

**MINUTES**

**OF THE**

**SPECIAL MEETING OF COUNCIL**

**HELD ON**

**9 NOVEMBER 2010**

**AT 7.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 7.47PM ON TUESDAY, 9 NOVEMBER 2010.**

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**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 7:47pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and then Deputy Mayor, Cr M Reynolds 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**

His Worship the Mayor, Russell Aubrey

**COUNCILLORS**

Cr M Reynolds (Deputy Mayor)  
Cr R Subramaniam, Cr C Robartson  
Cr N Pazolli, Cr P Reidy  
Cr A Nicholson, Cr A Ceniviva  
Cr J Barton, Cr G Wieland  
Cr N Foxton  
Cr C Halton

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Ms C Young	Director Community Development
Mr D Vinicombe	Manager Planning and Development Services
Mr K Yeoh	Senior Financial Accountant
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were no members of the public in the Public Gallery and no members of the press in the Press Gallery.

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

Cr B Kinnell – Palmyra/Melville/Willagee Ward

**4.2 APPROVED LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Nil.

**6. QUESTION TIME**

Nil.

**7. DECLARATIONS OF INTEREST****7.1 FINANCIAL INTERESTS**

Nil.

**7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Nil.

**8. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 7.51pm Cr Reynolds moved, seconded Cr Foxton -

**That the applications for new leaves of absence submitted by Cr Halton, Cr Kinnell, Cr Subramaniam, Cr Barton and Cr Reidy on 9 November 2010 be granted.**

At 7.51pm the Mayor submitted the motion which was declared

**CARRIED (12/0)**

**9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**10. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**P10/3178 - SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Policy & Policy Development  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item C09/5097 Ordinary Meeting of Council Meeting held 17 November 2009 - Policy Review,  
 Item C09/5100 Ordinary Meeting of Council held 15 December 2009 – Policy Review,  
 Item C10/5106 Ordinary Meeting of Council held 20 April 2010 – Review of Urban Planning Policies 2010  
 Item P10/3152 Ordinary Meeting of Council held 17 August 2010 – Adoption of Advertised Urban Planning Policies  
 Works Program : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Mr David Vinicombe  
 Manager Planning and Development 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; 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>

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Policies may be broadly categorised as either “Operational” (therefore not involve formal endorsement by the Council) or “Council” (referred to Council for endorsement due to the nature of the Policy).
- Community Planning Scheme No 5 (CPS5) provides for Council to prepare and adopt Non-Statutory Planning Policies and undertake regular Policy reviews.
- Non-Statutory Planning Policies are required to supplement CPS5 provisions and requirements of the Residential Design Codes (R-Codes). Application of Non-Statutory Planning Policies through the formal procedures provided in the CPS5 provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided the Policy is soundly based, it has similar status to Scheme provisions when under review in the State Administrative Tribunal (SAT).
- There are a number of Planning Policies which are of operational nature relative to planning processes and do not require adoption under the Scheme, but given their significance in the planning process, have been elevated to the status of a Council Policy (e.g. - Development Advisory Unit and Quasi-Judicial Status Policies).
- Council Policies may be adopted by Council without the need for advertising.
- Non-Statutory Planning Policies however need to be adopted under the terms of CPS5 and require formal advertising for public comment.
- Council has 54 existing Policies dealing with planning and development matters. It has been identified that a number of further Policy initiatives are required to address emerging development and planning administration issues. Due to the volume and complexity of Planning Policies, the review of the existing Policies and progression of Policy initiatives are to be regularly reported over the coming months.
- This report relates to the second stage of the Urban Planning Policy review and considers 14 Policies which were referred to Council’s Elected Member Information Session on 26 October 2010.
- This review includes one new Policy initiative relative to Crime Prevention Through Environmental Design (CPTED), revisions to eight existing Policies and four proposed revocations.
- Four of the Policies are operational in nature (relative to the Development Advisory Unit, Refusal of Building Licence Applications, Planning Processes and Decision Making and CPS5 Development Advertising Procedures). These Policies may be adopted as Council Policies without the need for a public comment period.
- Four of the existing Policies are proposed for revocation due to them having served their purpose, being inconsistent with the R-Codes or due to administrative complexities. These Policies are proposed to be revoked in accordance with Clause 9.6(e) of CPS5.
- The remaining six Policies (including the new CPTED Policy initiative) are required to be advertised for public comment in accordance with Clause 9.6(b) of CPS5 for a period of 21 days.

**P10/3178 - SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)****BACKGROUND**

Policies are either classified as “Council Policy” or “Operational Policy”. Council Policies are referred to Council for adoption, however, due to the nature of Operational Policies, these are adopted administratively without referral to Council.

