and 8.
- JAH should provide a commitment to protect the remaining “remnant bush land” from future development by *extending the Bush Forever status of the abutting Ken Hurst Park to include precinct 1A and 1B.*

2.3 Transport Infrastructure and Traffic

- The proposed developments in the Jandakot Airport Master Plan 2009 Preliminary Draft will generate direct and significant traffic and road infrastructure impacts. An infrastructure contributions agreement should be established between the JAH, the City of Melville, Main Roads WA and other Local Government Authorities as appropriate.

Under this agreement JAH should be responsible for contributions to the construction and maintenance of traffic and road infrastructure commensurate to the demand and maintenance impacts generated by the expansion of developments at Jandakot Airport.

- JAH should actively examine of the feasibility of a more direct access to Roe Highway and to Murdoch Drive which will entail the extension of Roe Highway and additional linkages into Murdoch Drive.
- JAH should provide further traffic forecasting/modelling reports to 2016 and 2031 incorporating data that demonstrates the impact on roads within the City of Melville and covers transport routes such as Karel Avenue, South Street, Leach Highway and local distributor roads such as Farrington Road, Finlay Road and Murdoch Drive.

The traffic reports to be undertaken should incorporate:

- (i) assessment of demand generated by the proposed commercial land uses that includes Precinct 5 as well as the increased heavy vehicular movements accessing the Airport to transport goods to/from showrooms bulky goods stores and warehouses;

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- (ii) the proposed change of use for Precincts 6 and 6A from Conservation to Commercial should be incorporated in the updated traffic forecasts and impact assessments to 2031;
- (iii) (assessment of whether traffic signals at the intersection of South Street and Findlay Road should be provided to accommodate the introduction of the proposed shuttle bus service from the Airport to Murdoch station via Karel Avenue, Farrington Road and Finlay Road.
- In the context of additional traffic forecasting /modelling reports JAH should provide a risk assessment covering the possibility of a crash on Karel Avenue or Karel Avenue extension (Hope Road) that addresses:
 - (i) alternative emergency access
 - (ii) access by St John Ambulance or FESA
 - (iii) evacuation due to fuel or chemical spillages.

2.4 Passenger Rail Access

- *JAH should include in the Jandakot Airport Master Plan 2009 future access through the site for passenger rail from the existing standard gauge rail link. It is most likely that the passenger rail service will eventually be linked between Thornlie and the Perth - Mandurah line at Glen Iris. An easement should be created in the Master Plan for future development of such a line. Alignment along the proposed eastern access and through the Mixed Business precincts could be one option for consideration. “*

2.5 Land use and Activity Centres Planning

- Notwithstanding the roles and guidance defined by Commonwealth, State and Local Government jurisdictions it is clear that a gap exists in land use and activity centres governance. This suggests that a formal interagency management model should be explored and established in order to ensure complementary and integrated planning and development at the Jandakot Airport and within the sub-region
- JAH should conduct a comprehensive and integrated economic impact assessment of the aviation and non-aviation proposals contained within the Jandakot Airport Master Plan.
- The study area for the comprehensive and integrated economic impact assessment should include the airport land and the adjoining local government areas (the City of Cockburn, City of Melville and the City of Canning), and provide objective evaluation and guidance on the viability and sustainability of options for retail and commercial activities, traffic and transport, infrastructure, the natural environment and environmental health issues for Jandakot Airport, the adjoining Local Governments and the sub-region, including in particular the impacts on the Murdoch activity centre and other commercial centres in the vicinity.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
((ATTACHMENT))**

- **In order to facilitate co-ordinated planning and governance JAH should provide detailed structure planning reports for aviation and non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, and appropriate impact assessments formulated and administered according to the intent of the draft State Planning Policy Activity Centres for Perth and Peel (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.**
- 3. That the City of Melville advise the City of Cockburn, the City of Canning and the Western Australian Planning Commission of the issues addressed in the foregoing report (P09/3096).**

At 8.16pm the Deputy Mayor declared the motion

CARRIED (10/0)

At 8.16pm Cr Macphail left the meeting.

C09/8012 - WIRELESS HILL VISION 2020 (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	C09/8012
Member	Cr H Everett
Type of Interest	Interest under Code of Conduct
Nature of Interest	Proximity Interest – Resides across the road from Wireless Hill Park
Request	To leave the meeting
Decision of Council	Not Applicable

At 8.16pm Cr Everett, having previously declared an interest in this item, left the meeting.

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Subject Index	: Wireless Hill Park
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	: C09/8012 – Wireless Hill Vision 2020 Ordinary Meeting of Council held on 19 May 2009.
Works Programme	: Not Applicable
Funding	: Existing Funding Amount: \$65,000
Responsible Officer	: Leeann Reid Manager Community Services

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

C09/8012 - WIRELESS HILL VISION 2020 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Draft Wireless Hill Vision 2020 Document (Item # C09/8012) was approved for public comment at the Ordinary Meeting of Council held on the 19th May 2009.
- The Draft Wireless Hill Vision 2020 document was advertised for public comment from 31st May 2009 for 4 weeks, closing June 26th 2009. Fourteen submissions were received.
- The overall response from the fourteen submissions indicated strong support for the broad vision for Wireless Hill 2020.
- The fourteen submission's shared support has resulted in 'no changes' to the draft document.
- This item provides the City of Melville with the opportunity to endorse the final 'Wireless Hill Vision 2020' document.

BACKGROUND

The development of a Vision for Wireless Hill will provide the needed direction to ensure that this regionally significant site stays a community focal point into the future.

With twenty five individual documents related to Wireless Hill across the organisation, from conservation plans to community use surveys, it is recognised that there is a lack of coordinated and shared strategic direction or vision for the site. This lack of direction has led to disconnected decision making and public criticism. The purpose of this project was to create a 'Vision for Wireless Hill'. The document is intended as a framework to guide future direction and development at Wireless Hill site for the following 12 years.

DETAIL

A number of relevant planning and operational plans and reports exist but Wireless Hill lacks a consolidated and agreed holistic vision for the future. With recognised diversity of activities occurring at the site this shared vision will pull together themes and objectives to create a framework for the future.

The development of a 'Vision for Wireless Hill' included a number of steps as outlined below;

Step 1 – Document Review

A review of all documentation relating to the project and consolidated key points of all existing plans was completed.

Step 2 – Project Inception Workshops

A project inception meeting was held to discuss the proposed approach, any issues, opportunities and constraints relevant to the project.

A Councillor workshop was also held to identify Councillor priorities and expectations for this initiative.

C09/8012 - WIRELESS HILL VISION 2020 (REC) (ATTACHMENT)

Step 3 – Community Workshop

A Community Workshop was held with invitations extended to project stakeholder groups and community and council members. The workshop had approximately 90 people in attendance and was used to:

- understand the key considerations and community aspirations,
- outline the strategic objectives,
- gain initial input and identify any additional opportunities or issues, and
- develop a clear vision for the sustainable future of Wireless Hill.

Interested stakeholders were invited to nominate for the Stakeholder Reference Group.

Step 4 – Stakeholder Reference Group (SRG) Meetings

A Stakeholder Reference Group (SRG) of 30 members was recruited to represent the community and discuss issues and opportunities that would be considered for the Vision document. This group met on three separate occasions. Liaison with Council staff occurred throughout to ensure practical and achievable solutions emerged.

Step 5 – Draft Vision

A draft consolidated report, titled '*Wireless Hill Vision 2020*', has been prepared. The draft Vision was presented to Council and approved for public comment.

Step 6 – Public Comment

The Visioning Plan was advertised for public comment. The resultant feedback has been consolidated for review by Council. The finalised version of the '*Wireless Hill Vision 2020*' is now presented to Council for endorsement.

PUBLIC CONSULTATION/COMMUNICATION

The level of communication in accordance with Stakeholder Consultation Policy 01-PL-005 in relation to this item is to “involve” the community. In this regard, we have conducted various methods of consultation and involvement.

The first step in this process was the establishment of a list of key stakeholders. Key stakeholders included;

- City of Melville Councillors;
- Members of the Legislative Assembly
- City of Melville staff; including the Chief Executive Officer and Executive Management Team
- Community Security Service
- Local Residents;
- Local & Regional Visitors
- Recreational Users
- Schools

C09/8012 - WIRELESS HILL VISION 2020 (REC) (ATTACHMENT)

- Garden City
- Community and Environmental Interest groups;
 - Wireless Hill Action group,
 - Friends of Wireless Hill,
 - Tenants of Wireless Hill,
 - Engineers Institute of WA,
 - Schools,
- Users:
 - Capital Radio, and
 - Morse Codeines.
- State Government:
 - Department of Environmental Conservation,
 - Department of Planning & Infrastructure,
 - FESA,
 - Main Roads,
 - Heritage Council of Western Australia
 - Department of Indigenous Affairs

Key stakeholders were invited to attend a community workshop in December 2007. Invitation to attend the community workshop was expressed through various methods including; personal invite, posters in key locations, mail-out to 1,000 resident catchment area, advertisements in the West Australian, local mediums including; community newspaper group both north and south split and independent local paper the Herald.

Approximately ninety people attended the community workshop. All attendees were invited to nominate for the Wireless Hill Vision 2020 Stakeholder Reference Group. Thirty interested stakeholders were selected to form the group that would represent the community and discuss issues and opportunities that will be considered for the Vision. This group met on 3 separate occasions.

The Visioning Plan was advertised for public comment for a four week period. The resultant feedback has been consolidated and reported for review by Council [8012 Wireless Hill Vision](#). The fourteen submissions received acknowledged shared support for the 'Wireless Hill Vision 2020 Document. This has resulted in 'no changes' to the draft document [8012 Draft1 Wireless Hill Vision 2020](#). The final vision document is now provided to Council for endorsement.

C09/8012 - WIRELESS HILL VISION 2020 (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

As stated above.

STATUTORY AND LEGAL IMPLICATIONS

Wireless Hill site is an A Class Reserve owned by the State of Western Australia. The site contains heritage listed buildings for which the City of Melville has management responsibility.

FINANCIAL IMPLICATIONS

1. The amount of \$65,000 had been provided in the 2007/2008 budget to contract a consultant to create and deliver the Wireless Hill Vision 2020 document and consultation process.
2. There was no direct funding allocated for the Wireless Hill Vision 2020 in the 2008/2009 budget.
3. The Vision document is a twelve year plan that addresses long term financial viability of the site.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The Wireless Hill Vision 2020 will have a strategic impact on the local community and long term plans of the local government. The vision for Wireless Hill is a twelve year plan and the endorsement by the Council will be the final stage of the Visioning project.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not endorsing the final document will have a risk of public criticism.	Minor consequences which are almost certain, resulting in a High level of risk.	Approval by Council
Risk of community criticism if action does not result from visioning exercise.	Minor consequences which are almost certain, resulting in a High level of risk.	Ongoing communication with the community and key stakeholders. Stage 2 Development of a Master Plan for Wireless Hill Site.
Not approving the final document will continue the risk of discounted decision making for actions related to the site.	Minor consequences which are possible, resulting in a Medium level of risk	

C09/8012 - WIRELESS HILL VISION 2020 (REC) (ATTACHMENT)

POLICY IMPLICATIONS

N/A

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative option would be to have further discussions with the stakeholder reference group in regards to any issues or concerns from Councillors. Once items have been resolved, return to Council for endorsement.

CONCLUSION

The purpose of this project was to create a 'Vision for Wireless Hill'. The document is intended as a framework to guide future direction at the Wireless Hill site for the following twelve years.

Having advertised the draft vision for public comment the final stage of community consultation is now complete. The resulting feedback has been consolidated in the 'Submission Report – Wireless Hill Vision 2020'. With shared support for the vision document 'no changes' have been made to the draft advertised.

The final 'Wireless Hill Vision 2020' document is now complete. By Council approving this document they are ensuring this regionally significant site stays a community focal point into the future.

At 8.18pm Cr Macphail returned to the meeting.

At 8.18pm Cr Subramaniam left the meeting and returned at 8.20pm.

