

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 19 NOVEMBER 2013

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 19 NOVEMBER 2013.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and 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 N Foxton
Cr D Macphail, Cr R Aubrey
Cr R Willis, Cr C Robartson
Cr C Schuster
Cr S Taylor-Rees, Cr J Barton
Cr R Hill, Cr P Phelan

WARD

University
University
City
Bull Creek/Leeming
Applecross/Mount Pleasant
Bicton/Attadale
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
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 29 members of the public and one member from the Press in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Cr Pazolli – Applecross/Mount Pleasant Ward

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

Nil.

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

Nil.

6. QUESTION TIME

6.1 Mr H Dunlop – on behalf of Southern Frame Group

Question 1

Could Council please advise if there is any other precedent in the City of Melville where high rise zoning has been separated by a single domestic fence line as opposed to at least a roadway?

Response

Community Planning Scheme No 5 was gazetted in 1999, and contains a number of examples whereby 'medium density' code areas abut lower density coded areas and are separated by a fence line.

1. Where the City Centre Frame between 130 and 168 Riseley Street, which is coded R50, abuts the Ardross Living Area precinct with a low density coding of R20.
2. Where the Melville Commercial Centre Frame, coded R50, abuts Canning Highway Living Precinct, coded R25.
3. Where the Kardinya Commercial Centre Frame, between 68 Gilbertson Road and 25 South Street, coded R0, abuts the Kardinya East Living Area Precinct, coded R20/25.

Question 2

Could Council please advise us on the necessary steps to call a Special Electors Meeting, particularly in relation to timing procedures required to bring this to fruition?

Response

The steps required are to complete a Form 1 that is available from the City Administration and have a minimum of 100 electors of the City sign the form supporting the request for a Special Meeting of Electors.

A Special Meeting will occur within 35 days of the lodgement of the request with the City. The lead person will be contacted and the date of the meeting will be advertised for a minimum of 14 days prior to the meeting date.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 15 OCTOBER 2013**
Minutes 15 October 2013**COUNCIL RESOLUTION**

At 6.38pm Cr Reynolds moved, seconded Cr Macphail –

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 October 2013, be confirmed as a true and accurate record.

At 6.38pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 NOVEMBER 2013
Notes 5 November 2013**COUNCIL RESOLUTION**

At 6.39pm Cr Schuster moved, seconded Cr Macphail –

That the Notes of the Agenda Briefing Forum held on Tuesday, 5 November 2013, be received.

At 6.39pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.3 SPECIAL MEETING OF COUNCIL – 21 OCTOBER 2013
Minutes 21 October 2013**COUNCIL RESOLUTION**

At 6.40pm Cr Schuster moved, seconded Cr Robartson –

That the Minutes of the Special Meeting of Council held on Monday, 21 October 2013, be confirmed as a true and accurate record.

At 6.40pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8. CONFIRMATION OF MINUTES (Continued)**8.4 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE (FMARCC) – 11 NOVEMBER 2013****COUNCIL RESOLUTION**

At 6.38pm Cr Macphail moved, seconded Cr Reynolds –

That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 11 November 2013 be noted.

NB:

Minutes to be confirmed at next Financial Management, Audit, Risk & Compliance Committee Meeting.

At 6.40pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

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

- P13/3440 – Cr Barton – Financial Interest in accordance with the Act
- P13/3440 – Cr Robartson – Financial Interest in accordance with the Act
- P13/3440 – Cr Schuster – Financial Interest in accordance with the Act

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- P13/3437 – Mr P Prendergast – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.41pm Cr Robartson moved, seconded Cr Schuster -

That the applications for new leaves of absence submitted by Cr Reynolds on 19 November 2013 be granted.

At 6.42pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (12/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS

Petition – Revise Melville Structure Plan to exclude Marmion Street Properties from the Activity Boundary

A petition signed by 403 residents was received by the City of Melville on Friday 1 November 2013. The petition reads as follows –

We, the undersigned, all being Electors of the City of Melville, do humbly pray that the Melville Structure Plan be revised to exclude Marmion Street properties from the activity boundary, to ensure the zoning on those properties remains low density (reducing traffic and preserving resident's amenity).

COUNCIL RESOLUTION

At 6.42pm Cr Aubrey moved, seconded Cr Macphail –

That the petition bearing 403 signatures be received and acknowledged in writing to the lead petitioner with the advice that a report will be presented to a future meeting of Council.

At 6.43pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

13. ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE – 11 NOVEMBER 2013

The following items from the Financial Management, Audit, Risk and Compliance Committee meeting of 11 November 2013 require consideration by the Council.

C13/5336 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2012/2013 (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Financial Statements
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this Annual Financial Statements 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 the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C13/5336 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2012/2013
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the 2012/2013 Annual Financial Statements and the Independent External Auditor's unqualified report in respect of those Financial Statements.
- The overall surplus/unrestricted cash amount available to be carried forward to 2013/2014 as per the Rate Setting Statement, after taking into account capital expenditure and Reserve transfers for the 2012/2013 financial year was \$944,344.
- This is short of the \$1,800,000 surplus that was required to be achieved for the 2012/2013 financial year when setting the budget for 2013/2014, to reduce the need to further raise rates.
- This leaves the 2013/2014 financial year with a shortfall of \$855,656 that will need to be addressed during the 2013/2014 mid year budget review.