Community Planning Scheme No 5 (CPS5) provides for Council to prepare and adopt Non-Statutory Planning Policies and undertake regular Policy reviews. Non-Statutory Planning Policies are classified as “Council Policy”. They are required to supplement CPS5 provisions and requirements of the Residential Design Codes (R-Codes).

Council Policies may be adopted by Council without the need for advertising. However, Non-Statutory Planning Policies which address technical planning issues need to be adopted under the terms of CPS5 and require formal advertising for public comment. This requires them to be initially adopted by Council for advertising purposes and following a 21 day consultation period, finally adopted by Council.

There are a number of Planning Policies which are of an operational nature relative to planning processes and which do not require adoption under the Scheme, however, given their significance in the planning process have been elevated to the status of a Council Policy (e.g. - Development Advisory Unit and Quasi-Judicial Status Policies).

Council has 54 existing Policies dealing with planning and development matters. It has been identified that a number of further Policy initiatives are required to address emerging development and planning administration issues. Due to the volume and complexity of Planning Policies, the review of the existing Policies and progression of Policy initiatives are to be regularly reported over the coming months.

Council initiated the first stage of a review of Council Urban Planning Policies on 20 April 2010 (Report C10/5106) and, following a 21 day consultation period, resolved on 17 August to adopt the advertised Policies (with minor modifications).

**Urban Planning Policies**

Urban Planning Policies relating to Development and Building and Strategic Planning are generally considered to be Council Policies due to their strategic positioning and legislative functions in relation to development matters.

Application of Non-Statutory Planning Policies through the formal procedures provided in the CPS5 provide a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided the Policy is soundly based, it has similar status to Scheme provisions when under review in the State Administrative Tribunal (SAT).

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**Community Planning Scheme No. 5 Requirements

Clause 9.6(g) of CPS5 requires Council to review Planning Policies adopted under the provisions of the Scheme on an annual basis. Since the gazettal of the Scheme in 1999, various Policies have been adopted and up to three such reviews (of some of the Policies) have taken place. Whilst annual reviews have not been undertaken, legal advice indicates that the present Policies are still applicable, however until the Policies are reviewed, they may not be given as much weight in an appeal situation as a recently reviewed Policy. Accordingly, a comprehensive review of all Policies is required at this point and program of revisions are to be presented to Council in the following months.

Residential Design Code (R-Code) Requirements

The Residential Design Codes contains provisions which deal with local Planning Policy as follows:

*“5.1 Local planning policies consistent with codes*

*Subject to 5.3, a local planning policy that affects residential development shall be consistent with the provisions of the codes and may not provide for greater or lesser requirements than the codes unless expressly permitted under the codes.*

*5.2 Pre-existing local planning policies*

*If a properly adopted local planning policy which came into effect prior to the gazettal of the R-Codes is inconsistent with the R-Codes, the R-Codes prevail over the policy to the extent of the inconsistency.*

*5.3 Scope of local planning policies**5.3.1 Local planning policies may contain provisions that:*

- a) vary or replace the following acceptable development provisions set out in the codes:*

*streetscape (design element 6.2 A1-A6);  
building design (design element 6.2 A7-A9);  
boundary walls (design element 6.3 A2);  
site works (design element 6.6 A1.4);  
building height (design element 6.7 A1);  
external fixtures (design element 6.10 A2.3-A2.54);  
special purpose dwelling requirements or aged or dependent person's dwelling) part 7.1.2 A2 ii);  
mixed use development (part 7.2) and  
inner city housing (part 7.3); or*

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(ATTACHMENT)**

*b) augment the codes by providing additional performance criteria and acceptable development provisions for any aspect of residential development that is not provided for in the codes.*

5.3.2 *Despite clause 5.3.1, a council may, with the approval of the WAPC, vary any other acceptable development provisions within the codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation.”*

**Policy Review**

Council presently has 38 Policies dealing with Development and Building Control and a further 16 dealing with Strategic Land Use Planning. In addition to these 54 Policies, it has been identified that a number of new Policy initiatives are required to address emerging development and planning administration issues.

A full review of existing and proposed Policies (70 or more Policy documents) would be difficult to address in one report/meeting of Council due to the volume and their complexity. Hence it is proposed that the Policy Review be presented to Council in stages that commenced in April and then in subsequent Council meetings.

This first stage of the Policy Review involved consideration of a total of 16 Policies. These included consideration of 14 existing Policies and two new Policy initiatives.

This report relates to the second stage of the Urban Planning Policy review and considers 14 Policies inclusive of one new Policy initiative which were referred to Council's Elected Member Information Session on 26 October 2010.

**DETAIL**

The Policies under this review include 13 existing Policies and one new Policy initiative as follows. Details on the proposed changes together with comments on each are contained in the Comments section of this report.