At 8.20pm Cr Barton returned to the meeting.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8012)

APPROVAL

At 8.20pm Cr Robartson moved, seconded Cr Reynolds -

That the 'Wireless Hill Vision 2020' document [8012 Wireless Hill Vision](#) be approved.

At 8.20pm the Deputy Mayor submitted the motion which was declared

CARRIED (10/0)

At 8.21pm Cr Everett returned to the meeting.

**C09/8023 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING
(STANDARD AND FORWARD PLANNING GRANTS ROUND) (AMREC) (ATTACHMENT)**

Disclosure of Interest

Item No.	C09/8023
Member	Cr C Halton
Type of Interest	Interest under Code of Conduct
Nature of Interest	Member of Palmyra Junior Rugby Club
Request	Stay, Discuss and Vote
Decision of Council	Not Required
Ward	: All
Category	: Operational
Subject Index	: CSRFF
Customer Index	: CSRFF
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C07/8002 – Leeming Recreation Centre – March 2007 & July 2007 C08/8009 Community Sporting and Recreation Facilities Funding October 2008 C08/8010 Leeming Recreation Centre Option Review December 2008. C09/8018 - \$63,000 Self Supporting Loan – Leeming Bowls & Recreation Club April 2009 C09/8020 - Community Sport And Recreation Facilities Funding (Small Grants Round) August 2009 C09/8025 - Confidential Item Lease of Leeming Recreation Centre. September 2009
Works Programme	: Not applicable
Funding	: \$1,416,581
Responsible Officer	: Mick Doyle Community Recreation Coordinator

**C09/8023 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING
(STANDARD AND FORWARD PLANNING GRANTS ROUND) (AMREC) (ATTACHMENT)**

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

KEY ISSUES / SUMMARY

- This report seeks Council approval, priority and ranking for four Standard and Forward Planning Grants as part of the revised Annual Community Sport and Recreation Facility Fund facilitated by the Department of Sport and Recreation.

**C09/8023 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING
(STANDARD AND FORWARD PLANNING GRANTS ROUND) (AMREC) (ATTACHMENT)**

BACKGROUND

As reported at the August 2009 Council meeting there has been some changes to the funding for Community Sport and Recreation Facilities Funding (CSRFF) which increased in 2009/2010 from \$9 million annually to \$20 million per annum from 2010/2011. In summary the changes are highlighted below:

Category	Cost Range	Grant Range	Frequency	Available Funds
Small Grants New	\$7,500 - \$150,000	\$2,500 - \$50,000*	Bi-Annual	\$1.5 Million
Annual Grants	\$150,001 - \$500,000 Increase from \$300K	\$50,001 - \$166,666*	Annual	\$3 Million
Forward Planning Grant	\$500,001 +	\$166,666 - \$4 Million* Max grant increase from \$1.8 Million	Annual	\$15.5 Million

**Development bonus. Grants of up to 50% of the project cost may be available if the applicant is eligible for a development bonus if they adequately satisfy certain criteria. The level of bonus will depend on how the application satisfies the criteria.*

Of particular note is the introduction of the Small Grants Round, which has a different timeline to the Standard and Forward Planning Grant Rounds. Small grant applications will be presented to Council for consideration on a seasonal basis:

- August round of Council meetings (Winter)
- March round of meetings (Summer).

There is no change to the Standard Annual Grant or the Forward Planning Grant process and the content of this report discusses the applications from community groups as part of the Standard Annual Grant and Forward Planning Grant process.

DETAIL

In February 2009 the City of Melville called for community groups to register their interest in the forthcoming CSRFF Standard Annual Grant or the Forward Planning Grant funding round.

To date officers have discussed sixteen different projects with local community groups with eight of the projects either:

- Not meeting the criteria for funding or
- Needing more research and planning or
- Would not be supported.

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Of the remaining eight projects:

- One was considered at the August 2009 round of Council meetings and is currently being assessed for funding by the Department of Sport and Recreation (DSR).
- At this stage two projects will be presented to the March 2010 round of Council meetings.
- An application for the floodlighting at the Winnacott Reserve has been withdrawn and may be represented in October 2010 as part of the 2011/2012 CSRFF funding round.

This report considers the remaining four applications and recommends they be ranked in the following order:

1. City of Melville – Melville Aquatic Fitness Centre Enhancements. (Includes Water Playground and Sustainable Pool & Space Heating Application).
2. City of Melville - Outdoor Gym Equipment
3. Melville Amateur and Palmyra Junior Football Clubs - the upgrading of floodlights at the Melville Reserve
4. Tompkins Park Community & Recreational Association - Covered Shelter for outdoor area of the Club Rooms.

Applications 1 and 2 have already received support from the City of Melville through *Agenda Item C08/8010 LEEMING RECREATION CENTRE OPTION REVIEW* which was considered at the December 2008 round of Council meetings. The priority and ranking was unknown at that time and this report seeks support for the priority and ranking of each of the two projects. Projects 3 and 4 have not previously been considered by the City of Melville and the report also seeks support for the priority and ranking of each of the two projects

1. City of Melville - The Melville Aquatic Fitness Centre – Enhancements.

- a) **Water Playground.** - The City of Melville has prepared an application for the design and placement of a user pays interactive water playground at the Melville Aquatic Fitness Centre. The design features incorporate a range of bright colours, graphic designs and abstract shapes to challenge the imagination and foster creativity within its users. The water playgrounds are self draining and non pooling meaning lifeguard supervision is not required. An added benefit is that the water spray is recaptured and recycled and not sent to waste. The interactive water playground can be used by all, especially people with special needs and provides a safe play experience for people of all ages in either wet or dry conditions. This project will be managed as part of the redevelopment at Melville Aquatic Fitness Centre.

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b) Sustainable Pool & Space Heating Application (Geothermal or Solar)

There has been a National and International push towards utilising commercially viable green energies in response to global warming from the burning of fossil fuels. Two such green energies suitable for pool and space heating are Geothermal and Solar.

At this stage the data contained in this report is based on installing geothermal however recently a highly efficient solar technology, which has been used in Europe for many years is now available in Australia. An analysis of the 2 applications will be completed on the lifecycle cost (including payback period) and environmental benefits to ensure that the most advantageous to the City is selected. This process will be completed prior to the CSRFF grant deadline and only the preferred application will form part of the funding request.

Geothermal is a renewable energy source largely untapped in WA that in simple terms for aquatic facilities uses the heat from deep in the ground (in WA is typically heat from ground water) to heat pool water and the air within the pool halls. Generally the inhibiting factor of the wide use of this application has been the upfront capital cost. However the recent escalation in gas supply costs (greater than 30%) and expected further increases has made applications like geothermal more financially viable.

The Geothermal application if used to heat the pool/spa water and pool/spa air heating would reduce the overall gas use of the centre by approximately 95%. The centre's current usage is in the vicinity of 9,500GJ per year producing a saving in the vicinity of 9,000GJ. In terms of costs savings this represents an approximate savings of \$143,000 and a reduction in green house gas of approximately 466 tonnes, around half of what the City has committed to reduce in green house gas by 2011.

2. City of Melville - Outdoor Gym Equipment –

The City of Melville has also prepared a separate application to install a range of free to use outdoor gym equipment at various sites around the City. The outdoor equipment is similar to equipment installed in public open spaces by the towns of Vincent and Victoria Park. They aim to get people active and encourage greater use of public open space and foreshore areas. The equipment is available to walkers, runners, cyclists and other health enthusiasts who can use them to keep fit while enjoying their exercise routine. Each exercise station will provide opportunities to exercise both the upper and lower body. The costs involved include the installation of the outdoor gym equipment but some additional budgets for ongoing maintenance are discussed in the financial implications of this report. The ongoing maintenance/replacement of the outdoor gym equipment will be funded by the savings through leasing Leeming Recreation Centre as reported and adopted in agenda [8023 Leeming Recreation Centre Option Review 08/8010](#) at December 2008 round of meetings.

Whilst the sites for the Outdoor Gym Equipment have not yet been decided an inter-service area taskforce has determined that the top locations for the Outdoor Gym Equipment maybe as follows:

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Item	Reserve	Year
Outdoor Gym Equipment	John Connell Reserve (SE)	2010/2011
Outdoor Gym Equipment	Mt Henry Bridge Reserve (SE)	2010/2011
Outdoor Gym Equipment	Morris Buzacott Reserve (SW)	2010/2011
Outdoor Gym Equipment	Piney Lakes (SE)	2010/2011
Outdoor Gym Equipment	Shirley Strickland Reserve (NE)	2010/2011

Agenda item C08/8010 Leeming Recreation Centre Option Review also proposes additional free to use interactive water playground however officers believe that if the City of Melville applied for two water playgrounds in this funding round they would be unsuccessful. Because of this the installation of an interactive water playground at Melville Aquatic Fitness Centre is the number one priority as it provides officers with the opportunity to assess the operations of the water playground in a controlled environment. This also provides an opportunity to manage an indoor water play ground facility with the view of monitoring potential operational issues that may be encountered with any future placement of a free for use external interactive water playground.

The City of Melville applications will be seeking a Development Bonus from the DSR which will allow the City of Melville to apply for up to 50% of the project costs should it satisfy one or more of the following criteria:

- Project location – regional/remote locations, growth areas.
- Co-location of facilities/clubs
- Sustainability initiatives – water savings, energy reduction etc
- Increase participation – new participants, special interest group participation etc.

Officers believe that these two projects meet two of the above criteria being Sustainability Initiatives and Increasing Participation.

The level of development bonus will depend on how well the application satisfies the above criteria. Officers will be submitting for consideration a request for capital funding of \$2,508,000 as part of the 2010/2011 financial year as the projects are an initiative that the City has indicated support for through Agenda item C08/8010 Leeming Recreation Centre Option Review (December 2008). The \$2,508,000 represents the full costs associated with the installation of a water playground at the Melville Aquatic Fitness Centre, the Sustainable Pool & Space Heating Application (Geothermal or Solar) and the free to use outdoor gym equipment. Should the City of Melville receive either 50% or one third grant funding the request for capital funding would be changed accordingly.

Both these applications will provide a wider benefit to the general community as they will allow for family focused activities around the City and are available during the majority of the day. They also assist in promoting people to be physically active and achieve the objectives of the City of Melville Policy 25-PL-003 Physical Activity.

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These two applications are as a direct result of Agenda item C08/8010 Leeming Recreation Centre Option Review adopted at the December 2008 round of Council meetings. A copy of this agenda item forms an attachment.

3. Melville Amateur Football Club (MAFC) and Palmyra Junior Football Club (PJFC) - the upgrading of floodlights at the Melville Reserve – The MAFC and PJFC have prepared an application to upgrade the floodlights at the Melville Reserve.

Club Name	Members that are City of Melville Resident	Members that are not City of Melville Resident	Total Members
Melville Amateur Football Club	63.5% (92)	36.5% (53)	100% (145)
Palmyra Junior football Club	68% (161)	32% (76)	100% (237)
Total memberships			(382)

Figures based on 2009 Community Sport and Recreation clubs survey returns.

Figures do not include membership numbers for the Hilton Park Cricket Club or the Melville Palmyra Tennis Club.

The floodlighting project is of interest to officers due to the following benefits:

- Improved security
- Extending general access for the community during evening hours
- Spreading the wear and tear of the reserve creating maintenance cost savings.

The application consists of upgrading the current power supply to the reserve and clubrooms, upgrading the switchboard, upgrading the current flood light globes with 1,500 watts light globes and the installation of new lighting poles. In the 1998/1999 financial year the City of Melville's supported the installation of floodlights at the reserve with a contribution of \$35,000. The total cost of the project was in the region of \$105,000 with the remaining funds coming from CSRFF and club contributions. In regards to this application there is a need to upgrade the power supply as the Association have informed the City of Melville that the power supply to the clubrooms is at its maximum as power failures are often experienced.

This floodlighting application also has support from the District Manager for the East Fremantle District, Western Australian Football Development. The Club's contribution will be half cash and half voluntary labour as identified within the financial implications of this report.

Additional considerations for this floodlighting application are as follows. The Western Australian Football Commission (WAFC) and the DSR completed a Football Facilities Strategic Plan (FFSP) in 2006. Until this document was produced there were no facility classification guidelines from which to assess the merits of individual club requests for infrastructure funding. Under the football facilities section of the FFSP ground lighting for games is considered as an optional requirement for senior clubs and is not a requirement for junior clubs.