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 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 Community Annual Report, including the full audited Annual Financial Statements, will be presented to Council at the Ordinary Council Meeting on Tuesday 19 November 2013.

The Council is required to accept the full Annual Financial Statements as per Section 6.4(2) of the Act. Electors will be made aware that in addition to the Community Annual Report, which includes the abbreviated set of the Annual Financial Statements, the complete Annual Financial Statements will be available on request.

The Community Annual Report for 2012/2013 (including the Annual Financial Statements) requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 11 December 2013. The completed published document will be presented to the Council in time for the Annual General Meeting of Electors.

**C13/5336 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2012/2013
(AMREC) (ATTACHMENT)****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 City of Melville 2012/2013 Annual Financial Statements has been prepared and includes the following:

1. Variance Report on Rate Setting Statement [5336A](#)
2. Audited Annual Financial Statements (including):
[5336 Annual Financial Statements 2012-13](#)
 - a. Statement by the Chief Executive Officer
 - b. Independent Auditor's Report
 - c. Management Representation Letter
 - d. Statements of Comprehensive Income by Nature or Type
 - e. Statements of Comprehensive Income by Program
 - f. Statement of Financial Position
 - g. Statement of Changes in Equity
 - h. Statement of Cash Flows
 - i. Rate Setting Statement
 - j. Notes to and Forming Part of the Annual Financial Statements

The 2012/2013 Annual Financial Statements shows a positive end to the 2012/2013 financial year for the City, with an overall surplus of \$944,344. However, this is still \$855,656 short of the budgeted \$1,800,000 required to balance the 2013/2014 budget. This is mainly due to a weak performance in some of the City's revenue streams such as investment earnings. This shortfall will need to be addressed during the 2013/2014 mid year budget review. A brief analysis of the significant variances which contributed to this positive position is included in the Variance Report on Rate Setting Statement Attachment [5336A](#).

The financial outcomes for the year are specified in the Audited Annual Financial Statements 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 2012/2013 Annual Financial Statements.

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out.

**C13/5336 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2012/2013
(AMREC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The Council's independent external auditors Macri Partners have audited the 2012/2013 Annual Financial Statements.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.53 of 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 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 5.94 of the Act provides that *"a person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection — ... (c) any annual report;"*

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 Statements have been prepared in accordance with all relevant legal requirements and accounting standards.

**C13/5336 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2012/2013
(AMREC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

The net result for the 2012/2013 financial year was an operating surplus of \$6.37 million on total operating revenues of \$102.77 million, operating expenses of \$101.3 million, non operating revenues of \$3.26 million, gain on sale of the City's CDO (Collateralised Debt Obligations) investments of \$6.02 million and a decrease in equity from the City's joint venture with Southern Metropolitan Regional Council of \$1.25 million.

As required under the new Accounting Standards and Local Government Act 1995 a major revaluation for fair valuation was undertaken in 2012/2013 for all of the City's Plant & Equipment, Land, Crown Land and Land Improvement assets. This resulted in an increase in revaluation of non current asset values by \$50.36 million.

The Rate Setting Statement however reveals an overall unrestricted cash amount / surplus available to be carried forward of \$944,344, after taking into account capital expenditures, Reserve transfers and the reversal of non cash items such as asset depreciation. However, the City budgeted for a \$1.8 million dollar surplus for the 2012/2013 financial year when setting the budget for 2013/2014, leaving a shortfall of \$855,656 which will need to be addressed during the 2013/2014 mid year budget review.

The balance of the City's cash/investment backed reserve accounts (i.e. after deducting the impaired value of investments) for 30 June 2013 was \$71,030,679, which represent an increase of \$17,686,383 over 2011/2012 levels. This is due mainly to the City writing back \$8.2 million worth of CDO investments as a result of maturity or being unwound. The balance of the increase is attributable to an increase in;

- Unexpended Capital Works and Specific Purpose Grants Reserve, which will be expended in the 2013/2014 financial year of \$1,295,046,
- The reserve transfers that were set during the budget,
- The advance payment of the Financial Assistance Grant of \$1,705,450 and
- The net outflow from the purchase of the former Western Power substation site and sale of the City's residential property on Murray Road, Bicton of \$1,426,050.

The net effect is that the cash/investment backed value of the City's longer term reserve accounts increased by \$16,391,337, from \$46,996,504 to \$63,387,841.

**C13/5336 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2012/2013
(AMREC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The reduced level of surplus achievable at end of year close will have a negative impact on the opening balance for the next financial year available to offset rate increases.

POLICY IMPLICATIONS

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

CP – 008 Financial Sustainability - Forward Financial Planning and Funding Allocation. The policy will be reviewed in light of the reduced level of surplus achievable on an ongoing basis and the impact that that will have on the ability to maintain opening balances.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The 2012/2013 Annual Financial Statements have been completed and a short form version will be included in the Community Annual Report for 2012/2013, with the full set of financial statements being made available on the City's web-site, at its five libraries, the Civic Centre and in printed form upon request.

An unqualified auditor's report was received following the final audit, and the 2012/2013 Annual Financial Statements will be presented to the Council for acceptance.