**PUBLIC CONSULTATION/COMMUNICATION**

Public consultation is required for all Council Non-Statutory Planning Policies which are non-operational in nature in accordance with Clause 9.6 of the Scheme CPS5.

Clause 9.6(b) (e) provides for all public notification procedures with regard to all Policies which are to be revoked.

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(ATTACHMENT)**

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Clause 9.6(b) (ii) of CPS5 requires Council to advise the Western Australian Planning Commission (WAPC) of any Policy proposal which affects the interests of the Commission. It is noted that as the proposed Policies and modifications do not have regional significance, the WAPC is not to be consulted in this regard.

**STATUTORY AND LEGAL IMPLICATIONS**

The review of Council's Planning Policies will improve the validity of Council Policies in review situations by the State Administrative Tribunal (SAT). Once finally adopted by Council, the reviewed Policies in effect carry the power and weight of the Scheme.

**FINANCIAL IMPLICATIONS**

There are no financial implications which result from this report other than advertising costs for consultation and adoption purposes.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The implication of this and subsequent reports relative to the Policy Review is that Council will have a revised set of Planning and Building Policies to firmly guide future development in the City.

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could elect not to adopt the proposed Policy changes and initiatives for public consultation or modify the presented Policies. Council may also resolve not to revoke the subject Policies proposed for revocation. It is inappropriate not to review the Policies as their relevance in the consideration of development matters would be diminished over time.

**COMMENTS**

The Policies under this stage of the Urban Planning Policy review include 13 existing Policies and one new Policy initiative. Four of the Policies are operational in nature (as indicated).

1. CP-044 Development Advisory Unit

This Policy is of an operational nature and following its adoption in August is subject to minor review to clarify reporting of the Development Advisory Unit (DAU) minutes on the Monday or Tuesday (in the event of a Public Holiday) following the DAU meeting and “Call-up” time frame (limited to the Friday morning following publication of the DAU minutes). It is also proposed to formally recognise that further negotiations may take place during the “call-up” period to address issues raised and to report the results of such negotiations as an information report.

[3178 CP-044 Development Advisory Unit](#)

2. CP- 06-PL-006 Flood and Security Lighting

The review simplifies the existing Policy by deleting all unnecessary information for applications and takes into consideration comments from a lighting consultant who indicates that light intensity is not only a function of wattage, but also the technology and type of reflectors used. Given the complexity of the issue, the review proposes a Certification process for all applications by a suitably qualified lighting consultant and defers to compliance with relevant Australian Standards.

[3178 CP-06-PL-006 Flood and Security Lighting](#)

3. CP – 06-PL-010 Tennis Courts

The review introduces occupancy requirements to ensure users are occupants of property and provides for Certification requirements by a suitably qualified lighting consultant to indicate compliance with relevant Australian Standards.

[3178 CP-PL-010 Tennis Courts](#)

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**

4. CP - 06-PL- 028 Community Planning Scheme No. 5 Development Advertising Procedures

This Policy is of an operational nature. Minor changes are proposed and clarification to consultation requirements relative to Planning Applications under CPS5 and the R-Codes. The review introduces consultation requirements for variations to Council Policies and Scheme Amendments (formal and informal) and removes consultation requirements relative to front, side and rear setback variations as R-Code consultation requirements to apply.

[3178 CP-06-PL-](#)

[028 Community Planning Scheme No 5 Development Advertising Procedures](#)

5. CP - 06-PL-034 “Incomplete” Building Licence Applications, Refusal of Building Licence Applications and the Collection of Relative Fees

This Policy is of an operational nature. The review introduces “Incomplete” applications and proposes powers to allow for the withdrawal, return or refusal of Building Applications which provide insufficient information, do not relate to a relevant Planning Approval or which have been refused Planning Approval.

[3178 CP-06-PL-034 Incomplete Building Licence Applications Refusal of Building Licence Applications and the Collection of Relative Fees](#)

6. CP - 06-PL-036 Planning Process and Decision Making

The review introduces relationship with quasi-judicial processes and varies the Planning Approval Matrix to provide greater clarity on approval processes.

[3178 CP-06-PL-036 Planning Process and Decision Making](#)

7. CP - 06-PL-037 Home Occupation Relative to Sexual Services Business Policy

Minor review to recognise that Amendment No 55 to CPS5 has still not been gazetted and is awaiting further review of the State Government’s Sexual Services legislation.