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Additionally it is likely that the DSR will not offer full support to this project because the application is for lighting to game standards. Priority is given by the DSR to applications where none, or little, floodlighting exists on the reserves. It is also predicted that this funding round will be very competitive as the DSR are expecting a large demand of applications for funding.

There is also an increasing demand from individual Australian Rules Football Clubs in the City of Melville for lighting reserves to game play standards. It is proposed that the City considers each application on a case by case basis but informs the applicant clubs that it is highly likely full support will not be given by DSR or the City of Melville. The FFSP also indicates that each zone may have one senior club with lighting to game standards. Officers will work with the WAFC to determine which oval will be best to light to match standards with the view of submitting a future application. There are also some policy issues that are addressed further in this report.

As this project will be managed by the community group there will be a 6% project management fee included to cover the cost of officers from the City of Melville attending site at key points throughout the construction of the lights. A further condition of approval will be that the club provides a project plan to the satisfaction of the Manager Parks and Environment prior to any works commencing on site.

- 4. Tompkins Park Community & Recreational Association (TPCRA) - Covered Shelter for outdoor area of the Club Rooms** - The TPCRA is an incorporated body that encompasses the Palmyra Rugby Union Club and the Melville Cricket Club. Melville Cricket Club also includes the Suburban Turf Cricket Club, Women's WAC Division Cricket. Other groups that are associate clubs that have no voting rights on the association include Tompkins Park Touch Rugby, Phoenix Lacrosse, Sri Lankan Association. One other group is also allocated use of the reserve being the Saints Soccer Club.

Club Name	Members that are City of Melville Resident	Members that are not City of Melville Resident	Total Members
Palmyra Rugby Union Club	82% (290)	18% (65)	100% (355)
Melville Cricket Club	87% (122)	13% (18)	100% (140)
Tomkins Park Touch Rugby #	76% (19)	24% (6)	100% (25)
Phoenix Lacrosse	32% (18)	*57% (39)	100% (57)
Saints Soccer	71.5% (25)	28.5% (10)	100% (35)
Total Memberships			(612)

Comments for above table.

Figures based on 2009 Statement of Registration for ground allocations.

Figures presented by Touch are taken from 2007/2008 as additional details not provided.

** Higher than normal non-resident membership due to there being a relatively small amount of Lacrosse Clubs in Perth.*

This project provides a refurbished awning to the Northern side of the clubrooms at Tompkins Park.

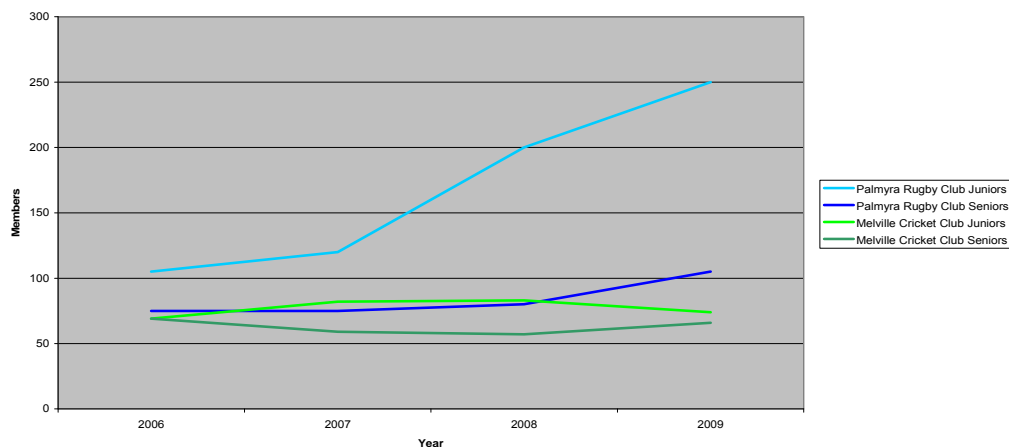
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The existing awning is open angled metal slats and is considered fit for purpose but provides no shelter from the sun or the rain at a favoured spectator viewing spot. The TPCRA wishes to extend and install an awning which is far more substantial than which the City of Melville normally provides. Discussions with the TPCRA have been ongoing since 2006 which has led to this CRSFF application. Officers have some concerns regarding the materials used for the awning and feel that it could detract from the aesthetics of the building. Additionally it is believed that there could be further issues with the build up of debris including leaves, onset of mould, and vandalism.

The TPCRA reports that member clubs struggle to engage parents and partners of participants in sporting activities as volunteers impacting on fundraising abilities. The TPCRA predicts that within the next 10 years there will be a decline in numbers as the junior players seek clubs with improved facilities where their parents/ partners and family members are comfortably accommodated as spectators.

Since 2006 the collective membership of the two clubs that make up the TPCRA is (495) as follows:

Tompkins Park Community and Recreational Association (Member clubs Juniors/Seniors history)



In 2009 the collective memberships of all five users groups at the reserve is estimated to rise to 733 members.

Project Costs.

The current estimated project costs stands at \$200,972. The TPCRA have used the highest quote that they have gained for budget prediction purposes but the support from the DSR will only be one third of the total costs. The City of Melville contributing one third of this amount (\$66,991) to this awning upgrade is considered reasonable.

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However as the structure is more substantial than the City normally provides and because there are some officer's concerns with the materials used, conditional support would be required. Should support be given to this project the TPCRA would need to agree that the following conditions apply to their application:

- The normal Planning and Building approvals being gained and the application being assessed by the Swan River Trust.
- That the Association be informed that should the awning not receive full one third support from the DSR the contribution from the City of Melville can not be increased.
- Given that this structure is above the standard which the City would normally provide, the Association will be required to introduce a sinking fund for the eventual replacement of the awning as part of the Associations operations.
- The Association being made aware that should it not be in a position to replace the awning the City of Melville reserves the right to replace it with a lesser structure or remove it completely.
- That the Association understands it will need to budget for the ongoing maintenance of the structure accordingly.
- That at the end of its guaranteed life expectancy, the Association will be required to provide an Engineers Structural Certificate identifying that the structure is structurally safe.

PUBLIC CONSULTATION/COMMUNICATION

All applications will be subject to the normal City of Melville Planning and Building approvals process. As part of this process the projects will be advertised locally for public comment.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

All applicants have discussed the project with its member clubs, the City of Melville and the DSR. The Swan River Trust will also comment on the application for the TPCRA. The two City of Melville applications are as a direct result of Agenda item C08/8010 Leeming Recreation Centre Option Review adopted at the December 2008 round of Council meetings.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable

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FINANCIAL IMPLICATIONS

Project	Description	Club Contribution	City of Melville Contribution	CSRFF Contribution	Total Project Cost
1	a) City of Melville - Water Playground at the Melville Aquatic Centre.	N/A	\$280,000	\$280,000	\$560,000
	b) Sustainable Pool & Space Heating Application (Geothermal or solar).	N/A	\$900,000	\$900,000	\$1,800,000
2	City of Melville - Outdoor Gym Equipment.	N/A	\$74,000	\$74,000	\$148,000
3	Melville Sports Association - the upgrading of floodlights at the Melville Reserve	\$47,795 Cash \$47,795 Voluntary	\$95,590	\$95,590	\$286,770
4	Tompkins Park Sporting Association - Covered Shelter for outdoor area of the Club Rooms.	\$66,991	\$66,991	\$66,990	\$200,972
		\$162,581	\$1,416,581	\$1,416,580	\$2,995,742

The operations of the water playground will form part of the operations of the Melville Aquatic Fitness Centre as part of its redevelopment.

It is also recommended that the operational expenditure budgets at the reserves nominated for outdoor gym equipment be amended to accommodate an annual budget of \$1,000 each site to accommodate non warranty works that may be needed.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement (Shade Shelter Tompkins Park)	Level of Risk	Risk Mitigation Strategy
The awning is far more substantial than which the City of Melville normally provides.	Moderate consequences which are likely, resulting in a Low level of risk	By approving the conditions as part of this report will eliminate any uncertainty of who is responsible for the replacement of the awning and dispel any expectation on the City.

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Risk Statement - Outdoor Gym Equipment.	Level of Risk	Risk Mitigation Strategy
<p>In 2006 35% of Western Australian Adults were overweight and 14% obese. Overweight and obesity has increased slightly during the period 2002 – 2006. Participation in incidental activities was significantly lower among overweight and obese people than normal weight people.</p> <p><i>* Source – Physical Activity Levels of Western Australian Adults 2006</i></p>	<p>Moderate consequences which are likely, resulting in a Low level of risk</p>	<p>The placement of free to use Outdoor Gym equipment will encourage people to be physically active and promote a healthy lifestyle.</p> <p>The Outdoor Gym equipment will form part of the reserves infrastructure and will be included within the audit process for each reserve.</p>

Risk Statement - Interactive Water Playground.	Level of Risk	Risk Mitigation Strategy
<p>The Australian Government Preventative Task Force has illustrated what communities can do to keep healthy in their “National Preventative Health Strategy – the roadmap for action”, released 30 June 2009. Includes:</p> <p>Offering free/subsidised physical activity initiatives, family orientated physical activity initiatives and programme development.</p> <p><i>* Source - Australian Government Preventative Taskforce. (2009). Australia: The Healthiest Country by 2020, National Preventative Health Strategy – The Road Map for Action. Retrieved</i></p>	<p>Moderate consequences which are likely, resulting in a Low level of risk</p>	<p>The placement of interactive water playground also provides access for families and people with special needs. Additionally they will encourage people to be physically active and promote a healthy lifestyle.</p> <p>The Water Play Ground placed inside the Melville Aquatic Fitness centre will be included within the operations of the centre.</p>

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Risk Statement – Sustainable Pool & Space Heating Application (Geothermal or solar)	Level of Risk	Risk Mitigation Strategy
The escalating costs of utilities and the impact of use of utilities on the Environment	Moderate consequences which are likely, resulting in a High level of risk	Investment in Sustainable Pool & Space Heating Application (Geothermal or solar) is more financially viable. This allows Health and Lifestyle services to actively contribute to the City of Melville strategic approach to reduce the City's carbon footprint.

Risk Statement (Floodlighting)	Level of Risk	Risk Mitigation Strategy
There is an increasing demand from individual Australian Rules Football Clubs in the City of Melville for lighting reserves to game play standards.	Moderate consequences which are likely, resulting in a Low level of risk	<p>The user clubs are responsible for the payment of the utility costs associated with the lights and will be responsible for the replacement of blown light bulbs. The City will replace all light bulbs at the end of their life expectancy. Additionally the City of Melville will insure the asset as part of the reserve infrastructure.</p> <p>There are additional benefits of floodlighting reserve for the wider community. There is also some opportunity of maintenance cost savings due to spreading the wear and tear more evenly over each reserve</p>

POLICY IMPLICATIONS

Policy 25-PL-004 Support for Sport Clubs states that *“The City of Melville encourages joint use of sporting facilities and will therefore give preference to those sporting clubs who form multi-sport Sports Associations for the joint management of facilities”*.

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The objective of the City of Melville Flood and Security Lighting Policy 06-PL-006 is to control the impact of flood and security lighting on the amenity of surrounding neighbourhoods. Section five addresses the Floodlighting of Reserves.

5.1 Floodlighting on Reserves shall comply with the following requirements

- a) Maximum wattage – 1,000 watts
- b) Spacing of poles – Not closer than 15 metres
- c) A time clock to be included in the lighting circuit to ensure that floodlights are extinguished no later than 9.00 pm
- d) All lights to be oriented and hooded so the light source is not directly visible to the travelling public or abutting premises

It is clear that other Local Government Authorities are facing similar issues and many do not have a policy on the development of floodlighting to match play standards.