The Annual Financial Statements are presented to the Committee for noting and for recommendation to the Council for acceptance (along with the Community Annual Report for 2012/2013 that will be submitted to the Council) by absolute majority decision.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5336)
ABSOLUTE MAJORITY APPROVAL**

At 6.43pm Cr Macphail moved, seconded Cr Reynolds –

That the Council, by Absolute Majority Decision, accepts the City of Melville 2012/2013 Annual Financial Statements and the Independent External Auditor's Unqualified Report.

At 6.43pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY UNANIMOUSLY (12/0)

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Ward : All
 Category : Policy
 Subject Index : Risk Management
 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 : M13/5308 - Strategic Risk Assessment Report – FMARC Committee 26 August 2013
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Lee Wilson
 Risk Management Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)**KEY ISSUES / SUMMARY**

- 35 strategic risks and eight opportunities were identified against the City's five Goals.
- As at 25 October 2013, there are two EXTREME risks, five HIGH risks, 26 MEDIUM risks and two LOW risks.

BACKGROUND

The City of Melville is committed to a culture of risk management, where risk is considered at three levels; strategic, operational and project. Operational level risks are currently being documented in the City's central risk register and are reviewed on an annual basis as part of the Business Planning process. Project level risks are handled by all staff when conducting day-to-day operations, and where relevant are documented within specific Service Areas.

Strategic level risks consider the long-term strategic objectives of the City. As part of Business Planning and the Corporate Plan Review processes, a strategic risk assessment is undertaken. The Executive Management Team (EMT), Operational Management Team (OMT) and Elected Members are the key stakeholders for this process with each of those teams being involved in the risk assessment process. This process requires consideration of the threat and opportunity factors affecting the City of Melville, in areas that include political, economic, societal, technological, environmental and legal.

The 2013-2014 risk assessment was undertaken against the five City Goals: A City for People; Lead by Example; Economic Prosperity; Environmental Responsibility; and Business Excellence.

35 Strategic Level risks and eight opportunities were identified as part of this process. All risks with existing controls were provided to EMT, OMT and Elected Members to determine a risk rating. These risk ratings were compiled by the Risk Management Coordinator who finalised the risk rating for each risk.

In compliance with the City's Risk Management Framework, all EXTREME and HIGH rated risks are reported to this Committee with any amendments or significant changes to be endorsed for submission to be approved by Council.

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

DETAIL

As at 25 October 2013, there are:

- 2 EXTREME risks
- 5 HIGH risks
- 26 MEDIUM risks
- 2 LOW risks

Updates on the previously identified EXTREME and HIGH risks are detailed below along with their updated risk rating.

R1.1 Risk Update:

Ref.	Risk Statement	Existing Controls	Risk Rating
R1.1	Lack of rigorous health audit program may result in community health issues (i.e. Guardia, salmonella, swimming pool death, legionnaires, animal injuries, etc.)	<ul style="list-style-type: none"> • Food sampling • Food premises audit • Environmental water sampling • Mosquito / midge testing • Public and private swimming pool inspections • Food premise education programs • Immunisation program • Preventative maintenance program for all evaporative air conditioning systems • Animal registration • Business Management System (BMS) • Internal and External Audits 	MEDIUM

Comment: At initial rating, this risk was identified as HIGH. The City has and will continue to implement the existing controls which have reduced the risk rating to MEDIUM.

R1.5 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R1.5	<p>Increase in traffic congestions results in loss of local amenity</p> <p>Recommended to be changed to:</p> <p>Loss of local amenity through an increase in traffic congestion, volume and speed</p>	<ul style="list-style-type: none"> • Travelsmart program (including household and workplace travel plans, Bike Plan) • Asset Management Planning • Pedestrian Network • Lobbying state government agencies for an increase in public transport options and decentralisation of agencies • Parking Management Strategy • Functional road hierarchy • Focus development growth around Activity Centres and Key Transport Corridors • Structure / Place planning process 	HIGH

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Comment: The Executive Management Team (EMT) have reviewed the wording of the Risk Statement and recommend to this Committee their suggested amendment for endorsement and submission to Council for approval. The previous wording was:

- Increase in traffic congestion results in loss of local amenity.

The City is maximising the existing controls but without State and Federal government intervention in highway, freeway and light rail, the congestion will continue within the City's road network. Additionally, higher density living and population growth will eventually lead to attitudinal change and increased acceptance of increases in traffic flows and travel times.

R2.7 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R2.7	Infrastructure provision by State Government (e.g. delay in Roe Highway Extension) fails to match increasing demand leads to loss of amenity and economic loss	<ul style="list-style-type: none"> • Demonstration of the economic benefits of infrastructure • Involvement in the approval process • Lobbying state and federal government agencies • South West Group alliance • Murdoch Cost and Benefits Report (MACRO Plan) • South West Group Congestion and Transport Study • Murdoch Strategic Precinct Group 	EXTREME

Comment: At initial rating, this risk was identified as HIGH. With the announcement of preliminary environmental approval but no funding from State or Federal government to support the building of the extended Roe Highway, there is a high likelihood of the non-building of the asset that will have an increased impact on traffic congestion in the City which may in turn have an impact on injury/accident statistics, high media and service disruptions. Additionally, the announcement of the ALDI distribution centre at Jandakot City and the inability for the City to influence planning within the Commonwealth lands will further impact on the Melville amenity. The lack of infrastructure at Kewdale Freight Terminal will also further force traffic through Melville roads. The City is constrained in what can be done to mitigate this risk. It has been notified to the State Government through reports.