[3178 CP-06 PL 037 Home Occupation Relative to Sexual Services Business](#)

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**

8. CP – 28-PL-001 Murdoch Mews

There is no further need for this Policy as the land has been fully developed. It is proposed that the Policy be revoked. [3178 CP-28-PL-001 Murdoch Mews](#)



9. CP - 28-PL-002 Somerville Boulevard Design Guidelines

There is no further need for this Policy as the land has been fully developed. Some elements can be considered for other more generic Policies (e.g. CPTED). It is proposed that the Policy be revoked.

[3178 CP-28-PL-002 Somerville Boulevard Design Guidelines](#)

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**



10. CP - 28-PL-009 Living Area Precinct: AT1 Attadale Additional Development Requirements

This Policy is based on similar Scheme provisions applicable to a number of Living Area Precincts under CPS5. It is understood that these provisions and the Policy were introduced to ameliorate the impacts of increased development potential provided by the R-Codes at the R15 density, however, since the introduction, the R-Codes have been reviewed to improve Privacy requirements.

In recent times there has been a number of occasions (nine including a report to Council in November) where, due to an inconsistency with development requirements for grouped dwellings under the Residential Design Codes (R-Codes), reports have been forwarded to Council for Special Majority approval for variations to these standards.

CPS5 defines battleaxe lot as "a lot having access to a public road by means of an access strip or right of way included in the Certificate of Title of that lot." This definition differs from that provided by the R-Codes - "a single house lot that has a frontage to a public road only through a pedestrian or vehicular access way that is part of the lot. The term excludes a site that has vehicle access from a private or communal street or right-of-way connected to a public road." The key words in the R-Codes definition are "single house" - which is defined as "a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property."

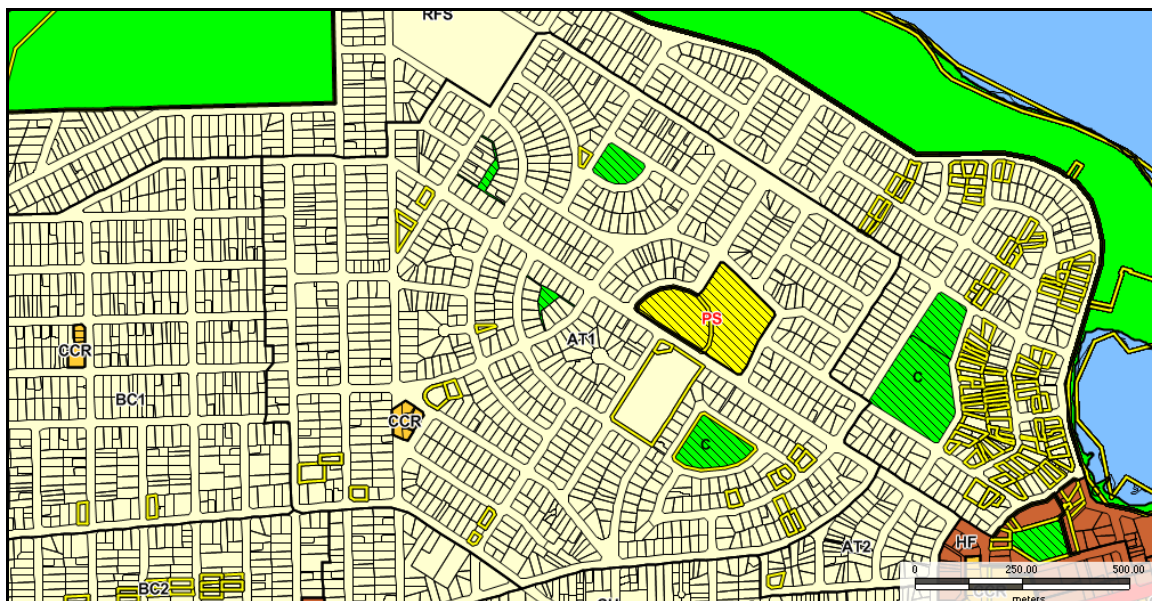
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(ATTACHMENT)**

Clause 1.8(b) of CPS5 indicates that "where a word or term is defined in the Residential Planning (Design) Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the same meaning given to it in the Residential Planning (now Design) Codes."

Accordingly, the battleaxe definition under the R-Codes applies to Battleaxe lot requirements under CPS5 and the subject battleaxe Policy up for review. In essence, CPS5 and this Policy provide additional development requirements for all green title or strata title lots of battleaxe arrangement which do not include any common property. [3178 Battleaxe Lot Diagrams \(3\)](#). If any strata title property contains common property of any description, such as the whole or part of a driveway or alternatively a letter box area (a small 1.0sqm area typically containing a letter box common property), the development would not be subject to battleaxe requirements contained in CPS5 and the subject Policy.

Whilst this Policy can be varied without going through these administrative procedures, due to the inconsistency with the R-Codes, it is recommended that the Policy be revoked.