Additionally technology has taken significant advances since the policy development meaning bulbs are more environmentally friendly and provide a direct spread of light rather than a spill of light. It is therefore proposed that the City of Melville Flood and Security Lighting Policy 06-PL-006 is reviewed and amended to reflect this merging issue and the advances in technology.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

A range of options were considered as part of the Agenda Item C07/8002 – Leeming Recreation Centre at the City of Melville's March 2007 and July 2007 round of meetings. Further deliberations were also considered and adopted as part of agenda item C08/8010 Leeming Recreation Centre options review at the December 2008 round of meetings:

Listed as part of the Community Physical Activity initiatives were:

- Provision of interactive water playground (highly interactive fun water spaces that have no pooling water eliminating the risk of drowning as water drains away before it can accumulate), outdoor gym equipment area, BBQ's, shade structures and additional playground equipment specifically in the Leeming/Bull Creek area.
- Installation of additional free to use outdoor gym equipment at 4 locations throughout the City
- Installation of an additional free to use interactive water playground
- Installation of an outdoor interactive electronic gaming station (electronic game that requires physical exertion while playing)
- Active reserve master plans and asset improvements

There are no alternatives for the installation or upgrading of Floodlights and the Shade Shelter at Tompkins Park is a structure that the City would not normally provide.

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(STANDARD AND FORWARD PLANNING GRANTS ROUND) (AMREC) (ATTACHMENT)****CONCLUSION**

The City of Melville physical activity initiatives provide recreational experiences for all of the community. Strategically located throughout the City they provide for an extensive range of uses.

In particular the interactive water playground allow for people with special needs to take part in play activities with other family members. The Sustainable Pool & Space Heating Application (Geothermal or solar) and the physical activity initiatives form part of a previously adopted agenda item.

The lighting project at the Melville Reserve has previously received funding and has benefited the junior and senior teams at the reserve. This application is a joint application between the junior/senior clubs at the reserve and promotes physical activity.

The awning at Tompkins Park provides shade cover for spectators of winter and summer sports. The extent of the awning is above that which the City of Melville normally provides. The main beneficiary will be sport spectators watching participants of sport.

OFFICER RECOMMENDATION (8023)**(ABSOLUTE MAJORITY)**

At 8.22pm Cr Reynolds moved, seconded Cr Ceniciva -

1. That the Melville Aquatic Fitness Centre Enhancements including an interactive water playground and Sustainable Pool & Space Heating Application (Geothermal or solar) receive the following support:

City of Melville funding	\$1,180,000
Project ranking	1
Project priority	1

2. That the free for use Outdoor Gym Equipment receive the following support:

City Of Melville funding	\$74,000
Project ranking	1
Project priority	2

Condition

- That the operational expenditure budgets at the reserves nominated for outdoor gym equipment be amended to accommodate an annual budget of \$1,000 each site to rectify non warranty works that may be needed.

3. That the power supply and floodlighting upgrading for the Melville Amateur Football Club and the Palmyra Junior Football Club at the Melville Reserve receive the following support:

City Of Melville funding	\$95,590
Project ranking	3
Project priority	3

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- That the clubs provide a project plan to the satisfaction of the Manager Parks & Environment prior to any works commencing on site.
4. That the awning at Tompkins Park for the Tompkins Park Community and Recreational Association receive the following conditional support:

City Of Melville funding	\$66,990
Project ranking	4
Project priority	4

Conditions

- The normal planning and building approvals being gained and the application being assessed by the Swan River Trust.
 - That the Association be informed that should the awning not receive full one third support from the Department of Sport and Recreation, the contribution from the City of Melville cannot be increased.
 - The Association will be required to introduce a sinking fund for the eventual replacement of the awning as part of the Associations operations.
 - The Association being made aware that should it not be in a position to replace the awning the City of Melville reserve the right to replace it with a lesser structure or remove it completely.
 - That the Association understands it will need to budget for the ongoing maintenance of the structure accordingly.
 - That at the end of its guaranteed life expectancy the Association will be required to provide an engineer's structural certificate confirming that the structure is structurally safe and if not, the structure must be removed.
5. That a review of the City of Melville flood and security lighting policy 06-PL-006 be conducted in line with the comments of this report.

**C09/8023 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING
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At 8.29pm Cr Pazolli moved, seconded Cr Robartson that the following amendment be added before point 1 of the Officer Recommendation –

Subject to a successful Community Sport and Recreation Facilities Funding Application:

At 8.31 the Deputy Mayor submitted the amendment which was declared **CARRIED (10/1)**

At 8.31pm the Deputy Mayor submitted the substantive motion as amended -

COUNCIL RESOLUTION (8023) (ABSOLUTE MAJORITY)***Subject to a successful Community Sport and Recreation Facilities Funding Application:***

1. That the Melville Aquatic Fitness Centre Enhancements including an interactive water playground and Sustainable Pool & Space Heating Application (Geothermal or solar) receive the following support:

City of Melville funding	\$1,180,000
Project ranking	1
Project priority	1

2. That the free for use Outdoor Gym Equipment receive the following support:

City Of Melville funding	\$74,000
Project ranking	1
Project priority	2

Condition

- That the operational expenditure budgets at the reserves nominated for outdoor gym equipment be amended to accommodate an annual budget of \$1,000 each site to rectify non warranty works that may be needed.

3. That the power supply and floodlighting upgrading for the Melville Amateur Football Club and the Palmyra Junior Football Club at the Melville Reserve receive the following support:

City Of Melville funding	\$95,590
Project ranking	3
Project priority	3

**C09/8023 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING
(STANDARD AND FORWARD PLANNING GRANTS ROUND) (AMREC) (ATTACHMENT)**

Condition

- That the clubs provide a project plan to the satisfaction of the Manager Parks & Environment prior to any works commencing on site.
4. That the awning at Tompkins Park for the Tompkins Park Community and Recreational Association receive the following conditional support:

City Of Melville funding	\$66,990
Project ranking	4
Project priority	4

Conditions

- The normal planning and building approvals being gained and the application being assessed by the Swan River Trust.
 - That the Association be informed that should the awning not receive full one third support from the Department of Sport and Recreation, the contribution from the City of Melville cannot be increased.
 - The Association will be required to introduce a sinking fund for the eventual replacement of the awning as part of the Associations operations.
 - The Association being made aware that should it not be in a position to replace the awning the City of Melville reserve the right to replace it with a lesser structure or remove it completely.
 - That the Association understands it will need to budget for the ongoing maintenance of the structure accordingly.
 - That at the end of its guaranteed life expectancy the Association will be required to provide an engineer's structural certificate confirming that the structure is structurally safe and if not, the structure must be removed.
5. That a review of the City of Melville flood and security lighting policy 06-PL-006 be conducted in line with the comments of this report.

At 8.31pm the Deputy Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (11/0)

**C09/5085 CITY OF MELVILLE ANNUAL REPORT 2008-2009 - TEXT (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Report
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item C08/5024 City of Melville Annual Report 2007-2008 of the Ordinary Meeting of Council of October 2008
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Roshan Weddikkara, Marketing and Communications Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

**C09/5085 CITY OF MELVILLE ANNUAL REPORT 2008-2009 - TEXT (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the text component of the 2008-2009 Annual Report for Council's acceptance.

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995, a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the Annual Report for the previous financial year. In keeping with previous years the General Meeting of Electors is scheduled for Wednesday 25 November 2009. The annual report and audited financial statements are required to be prepared and printed in time for that meeting.

Like the 2007-2008 Annual Report, this year's report takes the form of a 'Community Annual Report' which features a full text summary attached, [5085 Annual Report](#) and an abridged set of Financial Statements. The full set of Financial Statements will be available to ratepayers on request.

This report presents the text component of the 2008-2009 Annual Report only. The abridged and complete Financial Statements will be presented for adoption at the next available Council Meeting following receipt of the auditor's certification and after having been submitted to the Financial Management, Audit, Risk & Compliance Committee for their consideration.

DETAIL

Section 5.53 of the Act requires the Annual Report to contain the following:

- a report from the mayor or president;
- a report from the CEO;
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- details of entries made under section 5.121 regarding complaints against Council Members;
- such other information as may be prescribed. (No other matters have been prescribed at this time)

**C09/5085 CITY OF MELVILLE ANNUAL REPORT 2008-2009 - TEXT (REC)
(ATTACHMENT)**

The text portion of the 2008-2009 Annual Report has been prepared and includes the following:

1. The Mayoral Report.
2. Report by the Chief Executive Officer.
3. Report on major initiatives in the Strategic Plan
4. All other non-financial requirements of the Act.

This Annual Report is designed to report directly on the strategies and actions detailed in the document “The City of Melville’s plan for the future 2008 – 2012”.

The text of this Annual Report was developed from information gathered from all areas of the organisation from end-of-year reports, information requested directly from employees and various corporate documents.

This text was reviewed by the Operational Management Team (OMT) and the Executive Management Team (EMT), and checked by a professional proof reader.

The information was edited to present a simple language report aimed at providing succinct and relevant information to the community. The final published report featuring this text and the abridged Financial Statements will be known as the ‘Community Annual Report’. The full Financial Statements will not be part of the final publication but will be available on request.

Due to time constraints on the auditors, the abridged set of Financial Statements, and the full set of Financial Statements are not yet available and will be presented to the next available Council meeting following receipt of the auditor’s certification and after having been submitted to the Financial Management, Audit, Risk & Compliance Committee for their consideration.

As has been the practice in previous years, the text portion of the Annual Report is being presented separately to enable sufficient time for the majority of graphic design and production in time for the Annual Meeting of Electors on Wednesday 25 November 2009. The abridged Financial Statement (when adopted) will be integrated into the Annual Report design prior to production.

The Council is required to accept the ‘complete’ version, which is the ‘Community Annual Report’ plus the Full Financial Statement as per Section 6.4(2) of the Local Government Act 1995, and electors will be made aware that the full version of the Annual Report, including the Full Financial Statement, is available on request.

The complete Report requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 25 November 2009.

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out as the Annual Report is a report on the business activities of the City of Melville.

**C09/5085 CITY OF MELVILLE ANNUAL REPORT 2008-2009 - TEXT (REC)
(ATTACHMENT)**

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.27 of the Local Government Act 1995 specifies that a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Section 5.53 of the Local Government Act 1995 specifies requirements for information to be included in the Annual Report as noted previously.

Section 5.54 of the Local Government Act 1995 specifies that the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.55 of the Local Government Act 1995 specifies that the Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

FINANCIAL IMPLICATIONS

Funds have been provided in the 2008-2009 budget to enable proof-reading, graphic design, publication, promotion and distribution of the annual report.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not publishing an Annual Report in accordance with all relevant legal requirements and accounting standards would result in non-compliance with required legislative and regulatory requirements.	Moderate consequences which are likely, resulting in a High level of risk	Ensure the Annual Report conforms to all requirements.

This Annual Report is designed to report directly on the strategies and actions detailed in the Strategic Plan document “The City of Melville’s plan for the future 2008 – 2012”.

POLICY IMPLICATIONS

Nil.

**C09/5085 CITY OF MELVILLE ANNUAL REPORT 2008-2009 - TEXT (REC)
(ATTACHMENT)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil.

CONCLUSION

This Annual Report is a succinct and accurate reflection of the activities undertaken by the City of Melville in 2008-2009, and has been prepared in accordance with legislative and regulatory requirements.

Following Council adoption, this document will be formatted appropriately and made available in various formats for all stakeholders.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5085)

APPROVAL

At 8.36pm Cr Robartson moved, seconded Cr Wieland -

That the text component of the City of Melville 2008-2009 Annual Report 5085 Annual Report be approved.

At 8.36pm the Deputy Mayor submitted the motion which was declared

CARRIED (11/0)

At the request of an Elected Member the Deputy Mayor brought forward Item 16, Motions of Which Previous Notice Has Been Given.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

A Notice of Rescission Motion containing 1/3 of the number of offices of members of the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, was received from Cr A Ceniviva. The members who signed the notice were Cr D Macphail, Cr M Reynolds, Cr P Phelan, Cr A Ceniviva and Cr C Halton.

Cr Ceniviva advised the meeting that with the proposed change of use to “Office” that he may have a conflict of interest and so prior to consideration of this item Cr Ceniviva withdrew his Notice of Rescission Motion.

As the item was withdrawn, the deputations of Mr Stephen Duckett and Mr Rob Liddell, who were present, were not required to present their deputation.