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R3.1 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R3.1	Failure to maintain an approach to long term waste management results in environmental damage	<ul style="list-style-type: none"> • Waste Management Strategy • Alliance with SMRC • 2024 and Beyond Strategy 	MEDIUM

Comment: At initial rating, this risk was identified as HIGH. For the next decade, there are controls in place and the City is the leader in resource recovery; matching or bettering the requirements of the State Government. However, the City acknowledges the strategies required for 2024 and beyond.

R3.2 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R3.2	Failure to adapt to climate change results in loss of amenity and infrastructure damage	<ul style="list-style-type: none"> • Climate Change Adaptation Plan • Implementation of recommendations to rationalise the Strategic Provision of Active Reserves (SPARS) Study • Environmental sustainability approach to development • Foreshore Management Plan • Planning policies • Natural Area Asset Management Plan (NAAMP) • Vehicle replacement policy • Local Planning Scheme and Local Planning Strategy • ISO14001 Accreditation 	MEDIUM

Comment: At initial rating, this risk was identified as HIGH. The City has and will continue to implement the existing controls which have reduced the risk rating to MEDIUM.

R3.3 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R3.3	Failure to identify and treat contaminated sites may result in pollution	<ul style="list-style-type: none"> • Continued investigation and management of legacy contaminated sites • Budget allocation and reserve holdings in the Long Term Financial Plan • Environmental Improvement Plan (EIP) • Contaminated site register • Environmental Management System • ISO14001 Accreditation 	EXTREME

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Comment: At initial rating, this risk was identified as MEDIUM. Results have been received from a consultant for the testing of John Connell Reserve for contamination. The Department of Environment Regulation (DER) and the Department of Health (DoH) have reviewed the Detailed Site Investigation (DSI) for the site and, based on the information provided in the report, have re-classified the site as Contamination – Remediation Required. This notification was received on 5 September 2013. This relates to areas of insufficient cap layer, some asbestos remediation and ground water management. The City is implementing a project team to review the report on the testing and work with a consultant to develop a Remediation Plan.

R3.4 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R3.4	Failure to adequately fund and resource natural environment (e.g. foreshore rehabilitation and maintenance) results in environmental damage and threatens the integrity of City assets and infrastructure	<ul style="list-style-type: none"> • Asset Management planning • Natural Area Asset Management Plan (NAAMP) • Foreshore Management Plan • Long Term Financial Plan • Grant Funding • Lobby key State Government departments 	HIGH

Comment: At initial rating, this risk was identified as MEDIUM. The likelihood of the risk has increased due to dieback in natural bush areas, bushland degradation, foreshore erosion, increased storm events linked to climate change, issues with funding in State Government and Local government reform. The City is considering environmental implications through the review of the Natural Area Asset Management Plan to identify specific mitigation actions.

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R4.4 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R4.4	<p>Lack of action against an identified risk results in the death or significant injury of a resident or staff member</p> <p>Recommended to be changed to:</p> <p>Service provision leads to an identified risk resulting in the death or significant injury of a resident or staff member</p>	<ul style="list-style-type: none"> • Occupational Health and Safety Policies • Safety Representatives and Cross functional safety committee • Safety Management System AS4801 • Safety perception surveys • Opportunities for Improvement system (Risk Mitigation Index) • Strong safety culture – safety is a priority for the City • Risk Management Framework • Monthly reporting on safety data including Medical Expense Only (MEO) and Lost Time Injury Frequency Rate (LTIFR) • Oversight through FMARCC • Encouragement of all incident reporting • Asbestos Management Plan • Asset Management planning • Organisational risk register • Health, Safety, Legal and Environment risk register • Reversing cameras and / or sensors on vehicles • Job Hazard Analysis documents across the organisation • Take 5's • Wellbeing program • Fit for Work • Staff Awareness / Education through Toolbox and Team Brief • People Framework • Effective employment services controls and staff assistance programs • Duress alarms in at risk areas 	HIGH

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Comment: The Executive Management Team (EMT) have reviewed the wording of the Risk Statement and recommend to this Committee their suggested amendment for endorsement and submission to Council for approval. The previous wording was:

- Lack of action against an identified risk results in the death or significant injury of a resident or staff member.

The consequence of this risk is deemed to be at a catastrophic level whilst the likelihood remains unlikely which, as per our risk matrices, results in a HIGH rated risk. It is not anticipated that this will reduce further. The City highlights that at the time of this report, the City has received the lowest Lost Time Injury Frequency Rate (LTIFR) since it has been recording this data which is an indication that its actions are having a positive impact on this risk.

R4.7 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R4.7	Complexity and length of the tender process results in inefficient operations of the City, missed opportunities and / or customer dissatisfaction	<ul style="list-style-type: none"> • Standard templates for tenders • Tenders Continuous Improvement Team (CIT) and framework • Contract Management Continuous Improvement Team and framework • Use of WALGA and state government panel contracts • Enhancement of software / system development • Ensuring sufficient staff resources are available including agility of team members – movement between teams and directorates where needs arise • Customer Satisfaction surveys and Delsurvs • Complaints management process • Internal and external ombudsman reviews • Internal Customer Service Standards and Charters • Assessment against Customer Service Institute Australia (CSIA) International Standards • Use of data performance indicators 	HIGH

Comment: The City has increased the resources working to improve the tender process and is exploring opportunities for improvement with the CITs. An internal resource has been identified who has previous tender and contract drafting experience. This staff member has been working with Responsible Officers to improve the strength of contract clauses and the quality of technical specifications. This resource is also working with the CIT to reduce the length and complexity of elements of the tender process. At this time, the risk remains HIGH.