[3178 CP-28-PL-009 Living Area Precinct AT1 Attadale Additional Development Requirements](#)

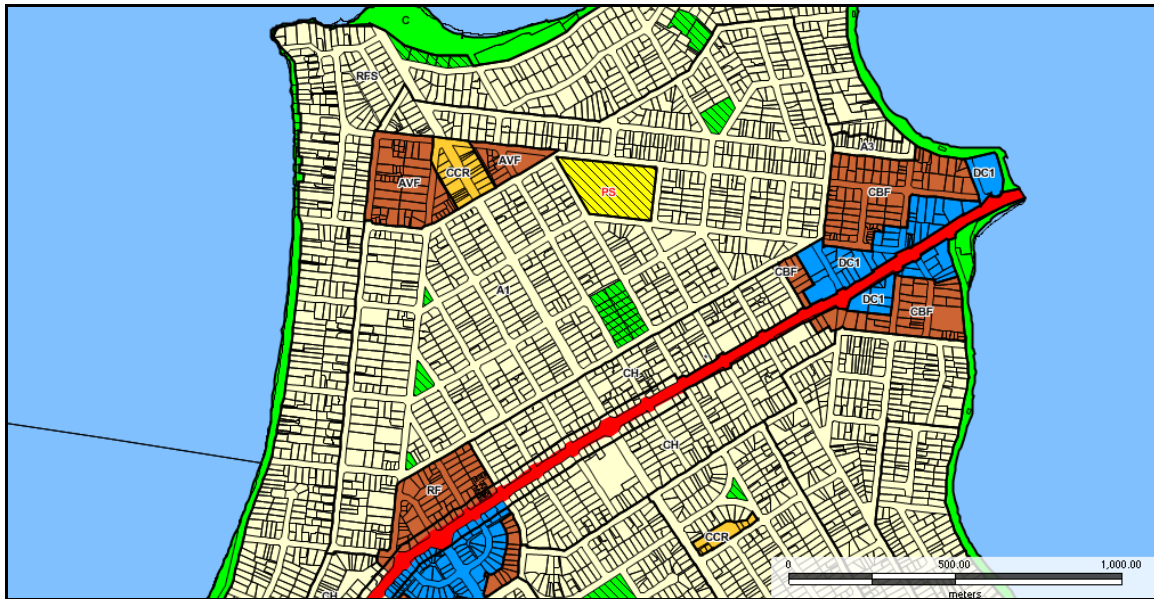


11. [CP - 28-PL-010 Living Area Precinct: A1 Applecross Additional Development Requirements](#)

Comment and details as per above CP - 28-PL-009 Living Area Precinct: At1 Attadale Additional Development Requirements.

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(ATTACHMENT)**

Whilst this Policy can be varied, due to the inconsistency with the R-Codes, it is recommended that the Policy be revoked. [3178 CP-28-PL-010 Living Area Precinct A1 Applecross Additional Development Requirement](#)



12. CP - 28-PL-012 Scheme Amendments Relating to Rome Road, Melville

Minor review includes typographical and punctuation changes only.

[3178 CP-28-PL-012 Scheme Amendments Relating to Rome Road Melville](#)