PROPOSED MOTION WITHDRAWN

- 1. That the resolution of the Council on 15 September 2009, Item P09/3092 – Initiation Amendment No. 56 to Community Planning Scheme No. 5 – Lot 24 (527) Canning Highway – additional uses of “Medical Centre” and “Office” be rescinded.**
- 2. That the Council resolves not to support an application to amend the Community Planning Scheme No. 5 for the purposes of providing additional uses of “Medical Centre” and “Office” at Lot 24 (527) Canning Highway, Melville.**

Reason for Motion to Rescind

Information on this report is now available that was not brought forward or available for consideration at the Council meeting where the decision was made.

COMMENT

Appeal to SAT

Part 5 of the Planning and Development Act 2005 provides for the Council to initiate amendments to Town Planning Schemes. Once initiated, the Council must advertise the Amendment, consider submissions and forward the proposal to the Hon. Minister for Planning for determination.

Section 252 and Section 253 of the Planning and Development Act 2005 make reference to applications for review to the State Administrative Tribunal (SAT), however applications for review of decisions on Scheme Amendments are not contemplated. Therefore there is no right of appeal to the State Administrative Tribunal arising from a decision by the Council not to initiate a Scheme Amendment, nor is there any right of appeal any determination made in the course of the Scheme Amendment process.

If the Scheme Amendment is not initiated there is no need for advertising and referral to the Western Australian Planning Commission (WAPC) and Environment Protection Authority (EPA) is not required. No further action is required.

Review of CPS No. 5

The City of Melville Community Planning Scheme No. 5 is currently under review. If initiation of the Scheme Amendment is not supported by the Council, it is likely that the applicant would make a submission on the proposal as part of the Scheme Review process. This would allow consideration of the proposal by the Minister for Planning and could reduce the Council's ability to maintain control over the amendment process and could impact on the Council's capacity to negotiate desirable design outcomes.

Local Planning Strategy (LPS)

As part of the Network City considerations, 'Activities Centres' (such as Canning Bridge, Melville and Petra District Centres) would be interconnected by 'Activity Corridors' and 'Transport Corridors'.

Canning Highway is considered to be an activity corridor connecting the above activities centres and also a transport corridor providing an excellent opportunity for high frequency of public transport and opportunity to introduce express bus lanes, to connect with the train station located at Canning Bridge.

Under the current Scheme CPS No. 5 approximately 31% of the length of Canning Highway is coded R50 and R60 (District Centres and its Frames); 40% is under the CH precinct with a coding R25/40; 9% is coded R50 and R25/50 (Hislop CCR and its Frame); and 20% is coded R 17.5 and R20.

Taking into account the above, under the Local Planning Strategy it is proposed that higher densities be contemplated along Canning Highway, however detailed redevelopment/improvement plans are yet to be prepared.

Other similar approvals

It should be noted that historically, the Council has approved fifteen (15) properties with additional uses, medical and/or office within residential areas precincts only, similar to the subject amendment. They are:

Medical and Office use	5
Medical use only	8
Office use only	2
Total	15

The five (5) medical and office use approved are located at the following addresses:

7 Robson Way, Murdoch; 568 Canning Highway, Attadale; 37-39 Reynolds Road, Mount Pleasant; 67 Cranford Avenue, Brentwood; 485 Marmion Street, Myaree; 109-111 North Lake Road, Willagee.

Discussion took place regarding the meeting considering the proposed motion.

At 8.41pm Cr Everett moved -

That the meeting proceed to the next item on the Agenda.

The motion lapsed due to the lack of a seconder.

As no further discussion was required the Presiding Member moved to the next item on the agenda

C09/5000 – COMMON SEAL REGISTER (REC)

Ward	: All
Category	: Operational
Subject Index	: Common Seal Register
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 Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Bruce Taylor Manager Information, Technology & Support

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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied and recommends that the information be noted.

C09/5000 – 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 by the Chief Executive Officer, and the Mayor and the Chief Executive Officer attest the affixing of the seal.

DETAIL

Register Reference*	Party	Description	File Reference
249	City of Melville	Lease/Licence	201487
271	City of Melville/Willagee/Melville Sporting Association	Management Licence Willagee/Melville Sporting Association Inc	2055616
284	McLeod, City of Melville	Agreement for Boundary Re-Alignment Lot 1 Bateman Rd	2083124
307	Deirdre Kathryn Purcell & James Patrick Purcell	Notification required on title to alert prospective landowners of the use restrictions of the ancillary accommodation	2126359
309	City of Melville	Amending the Scheme by rezoning from Industrial to Residential and inserting a new Precinct P2	2120213
311	Leeming Bowls & Recreation Club	Deed of Variation to Licence - Leeming Bowls & Recreation Club Inc Self Supporting Loan and DryMax maintenance	2114610

* Documents relating to register numbers not appearing on the above table did not need to be signed under Common Seal.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C09/5000 – COMMON SEAL REGISTER (REC)

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995.

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

Section 9.49. Documents, how authenticated.

A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Member's information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)

NOTED

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville, be noted.

At 8.43pm the Deputy Mayor submitted the motion which was declared

CARRIED EN BLOC (11/0)

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Investments and Statements
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	:	Khris Yeoh A/Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of August 2009 and recommends that the information detailed in the attachments be noted.
- The report highlights continuing significant reductions in the estimated market value of Council's CDO investments and discusses the actions being taken by Council Officers to ameliorate, in so far as possible, the risk of further losses in value.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**BACKGROUND**

The investment of cash holdings is undertaken in accordance with Council's investment policy, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

The investment of funds is undertaken in accordance with the City of Melville's Investment of Funds Policy 13-PL-003.

[6000A August 2009](#) and [6000B August 2009](#) contain specific details (including **estimated** market valuations) of the investments held at 31 August 2009. Agenda attachment [6000C August 2009](#) is a graph showing the total of funds invested and their estimated market valuations at the end of each month over the past financial year.

Elected Members are well aware of the continuing uncertainty and extreme volatility in world financial markets and the negative impact that it is having on most classes of investments as well as individuals and corporations. This volatility, the subsequent lack of an active market for Collateralised Debt Obligations (CDO's) and a depressed market for the Authorised Deposit Taking Institutions (ADI) sub-ordinated debt investments owned by Council, has created a situation whereby it continues to be extremely difficult to arrive at truly meaningful market valuations for the (CDO) element of the investment portfolio. The valuations for August have been arrived at by using June valuations obtained from CPG Research & Advisory only (Council's Independent Investment Advisor's). Valuations in previous months have been more conservative using a mix of valuations obtained from Piper Alderman, our legal advisors in regards to the actions being pursued in respect Lehman Brothers, CPG Research & Advisory and officer's valuations.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 AUGUST 2009

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	S & P RATING	PROPORTION	MAX. PER INSTITUTION POLICY 13-PL-003	PURCHASE AMOUNT	EST MARKET VALUE	INVESTMENT GAIN / (LOSS)	ACCRUED INTEREST
BANKWEST (11AM)		11AM	AA	3%	20%	\$2,604,089	\$2,604,089	\$0	\$0
ST GEORGE BANK (11AM)		11AM	AA-	4%	20%	\$3,000,000	\$3,000,000	\$0	\$0
WESTPAC (MAXI DIRECT)		11AM	AA-	2%	20%	\$1,357,400	\$1,357,400	\$0	\$0
WESTPAC (MAXI BONUS 1)		11AM	AA-	1%	20%	\$1,001,134	\$1,001,134	\$0	\$0
WESTPAC (MAXI BONUS 2)		11AM	AA-	1%	20%	\$1,001,134	\$1,001,134	\$0	\$0
						\$8,963,758	\$8,963,758	\$0	\$0
AUST CENTRAL CREDIT UNION		TERM	AAA	1%	20%	\$1,000,000	\$1,000,000	\$0	\$3,355
BANK OF QUEENSLAND		TERM	AAA	1%	20%	\$1,000,000	\$1,000,000	\$0	\$3,567
ANZ BANK		TERM	AA-	0%	20%	\$0	\$0	\$0	\$0
BANKWEST (TERM)		TERM	AA	8%	20%	\$6,650,000	\$6,650,000	\$0	\$8,258
BENDIGO & ADELAIDE BANK LTD		TERM	AAA	0%	20%	\$0	\$0	\$0	\$0
COMMONWEALTH BANK		TERM	AA	0%	20%	\$0	\$0	\$0	\$0
MACQUARIE BANK (TERM)		TERM	AAA	4%	20%	\$3,000,000	\$3,000,000	\$0	\$19,342
NAB		TERM	AA-	15%	20%	\$13,100,000	\$13,100,000	\$0	\$27,324
NAB (TERM)		TERM	AA-	0%	20%	\$0	\$0	\$0	\$0
SAVINGS & LOANS		TERM	AAA	1%	20%	\$1,000,000	\$1,000,000	\$0	\$3,312
ST GEORGE BANK (TERM)		TERM	AA-	8%	20%	\$7,000,000	\$7,000,000	\$0	\$10,284
WESTPAC (TERM)		TERM	AA-	9%	20%	\$7,800,000	\$7,800,000	\$0	\$12,656
						\$40,550,000	\$40,550,000	\$0	\$88,078
ADELAIDE BANK		ADI	BBB+	2%	10%	\$2,003,210	\$1,878,800	-\$124,410	\$6,618
BENDIGO BANK		ADI	BBB+	2%	10%	\$2,010,900	\$1,923,950	-\$86,950	\$11,859
ELDERS RURAL BANK		ADI	BBB	5%	10%	\$4,517,543	\$3,987,150	-\$530,393	\$24,175
MACQUARIE BANK		ADI	A	2%	15%	\$1,500,650	\$975,000	-\$525,650	\$727
SUNCORP METWAY LTD		ADI	A	2%	15%	\$2,003,970	\$1,779,300	-\$224,670	\$14,706
WESTPAC BANK		ADI	AA-	1%	20%	\$1,000,810	\$881,301	-\$119,509	\$3,612
DEUTSCHE BANK	Low	CAP	AA-	1%	20%	\$1,150,000	\$1,138,500	-\$11,500	\$0
APHEX (GLENELG)	High	CDO	BBB-	2%	10%	\$2,000,270	\$243,600	-\$1,756,670	\$0
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	AA-	2%	0%	\$2,000,000	\$1,301,061	-\$698,939	\$0
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	C	1%	0%	\$450,000	\$292,798	-\$157,201	\$0
CORSAIR (CAYMAN) KAKADU	High	CDO	CCC+	2%	0%	\$1,498,714	\$373,650	-\$1,125,064	\$0
CORSAIR (CAYMAN) TORQUAY	High	CDO	B-	2%	0%	\$1,885,831	\$223,938	-\$1,661,893	\$0
ETHICAL LIMITED GREEN	High	CDO	B-	1%	0%	\$982,890	\$176,500	-\$806,390	\$0
HELIUM CAPITAL (ESPERANCE)	High	CDO	BB+	2%	0%	\$1,800,072	\$1,042,920	-\$757,152	\$0
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	CCC+	2%	0%	\$1,802,480	\$19,800	-\$1,782,680	\$0
MAGNOLIA FLINDERS	Moderate	CDO	AA	2%	20%	\$2,016,710	\$1,400,000	-\$616,710	\$0
MANAGED ACES CLASS 11A PARKES	High	CDO	B-	1%	0%	\$1,000,000	\$48,660	-\$951,340	\$0
MANAGED ACES CLASS 1A PARKES	High	CDO	BB	1%	0%	\$1,049,965	\$28,245	-\$1,021,720	\$0
OMEGA CAPITAL CLASS A HENLEY	High	CDO	BB-	0%	0%	\$385,000	\$121,468	-\$263,532	\$0
STARTS (CAYMAN) BLUE GUM	High	CDO	CCC+	2%	0%	\$1,505,928	\$1,650	-\$1,504,278	\$0
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	C	2%	0%	\$1,500,000	\$460,650	-\$1,039,350	\$0
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	C	1%	0%	\$500,000	\$155,750	-\$344,250	\$0
ZIRCON FINANCE MIAMI	Early Term.	CDO	C	1%	0%	\$850,000	\$355,385	-\$494,615	\$0
UNITS IN LOCAL GOVT HOUSE		UNITS				\$230,645	\$230,645	\$0	\$0
						\$35,645,588	\$19,040,662	-\$16,604,926	\$61,697
TOTAL FUNDS INVESTED				100%		\$85,159,346	\$68,554,420	-\$16,604,926	\$149,775

It should be noted that these valuations do not imply, that if it were possible for the Council to liquidate the CDOs in particular, the prices received would be in line with these valuations.