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R5.3 Risk Update

Ref.	Risk Statement	Existing Controls	Risk Rating
R5.3	Lack of cohesive Council / staff interaction results in suboptimal outcomes and reputational damage	<ul style="list-style-type: none"> • Code of Conduct • Advice and assistance from the Department of Local Government • Clear and comprehensive policy base encourages consistency of decision making • Ongoing effective communication • Elected Member Information Sessions • Pre-candidate information sessions • Elected Member induction and orientation • Elected Member training • Annual Elected Member survey • Elected Member requests • Training and facilitation • Elected Member Bulletin and Pathway system • Local Government Act and Regulations • Media Index Monitoring • Agenda Briefing and Council processes • Contact protocols • Cultural survey • Standing orders • Public Relations Policy 	HIGH

Comment: There is a current review of the Code of Conduct occurring, facilitated sessions with Elected Members and the EMT on Occupational Health and Safety requirements and terms of engagement. However, not all Elected Members were involved in these and there has been a recent election resulting in new Elected Members. Additionally, during the election there were a number of media reports attributed to Elected Members alleging a lack of cohesiveness between some Councillors and staff. As a result of this the risk remains HIGH.

PUBLIC CONSULTATION/COMMUNICATION

No public consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

No external consultation has occurred.

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)**STATUTORY AND LEGAL IMPLICATIONS**

No direct statutory or legal implications arising from this report.

FINANCIAL IMPLICATIONS

Risk management may involve mitigation strategies which can attract financial implications. Until risks have been analysed and evaluated and mitigation strategies determined, it is not possible to ascertain what, if any financial implications there will be.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

All risks required to be reported to this Committee that were identified during the preparation of this report are detailed in the content above.

POLICY IMPLICATIONS

No direct policy implications are associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options are presented as part of this report.

CONCLUSION

Following the last report, three HIGH rated risks have been mitigated to MEDIUM whilst two MEDIUM risks were increased to HIGH and EXTREME, respectively. One HIGH risk was also increased to EXTREME. This has resulted in:

- 2 EXTREME risks;
- 5 HIGH risks;
- 26 MEDIUM risks; and
- 2 LOW risks.

Existing controls continue to be implemented to mitigate these risks and the City undertakes regular reviews. All HIGH and EXTREME rated risks will continue to be reported on to this Committee.

M13/5326 – STRATEGIC RISK ASSESSMENT REPORT (REC)

The wording for two of the risk statements originally approved by Council have been reviewed by the EMT and new wording has been suggested which has been included in this report for endorsement by this Committee to be submitted to Council for approval.

The City of Melville remains committed to a culture of risk management and continuous improvement.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5326)**APPROVAL**

At 6.43pm Cr Macphail moved, seconded Cr Schuster –

That the Council resolve that the following risk statements be amended:

- a. Amend risk statement R1.5 from “Increase in traffic congestions results in loss of local amenity” to “Loss of local amenity through an increase in traffic congestion, volume and speed”.**
- b. Amend risk statement R4.4 from “Lack of action against an identified risk results in the death or significant injury of a resident or staff member” to “Service provision leads to an identified risk resulting in the death or significant injury of a resident or staff member”.**

At 6.44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

M13/5334 – COMMITTEE REPRESENTATION 2012-2013 (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Elected Members Profile
 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 : Motion with Notice – Ordinary Meeting of the Council – September 2013
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

M13/5334 – COMMITTEE REPRESENTATION 2012-2013 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report provides details of the City's representation on Occasional, Advisory, Local Government and Community Committees for the financial year 2012-2013.
- This report recommends that it be referred to the Council for noting.

BACKGROUND

A resolution at the September 2013 Ordinary Meeting of the Council in response to a Motion with Notice provided by Cr Macphail, advised that:

“That the City of Melville Community Annual Report 2012-2013 and future Community Annual Reports include Elected Member membership and positions held as a representative of the City of Melville, on Occasional, Advisory, Local Government and Community Committees.”

This report provides an explanation and recommendation on how the Council's resolution may be implemented.

DETAIL

Officers have considered the resolution and have concerns that a direction to the Chief Executive Officer to include specific information in the Community Annual Report when the majority of information is prescribed by the Local Government Act 1995 and Regulations, may be problematic and the statutory basis for inclusion is unclear. The intent of the resolution is understood to provide information to the electors of the City concerning the wide range of committee responsibilities held by Elected Members and note their positions on committees.

Officers request that consideration be given to publishing the committee membership and positions [5334 Committee Representation](#) and referring this report to the Council for noting. The schedule of committee membership and positions held will then form part of the Council minutes and be available to the public as a record.

PUBLIC CONSULTATION/COMMUNICATION

There is no public consultation required for this report.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There is no consultation with other agencies required for this report.

M13/5334 – COMMITTEE REPRESENTATION 2012-2013 (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

It is unclear whether there may be statutory implications in actioning the resolution of the Council and including non-prescribed information in the Community Annual Report.