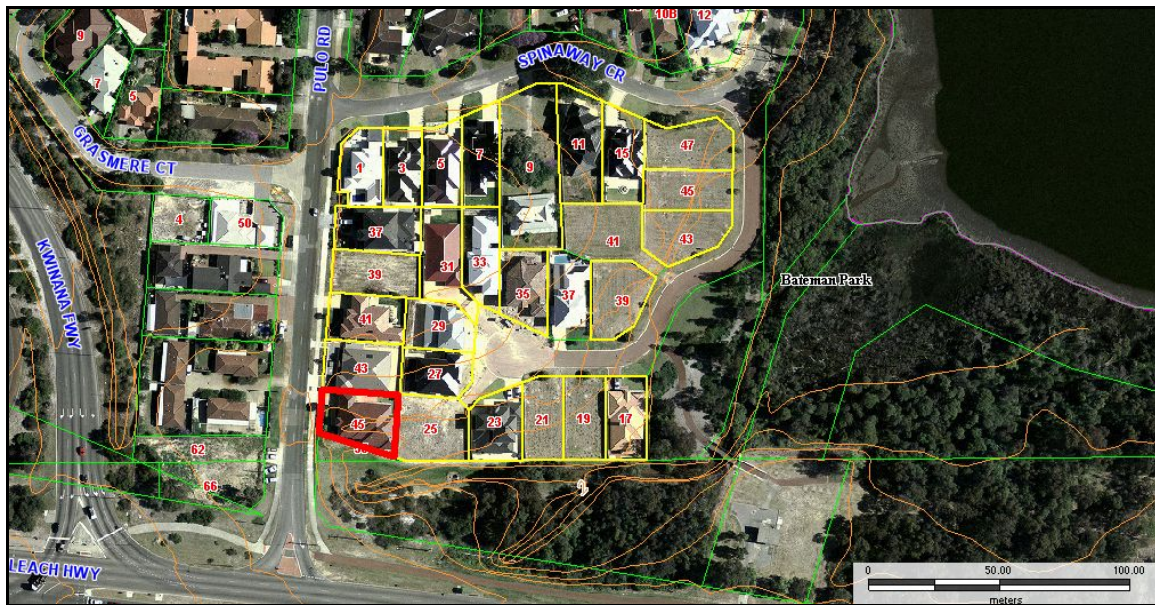


**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**

13. CP - 28-PL-015 Pulo Road Subdivision Development Standards

This Policy relates to R12.5 Coded land subdivided to R20 standards in view of historic nature of site and applicable discretion under CPS5. Minor changes are proposed to clarify that the power to vary the R-Code Development Standards relate to the Policy provisions of the R-Codes.

[3178 CP-28-PL-015 Pulo Road Subdivision Development Standards](#)



14. New Policy Initiative - Crime Prevention Through Environmental Design (CPTED) Policy (Designing Out Crime Initiatives)

The proposed Policy summarises and builds upon extensive WAPC Policy requirements on CPTED. It is proposed that this Policy be used to respond to, design, plan and approve development, building and subdivision proposals within the City. The Draft Policy establishes guiding principles on surveillance, access control, clear delineation of private and public realms, target hardening (security measures) and management. Design recommendations relate to urban layout, streets and parking, subdivision and housing, landscaping and parks, fences and walls, target hardening, and lighting and signage. [3178 New Policy Initiative Crime Prevention Through Environmental Design \(CPTED Policy Design Out Crime Initiatives\)](#)

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)****CONCLUSION**

In view of the comments raised above in relation to the second stage Urban Planning Policy review, it is recommended that:

1. The procedural orientated Policies be adopted by Council (without the need for consultation),
2. The Non-Statutory Planning Policies dealing with Planning development matters be advertised for a period of 21 day to determine any public comment in accordance with Clause 9.6(b) of CPS5.
3. The a notice be placed in a local newspaper to advise of the proposed Non-Statutory Planning Policies to be revoked in accordance with Clause 9.6(e) of CPS5.

**OFFICER RECOMMENDATION (3178)****APPROVAL**

At 7.51pm Cr Wieland moved, seconded Cr Subramaniam -

**A That Council resolve to adopt the following operation orientated Council Policy reviews:**

- i) CP- 044 Development Advisory Unit
- ii) CP-06-PL-028 Community Planning Scheme No. 5 Development Advertising Procedures
- iii) CP - 06-PL-034 “Incomplete” Building Licence Applications, Refusal of Building Licence Applications and the Collection of Relative Fees
- iv) CP - 06-PL-036 Planning Process and Decision Making

**B That Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policy reviews and Draft Council Policy initiative for public consultation:**

- i) CP-06-PL-006 Flood and Security Lighting
- ii) CP-06-PL-010 Tennis Courts
- iii) CP-06-PL-037 Home Occupation Relative to Sexual Services Business Policy
- iv) CP-28-PL-012 Scheme Amendments Relating to Rome Road, Melville
- v) CP-28-PL-015 Pulo Road Subdivision Development Standards
- vi) New Policy Initiative - Crime Prevention Through Environmental Design (CPTED) Policy (Designing Out Crime Initiatives)

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**

**C) That Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper circulating the district to advise that the following Policies have been revoked:**

- i) CP-28-PL-001 Murdoch Mews**
- ii) CP-28-PL-002 Somerville Boulevard Design Guidelines**
- iii) CP-28-PL-009 Living Area Precinct: AT1 Attadale Additional Development Requirements**
- iv) CP-28-PL-010 Living Area Precinct: A1 Applecross Additional Development Requirements**

Amendment

At 7.51pm Cr Pazolli moved, seconded Cr Subramaniam that the Officer's Recommendation be amended to reflect amendments required in the following policies -

**CP-06-PL-028 Community Planning Scheme No. 5 and Residential Design Code Development Advertising Facilities Procedures.**

- 1. In the first line of Part 5 - Guiding Principles for Advertising, remove the word "Clause" after the word "Should".**
- 2. After the word "exception" in the second paragraph of Part 5 – Guiding Principles for Advertising, add the words "of proposed amendments that fully comply with the R-Codes, CPS5 or Council Policies."**

**CP-06-PL-037 Home Occupation Relative to Sexual Services Business Policy**

**In the second last line of the fourth paragraph under Background, change the word "be" to "been" to now read "been granted".**