CDOs that have been identified by CPG as having a “High” risk of impairment (see above) are due to surging levels of corporate defaults that have placed extreme pressure on these instruments, with bid prices now severely distressed. Secondary markets bids remain severely distressed, and typically are below probable income to runoff/default. In light of the uncertainty Council has decided to stop accruing interest on all CDO investments. Interest will be recorded when it is received.

There were no credit events in August that has affected Council’s CDOs. However, due to the continuing difficult global economic conditions facing corporations, it is expected that further credit defaults and ultimately defaults of CDO’s themselves may occur in the near future.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

During August an ADI investment (\$0.5m) with Adelaide Bank that was repaid in full i.e. without loss, as a result of the bank taking up its option to repay investors on the first call date. This is further evidence of a return to normal money market trading conditions. The valuations for the ADI are based on them being sold as at the end of the month rather than being held to maturity. Despite the investment statements showing book losses for Council's ADI investments NO actual losses are expected to be incurred as the ADI investments will be held until maturity or early repurchase by the issuing bank on their call dates.

The estimate based on CPG valuations provided as at 30 June 2009, is that if it had been possible to dispose of all investments at the end of August, a loss of \$16,604,926 (19.50%, June 31.45%) would have been realised (see table below). The market valuation of the CDO element of the investment portfolio at the end of August represented 29.42% (June 29.42%) of its cost figure, with individual valuations ranging between 0% and 70%.

Major credit rating agencies Standard and Poors, Moodys and Fitch have also reviewed their methodology for assessing the credit ratings of CDO's. This has resulted in many of the CDO's being downgraded to levels where they are not, and would never have been, considered appropriate for inclusion in the Council's portfolio of investments. The review by the credit rating agencies of their CDO credit rating models affirms what some commentators were saying many months ago ie: that the models used to rate CDO's were flawed in some respects. This has unfortunately led to inappropriate investment by many Councils and other bodies holding public monies on the mistaken belief that the ratings applied by these agencies were sound. This post event review by the credit rating agencies is therefore of little value to the present situation the Council finds itself in and the Council's focus must remain on recovering from the situation.

Loss mitigation and recovery strategies such as obtaining expert and independent advice and amending the investment policy have already been undertaken and Council officers will continue to pursue other avenues including legal action against the Council's former investment advisors and fund managers, Lehman Brothers, as well as a potential class action against the ratings agencies.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

Summary details of investments held at 31 August 2009 are shown in the table below.

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 AUGUST 2009

SUMMARY BY FUND	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL RESERVE	\$ 52,835,193	\$ 52,840,902	\$ 52,447,480	(\$ 393,422)	-0.74%
TRUST	\$ 735,175	\$ 735,175	\$ 735,175	\$ -	0.00%
CRF	\$ 163,445	\$ 163,445	\$ 163,445	\$ -	0.00%
	\$ 85,114,403	\$ 85,159,346	\$ 68,554,420	(\$ 16,604,926)	-19.50%

SUMMARY BY INVESTMENT TYPE	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 13,000,000	\$ 13,037,083	\$ 11,425,501	(\$ 1,611,582)	-12.36%
CDO	\$ 21,220,000	\$ 21,227,860	\$ 6,246,016	(\$ 14,981,844)	-70.58%
CAP GUARANTEED NOTE	\$ 1,150,000	\$ 1,150,000	\$ 1,138,500	(\$ 11,500)	-1.00%
TERM DEPOSIT	\$ 40,550,000	\$ 40,550,000	\$ 40,550,000	\$ -	0.00%
11AM	\$ 8,963,758	\$ 8,963,758	\$ 8,963,758	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 85,114,403	\$ 85,159,346	\$ 68,554,420	(\$ 16,604,926)	-19.50%

SUMMARY BY RATING	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AAA	\$ 7,500,000	\$ 7,500,000	\$ 7,500,000	\$ -	0.00%
AA	\$ 10,355,469	\$ 10,372,179	\$ 9,755,469	(\$ 616,710)	-5.95%
AA-	\$ 35,808,288	\$ 35,809,098	\$ 35,678,089	(\$ 131,009)	-0.37%
A+	\$ -	\$ -	\$ -	\$ -	0.00%
A	\$ 3,500,000	\$ 3,504,620	\$ 2,754,300	(\$ 750,320)	-21.41%
BBB+	\$ 4,000,000	\$ 4,014,110	\$ 3,802,750	(\$ 211,360)	-5.27%
BBB	\$ 4,500,000	\$ 4,517,543	\$ 3,987,150	(\$ 530,393)	-11.74%
BBB-	\$ 2,000,000	\$ 2,000,270	\$ 243,600	(\$ 1,756,670)	-87.82%
BB+	\$ 1,800,000	\$ 1,800,072	\$ 1,042,920	(\$ 757,152)	-42.06%
BB	\$ 1,050,000	\$ 1,049,965	\$ 28,245	(\$ 1,021,720)	-97.31%
BB-	\$ 385,000	\$ 385,000	\$ 121,468	(\$ 263,532)	-68.45%
B-	\$ 3,885,000	\$ 3,868,721	\$ 449,098	(\$ 3,419,623)	-88.39%
CCC+	\$ 4,800,000	\$ 4,807,122	\$ 395,100	(\$ 4,412,022)	-91.78%
C	\$ 5,300,000	\$ 5,300,000	\$ 2,565,585	(\$ 2,734,415)	-51.59%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 85,114,403	\$ 85,159,346	\$ 68,554,420	(\$ 16,604,926)	-19.50%

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**Credit Ratings and Credit Events**

There were no credit rating changes in CDOs during August 2009.

Ten credit events impacting on CDOs held by the City have now been recorded. The Companies involved were the XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing and Landsbanki. The impact on CDOs is shown below:

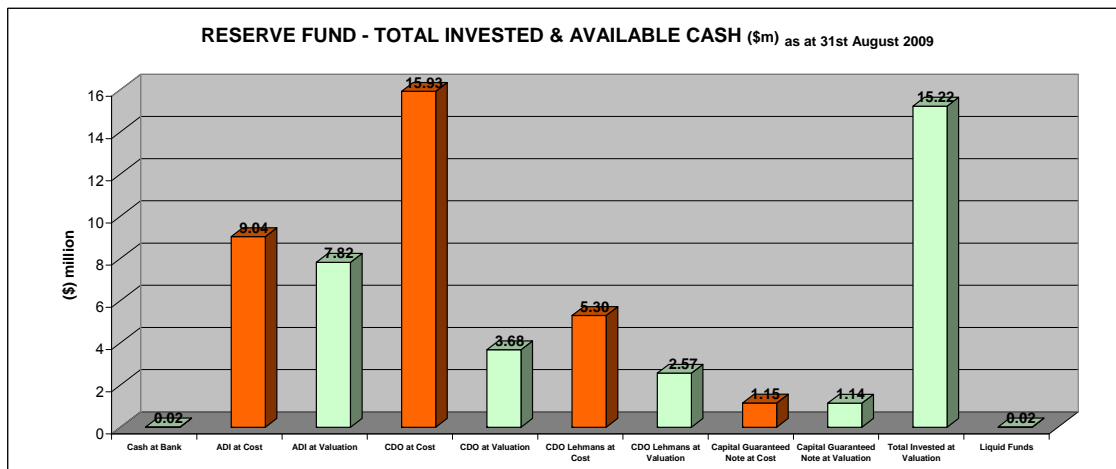
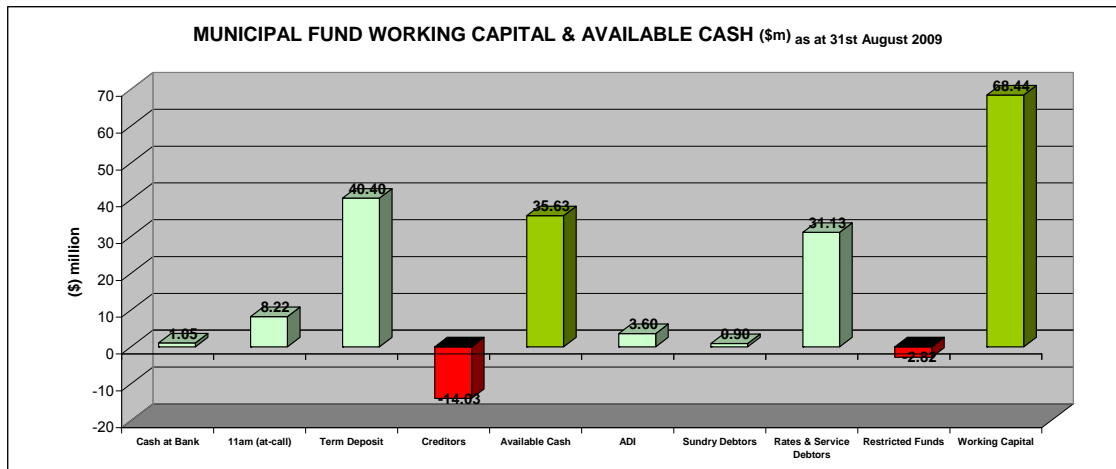
- Beryl Global Bank Note – Nil credit events – remaining credit support for 1.0 credit event (Being terminated due to trustee taking control of underlying security).
- Blue Gum – Arranger HSBC Bank US – 8.0 credit events – Bank TuranAlem, Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing & Landsbanki – remaining credit support for 0.7 credit events.
- Esperance – Arranger Merrill Lynch International – 1.0 credit event – Lehman's – remaining credit support for 3.5 credit events.
- Glenelg – Arranger Nomura International – 2.0 credit events – Lehman's & Landsbanki – remaining credit support for 6.0 credit events.
- Green – Arranger J.P. Morgan Australia – 5.0 credit events – XL Capital Assurance, Lehman's, WaMu, Glitnir & Kaupthing – remaining credit support for 0.9 credit events.
- Henley A – Arranger BNP Paribas – 3.0 credit events – Freddie Mac, Fannie Mae & Lehman's – remaining credit support for 7.0 credit events.
- Kakadu – Arranger J.P. Morgan Australia – 6.0 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & Kaupthing – remaining credit support for 5.2 defaults.
- Miami – Arranger Lehman Brothers – 3.0 credit events – Freddie Mac, Fannie Mae & WaMu – remaining credit support for 12.8 credit events. (Being terminated due to trustee taking control of underlying security)
- Merimbula A – Arranger Lehman Brothers – 2.0 credit events – Freddie Mac & Fannie Mae – remaining credit support for 7.9 credit events. (Being terminated due to trustee taking control of underlying security)
- Parkes 1A – Arranger Morgan Stanley – 5.0 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's & WaMu – remaining credit support for 4.0 credit events.
- Parkes 11A – Arranger Morgan Stanley – 5.0 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's & WaMu – remaining credit support for 2.0 credit events.
- Scarborough – Arranger Merrill Lynch – 6.0 credit events – Idearc, Freddie Mac, Fannie Mae, Lehman's, Kaupthing & Landsbanki – remaining credit support for 1.5 credit events.
- Torquay – Arranger J.P. Morgan – 6.0 credit events – XL Capital Assurance, Idearc, Freddie Mac, Lehman, Glitnir & Kaupthing – remaining credit support for 2.2 credit events.

It should be noted that further investment in CDO's is specifically excluded under the current Investment Policy. No long term investments are being undertaken as the investment portfolio as previously structured by Lehman Brothers, was too heavily weighted into long term products.

Statements 6000A, 6000B and the graph 6000C show the value of the investments based on cost, which is consistent with long standing practice.