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk management implications of non-compliance with processes and legislative requirements may leave the City open to challenge on decisions or processes. There are no Environmental Management Implications in this report.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of non-compliance with legislation.	A possible Negligible consequence which could result in a Low level of risk.	Provide the required information within the Council minutes.

POLICY IMPLICATIONS

There is no Council Policy that relates to the content of this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The requirement of legislation does not provide for alternatives to the provisions of the legislation but requires full compliance. The Council could suggest other means to ensure the schedule of committees is placed in the public forum however the suggested outcome is thought to achieve the intent of the resolution.

CONCLUSION

As the matter of inclusion of non-prescribed information in the Community Annual Report is unclear, officers recommend that an alternative outcome as discussed in this report be adopted by the Council.

M13/5334 – COMMITTEE REPRESENTATION 2012-2013 (REC) (ATTACHMENT)**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5334) APPROVAL**

At 6.44pm Cr Macphail moved, seconded Cr Willis –

That the Council;

- 1 Note the attachment to this report [5334 Committee Representation](#) that provides details of committee representation and positions held by Elected Members for the financial year 2012-2013.**
- 2 Confirms that the publication of the schedule of Elected Member participation on Occasional, Advisory, Local Government and Community Committees in the Council Minutes, fulfils the requirements of the Motion with Notice provided by Cr Macphail to the September 2013 Ordinary Meeting of the Council.**
- 3 Requests that a schedule of Elected Member participation on Occasional, Advisory, Local Government and Community Committees for 2013-2014 be prepared and reported after the conclusion of the financial year.**

At 6.45pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

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 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 and requires the application of the relevant facts to the appropriate statutory regime.

P13/3435- PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward : University
 Category : Operational
 Application Number : DA-2012-69/A
 Property : 70 Gilbertson Road, Kardinya 6163
 Proposal : Three storey mixed use development
 Applicant : Chris Carpenter
 Owner : CLK Enterprises Pty Ltd
 Disclosure of any Interest : No officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P09/3098 - Proposed Three Storey Mixed Use Development - Ordinary Meeting of Council - 17 November 2009
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P13/3435 - PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for a mixed-use development comprising of one office and seven multiple dwelling units at 70 Gilbertson Road, Kardinya.
- Approval (DA-2009-617) was previously granted for a mixed-use development on the lot that comprised one office and three larger multiple dwelling apartments.
- The current application proposes several changes to the original approval which includes internal modifications to increase the number of units, changing the roof from a butterfly style to a skillion (which also reduces the maximum height of the building), and minor changes to balconies to accommodate the new unit layouts.
- The proposal has the same footprint as that previously approved.
- The office use ('S' use) was previously advertised in accordance with Clause 7.5 (d) of Community Planning Scheme No. 5 (CPS5).
- The proposal satisfies all of the relevant provisions of CPS5, the Deemed-to-Comply provisions of the Residential Design Codes and applicable Council Policies, with the exception of variations to building height and plot ratio.
- The approval of this application requires a Special Majority decision of Council because of the proposed building height and plot ratio variations
- It is recommended that conditional approval be granted.



P13/3435 - PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

In 2009, an application was submitted for a three storey mixed-use development comprising of one office on the ground floor and three four bedroom apartments above. The application was recommended for approval (DA-2009-617) through the Development Advisory Unit (DAU) on October 13 2009, but was called up to a meeting of the Council by an Elected Member. The application was then approved at an Ordinary Council Meeting on 17 November 2009. At the time of approval, the maximum height of 10 metres for a butterfly roof complied with Council Policy. Given the proximity of the site to Murdoch University, coupled with the affordability of the accommodation proposed, it was envisaged that the apartments would be attractive to the student market.

The application was resubmitted in 2012 (DA-2012-69) as Planning Approval had expired prior to any works commencing. The application was essentially identical to that previously approved, and on that basis was determined under delegation through the DAU process.

A third application has now been received which proposes the following changes:

- Internal wall layouts which result in an increase in the number of units from three to seven;
- Change of roof design from butterfly to skillion style;
- Reduced roof height from 10m to 9.6m;
- Modification to balconies to accommodate new unit layout; and
- Provision of seven storerooms.

It was determined that the proposal would require a new application rather than an amended application due to the significant increase in unit numbers. The reason behind the increase in units was based on evidence of there being a greater demand for smaller apartments (one-two bedroom) as opposed to the large four bedroom apartments which were initially approved.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Commercial Centre Frame
R-Code	: R50
Use Type	: Office/Residential
Use Class	: Office is 'S' use. Residential is a 'P' use

Site Details

Lot Area	: 769sqm
Street Tree(s)	: Street trees to remain
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer photo above

[3435 Site and Elevation Plan 70 Gilbertson Road](#)

P13/3435 - PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

DETAIL

The proposal has been assessed against all of the relevant provisions of CPS5 and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

Development Requirement	Required/Allowed	Proposed	Comments	Delegation to Approve Variation
Building Height	Maximum wall height – 9m (skillion roof)	9.6m	Requires assessment against amenity provisions of clause 7.8 of CPS5	Special Majority of Council
Plot ratio	Maximum plot ratio – 0.8	0.846	Requires assessment against amenity provisions of clause 7.8 of CPS5	Special Majority of Council

PUBLIC CONSULTATION/COMMUNICATION

There is no formal requirement for the City to enter into consultation with any third parties in respect of the proposal. Office use ('S' use) was previously advertised in accordance with Clause 7.5 (d) of Community Planning Scheme No. 5 (CPS5) and approved by Council. This approval remains valid until 24 June 2014. The variations sought require advertising only where there is a potential impact for adjoining property owners and/or occupiers. See comments section below for further discussion.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville 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

No financial implications result for the City as a consequence of this proposal.