At 8.00pm the Mayor submitted the amendment which was declared

**CARRIED (12/0)**

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)****COUNCIL RESOLUTION (3178)****APPROVAL**

At 8.01pm the Mayor submitted the substantive motion as amended –

***CP-06-PL-028 Community Planning Scheme No. 5 and Residential Design Code Development Advertising Facilities Procedures.***

- 1. In the first line of Part 5 - Guiding Principles for Advertising, remove the word "Clause" after the word "Should".***
- 2. After the word "exception" in the second paragraph of Part 5 – Guiding Principles for Advertising, add the words "of proposed amendments that fully comply with the R-Codes, CPS5 or Council Policies."***

***CP-06-PL-037 Home Occupation Relative to Sexual Services Business Policy***

***In the second last line of the fourth paragraph under Background, change the word "be" to "been" to now read "been granted".***

**A That Council resolve to adopt the following operation orientated Council Policy reviews:**

- i) CP- 044 Development Advisory Unit**
- ii) CP-06-PL-028 Community Planning Scheme No. 5 Development Advertising Procedures *as amended***
- iii) CP – 06-PL-034 "Incomplete" Building Licence Applications, Refusal of Building Licence Applications and the Collection of Relative Fees**
- iv) CP - 06-PL-036 Planning Process and Decision Making**

**B That Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policy reviews and Draft Council Policy initiative for public consultation:**

- i) CP-06-PL-006 Flood and Security Lighting**
- ii) CP-06-PL-010 Tennis Courts**
- iii) CP-06-PL-037 Home Occupation Relative to Sexual Services Business Policy *as amended***
- iv) CP-28-PL-012 Scheme Amendments Relating to Rome Road, Melville**
- v) CP-28-PL-015 Pulo Road Subdivision Development Standards**
- vi) New Policy Initiative - Crime Prevention Through Environmental Design (CPTED) Policy (Designing Out Crime Initiatives)**

**P10/3178 – SECOND STAGE REVIEW OF URBAN PLANNING POLICIES (REC)  
(ATTACHMENT)**

**C That Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper circulating the district to advise that the following Policies have been revoked:**

- i) CP-28-PL-001 Murdoch Mews**
- ii) CP-28-PL-002 Somerville Boulevard Design Guidelines**
- iii) CP-28-PL-009 Living Area Precinct: AT1 Attadale Additional Development Requirements**
- iv) CP-28-PL-010 Living Area Precinct: A1 Applecross Additional Development Requirements**

At 8.01pm the Mayor declared the motion

**CARRIED (12/0)**

**C10/6039 – COMMUNITY ANNUAL REPORT 2009-2010 (AMREC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : City of Melville Annual Financial Report  
 Customer Index : Not Applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this Annual Financial Report has a declarable interest in this matter.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officers : Khris Yeoh  
 Senior Financial Accountant

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; 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>

**C10/6039 – COMMUNITY ANNUAL REPORT 2009-2010 (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the Community Annual Report 2009-2010 (which includes the Summary Annual Financial Report 2009-2010) for formal acceptance by the Council.

**BACKGROUND**

In accordance with Section 5.53(1) of the Local Government Act 1995 (the Act), 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 (which includes the annual financial report for the year) be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report be accepted prior to the Annual Meeting of Electors.

The report requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 1 December 2010.

The text of the Community Annual Report 2009-2010 was previously adopted by the Council at the Ordinary Meeting of Council held on Tuesday, 19 October 2010.

**DETAIL**

Section 5.53 of the Act requires the Annual Report to contain, among other things, the financial report for the financial year under review.

This financial report which is titled The City of Melville 2009-2010 Annual Financial Report has been prepared and includes the following:

1. Statement by the Chief Executive Officer
2. Independent Auditor's Report
3. Audited Annual Financial Report
4. Variance Analysis

[6039 Community Annual Report 2010](#)  
[6039 Annual Financial Report 2010](#)  
[6039 Variance Analysis 2010](#)

The Financial outcomes of the year are specified in the Audited Annual Financial Report and are summarised in the Financial Implications section of this report.

The Independent Auditor's Report provides an unqualified audit opinion in respect to the 2009-2010 Annual Financial Report.

**C10/6039 – COMMUNITY ANNUAL REPORT 2009-2010 (AMREC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

No external public consultation has been carried out.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The Council's independent external auditors Macri Partners have audited the 2009-2010 financial report.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.53 of the Local Government Act 1995 (the Act) headed "Annual reports" specifies that:-

- (1) The local government is to prepare an annual report for each financial year and that.
- (2) The annual report is to contain... (f) the financial report for the financial year; ...