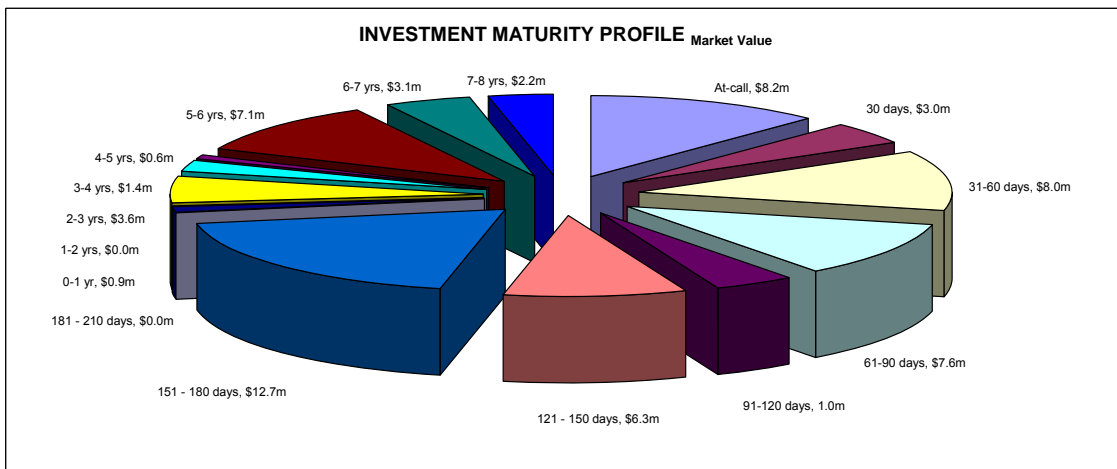
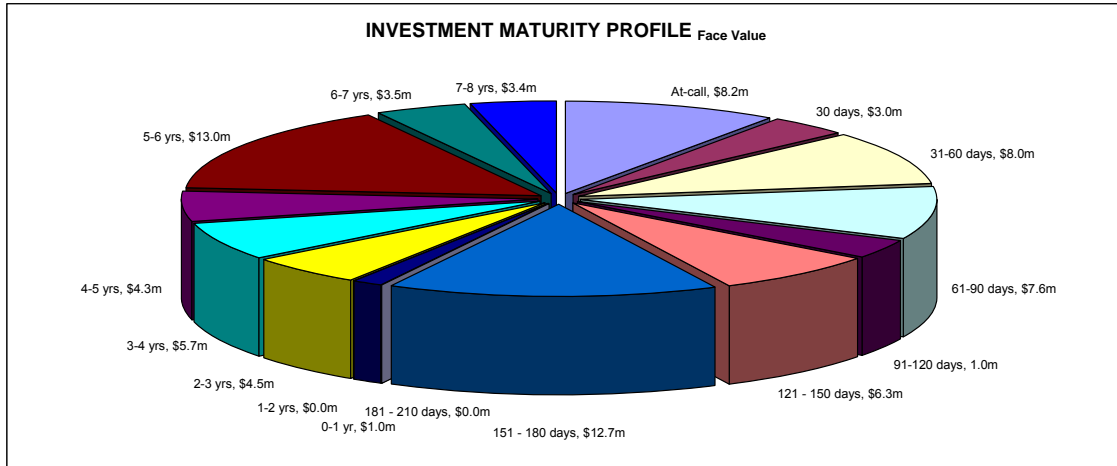
C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

The graphs below summarises The Municipal Fund working capital and available cash and movements in the Reserve Fund valuations for August 2009.



C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

The graphs below summarise the maturity profile of the Councils investments as of 31 August 2009.



C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

This report is available to the public on the Council's web-site and hard copies of this agenda and attachments are available for viewing at the Council's 5 public libraries.

In addition the Council's bi-monthly newsletter, Mosaic, has contained several articles that highlight this issue. Numerous (mostly inaccurate) press articles have also been published on this topic.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

CPG (formerly Grove) Research and Advisory the City's investment adviser have reviewed the current investment portfolio with a view to providing strategies to minimise any unnecessary risks.

In 2007 Price Waterhouse Coopers (PWC) were engaged to provide advice in regards to the appropriateness of the City's investment strategy in light of the recent volatility in the credit markets. Following the receipt of their report and further clarification, a revised investment policy was adopted.

The Department of Local Government and Regional Development issued Investment Policy Guidelines during 2008, well after the global financial crisis, and Council's investment policy has been amended to give effect to the guidelines.

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)

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised and to seek early termination of the CDO's so that Council gains access to the more valuable collateral representing Councils original investments which is held by Trustees for the Lehman Brothers arranged CDO's.

In conjunction with 55 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia.

FINANCIAL IMPLICATIONS

As at the end of August 2009, total interest excluding Reserve Fund interest earned was \$171,570, against a year to date budget of \$186,750. This represents a \$15,180 negative variance, as the budget was allocated on an even basis over the 12 months.

Reserve Fund interest earned was \$67,407 against a year to date budget of \$45,833, a positive variance of \$21,574. As stated above, Council has decided to stop accruing interest on all CDO investments. Interest will be recorded when it is received.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

In accordance with the Council's revised Investment Policy any surplus investment returns derived as a result of investing in ADI's & CDO's when compared to Bank Bills or Term Deposits will be credited to the Risk Management Reserve.

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings the City has not received interest payments on the \$5.3m face value of Lehman Brothers arranged CDO's. At this time interest on the underlying collateral is being retained by the trustee who has taken control of that collateral.

Despite press reports to the contrary, the book losses shown on the Council's investment portfolio have had NO impact on Council's budget or have been a contributing factor to the 2008/2009 or 2009/2010 rate increases

One of the biggest impacts on rates was the reduction in investment earnings due to the sharp reduction in interest rates and the adoption of a more conservative investment policy.

The most material current financial implication in relation to the cash position of the Council relates to the book value of investments moving according to the very significant market volatility that has been experienced since July 2007, which has impacted negatively on the market price and saleability of our CDO and to a lesser extent the Council's ADI investments.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification.

Due to the continuing and increasing credit market concerns, the risks associated with the Council's investment portfolio have also increased to levels which are of concern. Whilst the Council continues to earn and be paid interest from its non Lehman arranged CDO investments, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that would not meet the Council's investment policy. However, due to the lack of an active market for CDO's, these investments must continue to be held.

The risk of loss due to the default of many of the CDO's is very high whilst the risk of loss due to the default of ADI's is considered low.

Early termination of the Lehman Brothers arranged CDO's is being pursued due to the default by Lehman Brothers occasioned by their bankruptcy in the USA – this relates only to \$5.3m of the Lehman Brothers arranged CDO's. The most recent development in this regard is that the trustee has terminated the Lehman Brothers arranged CDO's and are in the process of deciding whether or not it would be appropriate to liquidate the underlying collateral. The timing and final amount to be realised is as yet unknown.

In response to the current market conditions, funds are currently being invested for short periods and only with highly credit rated Major Australian banking institutions.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Corporate Policy 13-PL-003 – Investment of Funds.

As resolved at the 16 December 2008 Ordinary Meeting of Council, the policy has been amended to incorporate mechanisms that protect the Council'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.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The current position and outlook in regards to the Council's CDO investments is poor. It should be noted that the CDO's are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDO's before there is loss of value at maturity of the CDO's themselves. In light of the extreme downturn experienced in many world economies the risk of defaults of corporations referenced by CDO's owned by the City, has increased significantly. The economic situation, although appearing to have stabilised somewhat, will result in still further corporate failures, some of which may be represented in CDO's owned by the City.

The current position in regards to other forms of investment undertaken by Council is good and improving. Market value book losses shown in respect to Council's long term ADI investments have continued to reduce over the course of the month evidenced by the repayment in full of some of the ADI's. NO losses are expected to be realised from these investments. The liquidity of the Council's investment portfolio is also improving.

It should also be noted however that the concerns with these investments will not impact on the Council's day to day operations or capital works programme as adequate funding is available to carry out the works identified in the Council's 2009/2010 Budget. Due to the long term nature of these investments, future impacts will be determined as the credit market situation becomes clearer.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)

NOTED

That the Investment Statements for the month of August 2009, as detailed in the following attachments be noted:

[6000A August 2009](#)

[6000B August 2009](#)

[6000C August 2009](#)

At 8.44pm the Deputy Mayor submitted the motion which was declared

CARRIED EN BLOC (11/0)

C09/6001 – SCHEDULE OF ACCOUNTS (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	: 2009/2010 Budget
Responsible Officer	: Khris Yeoh A/Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

C09/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents details of the payments made to suppliers for the provision of goods and services for the month of August 2009 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority 13-DA-015 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 Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedules of Accounts for the period ending 31 August 2009, [6001 August 2009](#) including Payment Registers numbers 114 to 117 were distributed to the Members of Council on Friday 10 October 2009.

Payments in excess of \$50,000 in the month were as follows:-

- Boral Construction – E016239 – Road Resurfacing and Maintenance - \$243,195.91
- City of Cockburn – E016062 & E016245 – Waste Tip Fees - \$102,763.11
- Dickies Tree Service – E016068 & E016250 – Tree Lopping Services - \$70,516.60
- Flexi Staff – E016100 & E016291 – Temporary Contract Staff for Parks and Gardens and Waste Services - \$67,108.56
- Southern Metropolitan Regional Council – E016165 & E016365 – Recycling & Waste Collection - \$385,529.12
- Synergy – 035798 & 035672 – Electricity Usage - \$166,750.18
- Tank and Vessel Engineering – E016382 & 035740 – Gate Fee for Processing Recyclable Materials - \$107,351.09
- T-Quip Turf Equipment Solutions – E016082 & E016272 – 5 Toto Series Mowers - \$119,401.84
- Western Power – 035671 & 035796 – Pathway Lights Mt Pleasant - \$208,259.15

C09/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2009/2010 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

C09/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)

NOTED

That the Schedule of Accounts for the period ended 31 August 2009, as approved by the Director Corporate Services in accordance with delegated authority 13-DA-015, and detailed in attachment [6001 August 2009](#) be noted.

At 8.44pm the Deputy Mayor submitted the motion which was declared

CARRIED EN BLOC (11/0)

C09/6002 – FINANCIAL STATEMENTS FOR AUGUST 2009 (AMREC) (ATTACHMENT)

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	:	Khris Yeoh A/Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

KEY ISSUES / SUMMARY

- This report presents the financial statements to the end of August 2009 and recommends that they be noted by the Council.

C09/6002 – FINANCIAL STATEMENTS FOR AUGUST 2009 (AMREC) (ATTACHMENT)

BACKGROUND

The Financial Statements for the end of the month of August 2009 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation and Council policy.

To the end of August 2009, a net operating positive variance of \$2.52m was recorded. Net capital expenditure remains \$0.2m under expended. These variances are mostly a result of phasing.

Variations

An analysis of the significant variances are identified below.

	August Actual+Comm \$	YTD Budget \$	YTD Actual+Comm \$	Variance \$	Variance %	Annual Budget \$
Revenues						
Governance	189,003	161,367	299,793	138,426	86%	999,400
General Purpose Funding	94,197	257,542	194,087	(63,456)	-25%	4,766,500
Health	29,592	23,146	102,051	78,905	341%	138,878
Education & Welfare	209,666	109,823	265,498	155,675	142%	974,930
Recreation and Culture	575,929	1,228,313	1,431,039	202,725	17%	10,336,888
Other Property and Services	18,366	(63,301)	51,529	114,830	-181%	481,401
	1,662,609	18,934,999	19,813,003		5%	41,544,048
Expenses						
General Purpose Funding	(59,482)	(227,452)	(61,946)	165,506	-73%	(549,760)
Law, Order, Public Safety	(359,250)	(835,450)	(613,131)	222,320	-27%	(5,129,505)
Community Amenities	(1,221,384)	(2,513,211)	(1,604,833)	908,377	-36%	(16,438,004)
Recreation and Culture	(2,232,938)	(3,817,314)	(3,420,473)	396,841	-10%	(22,684,156)
Other Property and Services	(201,673)	(470,109)	(208,670)	261,439	-56%	(2,723,756)
	(7,818,400)	(14,074,375)	(12,309,306)		-13%	(75,988,245)

Revenue

\$43.89m in Rates have been raised to date. This is compared with a year to date budget of 43.75m, a positive variance of \$0.14m. The full year budget is \$43.92m.