P13/3435 - PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

No strategic, risk or environmental management implications result for the City as a consequence of this proposal.

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions of applicable Council Policies with the exception of the provisions outlined in CP – 066 – Height of Buildings.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The application is recommended for approval for the reasons outlined in the Comment section below. Should the Council have an alternate view, the application could be refused, or alternatively, additional conditions may be imposed.

If the Council refuses to grant approval or if conditions of planning approval are imposed that are considered to be unreasonable on the part of the applicant, the option for a review of the decision to the State Administrative Tribunal, may be taken.

COMMENT

As stated, planning approval is sought for a mixed-use development comprising of one office and seven multiple dwelling units at 70 Gilbertson Road, Kardinya.

The proposed development generally satisfies the relevant requirements contained within CPS5, the Deemed-to-Comply provisions of the R-Codes and Council policy with the exception of boundary walls, boundary setbacks, visual privacy, building height and overshadowing. These matters are addressed below:

Building Height

The application was originally approved with a butterfly roof at a maximum height of 10 metres. At the time of approval being granted, the 10 metre maximum height complied with Council Policy and was considered to not have an impact on the amenity of adjoining neighbours or the streetscape. As Council Policy has been updated in the intervening period, the new roof line at 9.6 metres maximum height is in excess of that now advocated by the Council's Building Height policy. Approval for the proposed variation therefore rests with the Council, despite the fact that the resultant maximum height will be less than that previously approved.

P13/3435 - PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

In this instance, it is recommended that the variation to maximum permitted building heights be approved as:

- The maximum height has been reduced from what had previously been deemed as acceptable;
- The skillion roof limits the impact of the variation to one side as opposed to the maximum height of the butterfly roof which shared an interface with both side neighbours;
- Bulk impact is mitigated given the highest point of the roof is six metres from the southern neighbour and 19.6m from the rear neighbour;
- Bulk impact is further reduced as a result of the well articulated elevations;
- Despite being over height, the development complies with the setback requirements of Table 2a of the R-Codes;
- The development also complies with the overshadowing requirements of the R-Codes; and
- No views of significance for adjoining neighbours are compromised.

Plot Ratio

Clause 5.19 *Mixed use Plot Ratio* of CPS5 permits a maximum plot ratio for the total development up to 0.2 more than the maximum plot ratio (non-residential development required specified for the precinct) provided that the residential proportion of the development is a minimum of fifty percent. CPS5 permits this allowance in the City Centre, City Centre Frame, District Centre, District Centre Frame and Community Centre precincts. While the Commercial Centre Frame (maximum plot ratio of 0.6) is not included within clause 5.19, the recommendation from the State Administrative Tribunal (SAT) on a previous application concluded that the 0.2 bonus to plot ratio should be applied to Commercial Centre Frame. With reference to the previous approval, the SAT findings stated,

“Clause 4.1 of the Scheme identifies the CBF as a ‘Commercial Centre Frame’ precinct and identifies the Canning Bridge Centre, which is framed by the CBF precinct as a ‘District Centre’ precinct. Clause 4.1 of the Scheme does not specifically refer to ‘District Centre Frame’ precinct, or to ‘City Centre Frame’ or ‘Community Centre precincts. Although it is unfortunate that the Scheme uses inconsistent terminology, the Tribunal finds that the CBF precinct is a ‘District Centre Frame’ precinct for the purposes of cl 5.19 of CPS 5, because it is a ‘Commercial Centre Frame’ precinct that ‘frames’ a ‘District Centre’ under the Scheme.”

It is therefore reasonable to apply clause 5.19 as the Kardinya Frame (precinct in question) ‘frames’ the Kardinya Centre which is a ‘District Centre’ precinct.

The application of Clause 5.19 results in a minor variation to the permitted plot ratio of .046. The variation is considered acceptable as the scale and bulk of the proposal largely complies with all provisions of the R-Codes, Council Policy and CPS5 with the exception of building height which has been discussed above. The variation equates to approximately 36sqm floor area.

P13/3435 - PROPOSED THREE STOREY MIXED-USE DEVELOPMENT, 70 GILBERTSON ROAD, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

It is considered that the proposed use is consistent with the Kardinya Frame precinct link which states,

“Primarily residential but may include offices, medical practitioners and churches where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.”

It is intended that the residential units will provide affordable accommodation for students of Murdoch University.