Section 5.54 of the Local Government Act 1995 (the Act) headed "Acceptance of annual reports" 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 5.27 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.

Section 6.4 of the Act headed "Financial report" specifies that:-

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
  - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

The Annual Financial Report has been prepared in accordance with all relevant legal requirements and accounting standards.

**C10/6039 – COMMUNITY ANNUAL REPORT 2009-2010 (AMREC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

Changes to the accounting standards for the 2009-2010 financial year has now meant that revaluations of non-current assets now form part of the 'Statement of Comprehensive Income' (previously known as Income Statement). This has to some extent distorted the figures that were reported in previous financial years as movement in revaluations was in the past recognised in the Balance Sheet.

The net result shown on the Statement of Comprehensive Income for the 2009-2010 financial year was an operating surplus of \$9.3m on total operating revenues of \$83.7 million, operating expenses of \$73.3 million, non operating revenues of \$3.8 million, write back of investment values of \$1.4 million, increase in equity from the City's joint venture with Southern Metropolitan Regional Council (SMRC) of \$1.1m and a write down of Infrastructure asset values by \$7.4m.

The Rate Setting Statement reveals a positive net result of \$4,585,133. To reconcile this to the \$6,563,145 shown in the 2010-2011 Budget requires removal of the impact of the value of carry forward funds of \$4,916,420 included in the Budget leaving an untied cash surplus of \$1,646,725 which was used in the 2010-2011 Budget to offset the need to raise rates. The net result is that there is now available a surplus of \$2,938,408 that will be submitted to the Council during a budget review for Council direction as to the use of those funds. It should be noted that the 2010-2011 Budget contained budgetary provision of \$5.055 million for the redevelopment of the Melville Aquatic Facility of which \$533,000 was to be funded by State Government Department of Sports & Recreation Grants, \$2.0 million by transfer from City of Melville Reserve Funds and \$2.522 million either from the Federal Governments Regional and Local Community Infrastructure Program (RLCIP) Grants or in the event that that grant did not eventuate, City of Melville Reserve Funds. No RLCIP funding for this project was received therefore the \$2.522 million is required to come from City of Melville funds. The cash surplus realised for 2009-2010 could be applied to this purpose. As noted however this matter will be dealt with during a budget review process so all positive and negative variances can be assessed prior to any decisions being taken.

The dollar value of Council's cash backed reserve accounts has now been restored to pre global financial crisis levels. The value of cash backed reserves (i.e. after deducting the impaired value of investments) increased by \$8,948,804. Unexpended capital works and grants reserve which will be expended in 2010-2011, decreased by \$394,817. The net effect is that the cash backed value of longer term cash backed reserve accounts has increased by \$8,553,987.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

CP-025 Accounting Policy – defines the policy relating to the preparation of the Annual Financial Report.

**C10/6039 – COMMUNITY ANNUAL REPORT 2009-2010 (AMREC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil.

**CONCLUSION**

The 2009-2010 Annual Financial Report has now been completed. An unqualified auditor's report was received following the final audit. The 2009-2010 Annual Financial Report and Auditor's report was presented to the meeting of the Financial Management, Audit, Risk & Compliance Committee held on 3 November 2010 for noting who resolved as follows:-

- 1. That the Financial Management, Audit, Risk and Compliance Committee note the 2009-2010 Annual Financial Statements, including the unqualified independent external auditor's report.**
- 2. That the Financial Management, Audit, Risk and Compliance Committee recommends acceptance of the 2009-2010 Annual Financial Statements, including the unqualified independent external auditor's report by the Council at the Special Meeting of the Council to be held on Tuesday 9 November 2010.**

A short form version of the 2009-2010 Annual Financial Report has been included in the Community Annual Report for 2009-2010. A full set of financial statements will be made available on Council's web-site, at the Council's five libraries, the Civic Centre and in printed form upon request.

The complete Community Annual Report for 2009-2010 now needs to be accepted by Council.

At 8.24pm Cr Reynolds left the meeting and returned at 8.27pm.  
At 8.28pm Cr Robartson left the meeting and returned at 8.29pm.

Further information regarding Capital Works Projects and City of Melville Assets will be distributed to Elected Members.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6039)****ABSOLUTE MAJORITY**

At 8.02pm Cr Reynolds moved, seconded Cr Cenixiva -

**That by absolute majority decision in accordance with Section 5.54 (1) of the Local Government Act 1995 the Council accept the Community Annual Report 2009-2010.**

At 8.35pm the Mayor submitted the motion which was declared

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

Cr Cenixiva commended Officers for their efforts in putting together the Community Annual Report 2009-2010.

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil.

**13. CLOSURE**

There being no further business to discuss His Worship the Mayor declared the meeting closed at 8.37pm.