A number of requests for Rate exemption have been received, which if successful, will have the effect of reducing the amount raised from Rates. The quantum of these reductions will be assessed once the requests have been determined.

Budget variances are a result of the manner in which the budgets have been allocated to each month. This will be rectified in future periods by reallocating the budgets in accordance with the actual spend pattern.

- Governance – 86% positive variance.
- General Purpose Funding – 25% negative variance.
- Health – 341% positive variance.
- Education & Welfare – 142% positive variance.
- Recreation & Culture – 17% positive variance.
- Other Property & Services – 181% negative variance.

C09/6002 – FINANCIAL STATEMENTS FOR AUGUST 2009 (AMREC) (ATTACHMENT)

Expenditure

Budget variances are a result of the manner in which the budgets have been allocated to each month. This will be rectified in future periods by reallocating the budgets in accordance with the actual spend pattern.

- General Purpose Funding – 73% positive variance.
- Law, Order, Public Safety – 27% positive variance.
- Community Amenities – 36% positive variance.
- Recreation & Culture – 10% positive variance.
- Other Property & Services – 56% positive variance.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday 31 August 2009.

DESCRIPTION	LINK
Statement of Financial Activity – August 2009	6002A August 2009
Operating Statements by Program for the period ended 31 August 2009	6002B August 2009
Representation of Working Capital as at August 2009	6002E August 2009
Reconciliation of Net Working Capital as at 31 August 2009	6002F August 2009
Notes on Operating Statements for August 2009 reporting on variances of 10% or greater	6002H August 2009
Details of Budget Amendments requested during the month of August 2009	6002J August 2009
Summary of Rates debtors as at 31 August 2009	6002L August 2009
Graph showing Rates collections as at 31 August 2009	6002M August 2009
Summary of general debtors aged 90 days old or greater as at 31 August 2009	6002N August 2009

C09/6002 – FINANCIAL STATEMENTS FOR AUGUST 2009 (AMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH 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 Regulations) 1996 Part 4 – Financial Reports
Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

C09/6002 – FINANCIAL STATEMENTS for AUGUST 2009 (AMREC) (ATTACHMENT)

- (3) The information in a statement of financial activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be-
 - (a) presented to the council-
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;
 - 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 AAS 5, to be used in statements of financial activity for reporting material variances.

The variance adopted by Council is 10% or \$50,000 whichever is greater, as set out in 2009/10 adopted budget.

FINANCIAL IMPLICATIONS

Amendments to the 2009/2010 Budget have been included in the budget amendment reports.

Further amendments will be necessary in response to several significant variances that have or are expected to be realised over the course of the financial year.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

The format of the financial statements as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy 13-PL-007.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C09/6002 – FINANCIAL STATEMENTS for AUGUST 2009 (AMREC) (ATTACHMENT)

CONCLUSION

The attached reports reflect the financial situation of the City of Melville as at 31 August 2009.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)
ABSOLUTE MAJORITY**

At 8.45pm Cr Pazolli moved, seconded Cr Ceniviva -

1. That the Statements of Financial Activity and the Operating Statements for the period ending 31 August 2009 as detailed in the following attachments be noted:

DESCRIPTION	LINK
Statement of Financial Activity – August 2009	6002A August 2009
Operating Statements by Program for the Period Ended 31 August 2009	6002B August 2009
Representation of Working Capital as at August 2009	6002E August 2009
Reconciliation of Net Working Capital as at 31 August 2009	6002F August 2009
Notes on Operating Statements for August 2009 Reporting on Variances of 10% or Greater	6002H August 2009
Summary of Rates Debtors as at 31 August 2009	6002L August 2009
Graph Showing Rates Collections as at 31 August 2009	6002M August 2009
Summary of General Debtors Aged 90 Days Old or Greater as at 31 August 2009	6002N August 2009

2. That by Absolute Majority Decision, the budget amendments, as listed in the Budget Amendment Reports for August 2009, as detailed in attachment [6002J August 2009](#) be adopted.

At 8.45pm the Deputy Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

15. LATE ITEM

C09/5089 ADOPTION OF CODE OF CONDUCT (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: BMS 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	: Nil
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Louis Hitchcock Executive Manager Legal Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

C09/5089 ADOPTION OF CODE OF CONDUCT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City has not amended its Code of Conduct for a number of years and as a result the Code in its present format does not take into consideration the *Local Government (Rules of Conduct) Regulations 2007* or subsequent amendments to the *Local Government (Administration) Regulations 1996*. In its present form the Code of Conduct is not relevant to the needs of the organisation.

BACKGROUND

It is a requirement under the *Local Government Act 1995* s. 5.103 that a local government has a code of conduct to be observed by council members, committee members and employees. Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct.

The City adopted a Code of Conduct in 1999. While the Current Code of conduct has been reviewed, it appears not to have been updated for many years.

In 2007 the *Local Government (Rules of Conduct) Regulations 2007* came into force. These regulations prescribe general principles to guide the behaviour of Council members. The Rules do not limit what a code of conduct may contain but complement the intent of a Code of Conduct. In February 2008, Western Australian Local Government Association (WALGA) prepared and circulated to all local governments a Model Code of Conduct for Council Members, Committee Members and Staff.

As the current Code of Conduct at the City is inconsistent with legislation and with procedure given that it has not been amended for a number of years, a review of the Code of Conduct was undertaken. The resultant draft Code of Conduct incorporates part of the current Code of Conduct, whilst also taking into consideration the WALGA Model and the codes of conduct of other local governments.

DETAIL

The draft Code of Conduct is very different from the current Code. It provides a detailed code for observance by all Elected Members, officers, volunteers and contractors (where applicable) to ensure the highest ethical standards in decision-making and behaviour. The draft Code of Conduct sets out with greater clarity the expectations of certain behaviours and seeks to incorporate the requirements of the Rules of Conduct within the Code.

The main differences between the current and draft Codes are as follows –

1. Annexures

The Draft Code includes three annexures relating to

- respective responsibilities (Annexure 1);*
- values of the City (Annexure 2); and*
- Local Government (Rules of Conduct) Regulations 2007 (Annexure 3).*

C09/5089 ADOPTION OF CODE OF CONDUCT (REC) (ATTACHMENT)

Annexure 1 establishes the roles and responsibilities of Elected Members and officers and the relationship between the two. It provides a reference point for individuals in determining the parameters of their position and what is required.

Annexure 2 incorporates the values of the City these being, relationships, excellence, vibrancy, and well-being, within the Code to ensure compliance by Elected Members and officers to these integral concepts.

Annexure 3 incorporates the *Local Government (Rules of Conduct) Regulations 2007* as part of the Code and as a reference for Elected Members that they also have statutory obligations with which to comply and which govern behaviour.

The Current Code does not contain any of the above annexures and requires individuals to refer to other documentation.

2. Investigative Procedures for Reporting Breaches and Misconduct

The draft Code of Conduct provides a detailed procedure for reporting breaches and misconduct. It reflects the current procedure within the City. It notes the requirements of the Corruption and Crime Commission (CCC) and Public Interest Disclosure. The draft Code of Conduct notes that under the *Local Government (Rules of Conduct) Regulations 2007* breaches of a Rule of Conduct may attract the provisions of Part 5, Division 9 of the *Local Government Act 1995* and possible external disciplinary action.

3. Access to Information and Security of Information

The draft Code of Conduct deals in greater detail with access to information and security of information and makes provision for the accepted procedure with regard to anonymous communications.

4. Quasi Judicial Role

The City has adopted a policy relating to the quasi judicial role of elected members and employees and the draft Code refers to this role in clause 3.4. This is absent in the current Code.

5. Gifts and Disclosure of Interests

The *Local Government (Administration) Regulations 1996* were amended in 2007 relating to Interest and Gifts. The current Code does not take into consideration these amended provisions. The draft Code has incorporated these provisions to ensure statutory compliance.

6. Public Interest Disclosure

As mentioned previously, the draft Code incorporates the requirements of Public Interest Disclosure. Since the Code was last amended legislation has come into effect dealing with public interest disclosures. This allows for individuals to make disclosures relating to suspected improper conduct by officials. It has been included in the Code of Conduct as it relates to the proper governance of the City by Elected Members and officers.

C09/5089 ADOPTION OF CODE OF CONDUCT (REC) (ATTACHMENT)

7. External Committees and Bodies

The draft Code of Conduct has included provision relating to conflicts arising between the interests of the City and those of an external committee to which the Elected Member is a representative. In the event of a conflict the Code clearly states that the interest of the Elected Member rests with the City, this provision also binding officers.

PUBLIC CONSULTATION/COMMUNICATION

Elected members and the Executive Management Team and Operational Management Team were given the opportunity to comment on the draft Code of Conduct. These comments were incorporated into the draft Code of Conduct where applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.103 of the *Local Government Act 1995* requires that a local government adopts a Code of Conduct to be observed by council members, committee members and employees.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

A Code of Conduct provides a basis of expectations for the behaviour and conduct for council members, committee members and officers. It provides for the commitment to ethical and professional behaviour and outlines principles on which individual and collective local government responsibilities may be based.

POLICY IMPLICATIONS

Repeal and replacement of the current Code of Conduct Policy 14-PL-011.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C09/5089 ADOPTION OF CODE OF CONDUCT (REC) (ATTACHMENT)

CONCLUSION

The draft Code of Conduct provides an integrated reference document for Elected Members and officers on rules of conduct and behaviour befitting a representative of the City. It outlines the official roles and responsibilities of Elected Members and officers and the relationship between the two. It provides as an annexure the rules of conduct that Elected Members are required to follow. It incorporates the statutory requirements of the *Local Government (Administration) Regulations 1996* and the values and ethical standards of the City. The draft Code of Conduct replaces a policy that does not comply with the requirements of the Act and Regulations and is inconsistent with current procedure and expectations at the City.

OFFICER RECOMMENDATION (5089)

APPROVAL

At 8.47pm Cr Robartson moved, seconded Cr Reynolds -

That the current Policy 14-PL-011 Code of Conduct be repealed and the Draft Code of Conduct (as attached) 5089 Code of Conduct be adopted.

Amendment 1

At 8.48pm Cr Pazolli moved, seconded Cr Barton the following amendment be made to the wording of the Draft Code of Conduct under Section 1.4 – Justice –

That the Draft Code of Conduct be amended at Section 1.4 – Justice, by deleting the word “Ensuring” from the dot point “Ensuring Intergenerational Equity”.

At 8.58pm the Deputy Mayor submitted the amendment which was declared

CARRIED (6/5)

Cr Halton, Cr Phelan and Cr Macphail requested that their names be recorded as having voted against the amendment.

Cr Pazolli requested that his name be recorded as voting for the amendment.

Amendment 2

At 8.59pm Cr Macphail moved, seconded Cr Ceniviva that the following amendment be made to the wording of the Draft Code of Conduct under Section 1.4 – Justice –

That the Draft Code of Conduct be amended at Section 1.4 – Justice, to include the words “Consider compliance with” at the beginning of the dot point “Competitive neutrality principles”

At 9.14pm the Deputy Mayor submitted the amendment which was declared

LOST (2/9)

C09/5089 ADOPTION OF CODE OF CONDUCT (REC) (ATTACHMENT)

At 9.14pm the Deputy Mayor submitted the substantive motion as amended –

That the current Policy 14-PL-011 Code of Conduct be repealed and the Draft Code of Conduct (as attached) 5089 Code of Conduct be adopted with the following change to Section 1.4 – Justice, by deleting the word “Ensuring” from the dot point “Ensuring Intergenerational Equity”.

At 9.15pm the Deputy Mayor declared the motion

CARRIED (11/0)

17. EN BLOC ITEMS

At 9.15pm Cr Robartson moved, seconded Cr Barton -

That the recommendations for items C09/5000, C09/6000 and C09/6001 be carried En Bloc.

At 9.15pm the Deputy Mayor submitted the motion which was declared

CARRIED (11/0)

18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

19. CLOSURE

There being no further business to discuss the Deputy Mayor declared the meeting closed at 9.20pm.