CONCLUSION

Based on the above, the application is considered to generally satisfy the objectives of the R Codes, Council planning policy and CPS5. The variations sought to the development provisions of Council Policy and CPS5 are considered to be minor, with resultant impacts capable of being accommodated without detriment to residential or visual amenity. For these reasons, the proposal is recommended for conditional planning approval.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3435)**SPECIAL MAJORITY APPROVAL**

At 6.45pm Cr Foxtton moved, seconded Cr Macphail –

That the Council by special majority:

A. Approve the application for a three storey mixed-use development at 70 Gilbertson Road, Kardinya subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**
- 3. Prior to the initial occupation of the development, 12 parking bay/s (including two visitor bays, one loading bay, and one disabled bay), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans. The bay/s shall thereafter be retained in perpetuity.**

B. Advise the applicant of this proposal in writing of A) above.

At 6.45pm the Mayor submitted the motion, which was declared

CARRIED BY SPECIAL MAJORITY UNANIMOUSLY (12/0)

P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2012-863/A
 Property : 16 Riseley Street, Ardross
 Proposal : Increase in patronage of Small Bar from 103 persons to 120 persons
 Applicant : Bad Apples Bar
 Owner : P Hutchinson
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Approval is sought to amend a condition of planning approval (DA-2013-863) to increase the number of patrons permitted within the Small Bar (Bad Apples) operating from 16 Riseley Street, Ardross from 103 persons to 120 persons (outside of standard business hours only).
- Under Section 41 of the Liquor Control Act, a Small Bar is entitled to admit a maximum of 120 persons.
- Patronage levels were previously capped at 103 persons via a condition of planning approval, as this level of use was deemed to be consistent with the previous Cafe use that operated from the premises.
- It is now proposed that the patron numbers remain at a maximum of 103 persons, Monday to Friday before 6pm and on Saturday before 1pm. Outside these hours a maximum of 120 patrons would be permitted.
- In accordance with Councils Car Parking policy requirements, the proposed increase in patron numbers will require an additional five car bays. These additional bays are not provided.
- Despite this it is considered that as the additional patron numbers are sought for evenings and Saturday afternoon only, that any additional car parking demands can be readily absorbed by the availability of car parking that exists throughout the wider centre.
- It is recommended that the existing condition of planning approval be modified accordingly.



P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

BACKGROUND

The subject premises have, in part, been operating as a café since the initial development of the lot. The premises were occupied by The Merchant Tea and Coffee House, who expanded their operations into the adjoining tenancy in 2012.

Initially, the café use was capped to allow 85 patrons only, this being increased to 103 persons at the time of the expansion into the adjoining tenancy in 2012.

On 8 August 2012, delegated approval was granted for the change of use of the premises from a Café to a Use Not Listed (Small Bar). (DA-2012-863 refers). This most recent development approval maintained the maximum number of patrons at 103.

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : District centre
 R-Code : R60
 Use Type : Use Not Listed (Small Bar)
 Use Class : D - Discretionary

Site Details

Lot Area : 594sqm
 Street Tree(s) : Street trees to remain
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer aerial photo above

DETAIL

Planning approval is sought to amend Condition 3 of planning approval DA-2012-863 to allow an increase to the permitted patron numbers of the Small Bar as follows:

	Prior to 1:00pm	1:00pm-6:00pm	6:00pm-Close
Monday-Friday	103 patrons	103 patrons	120 patrons
Saturday	103 patrons	120 patrons	120 patrons
Sunday	120 patrons	120 patrons	120 patrons

The proposal has been assessed against all of the relevant provisions of CPS5 and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ADDRESS (AMREC) (ATTACHMENT)

Development Requirement	Required/Allowed	Proposed	Comments	Delegation to Approve Variation
Car Parking	Additional 17 patrons equates to an additional requirement of 4.25 (5) bays after 6pm Monday to Friday, after 1pm on Saturdays and all day Sunday.	No additional bays provided.	Requires assessment against section 7 (Variations to Standards) of Council Policy CP-079 Car Parking (Non-Residential) Policy	Absolute Majority decision of Council

PUBLIC CONSULTATION/COMMUNICATION

As the land use has already been approved and there are no external or internal works proposed as part of this application no consultation is required.

It is also noted that the City has no record of any complaints relating to the operation of the business since its commencement.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council approve the application the applicant will be required to apply for a Section 39 and 40 certificate from the City to certify that planning approval has been obtained and that all health regulations have been satisfied. Upon receipt of the Section 39 and 40 certificates, the applicant can apply to the Department of Racing, Gaming and Liquor to increase the patron numbers on their liquor licence.

Should the Council refuse the application for planning approval, the applicant will have the right to have the decision reviewed by the State Administrative Tribunal (SAT) in accordance with part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

No financial implications result for the City as a consequence of this proposal.

P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no risk or environmental management implications for the City as a consequence of this proposal.

With respect to strategic planning implications, the City is currently preparing a draft structure plan for the Riseley Centre. The preparation of the draft structure plan is being informed by feedback received as part of the community engagement on the four concept plans for the centre, which were advertised in August 2013.

In general, the community engagement found that there was broad support for more cafes, restaurants and small bars within the Riseley Centre. This would encourage a more diverse 'night-time economy'. The community engagement also identified the need for a taxi rank within the Riseley Centre on the basis that it would provide improved transport choices for users of the Centre. It is likely therefore that initiatives such as the addition of a taxi rank will be provided in due course.

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions of applicable Council Policies with the exception of those outlined in Council Policy CP-079 – Car Parking (Non-Residential).

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The application is recommended for approval for the reasons outlined in the Comment section below. Should the Council have an alternate view, the application could be refused, or alternatively, additional conditions may be imposed.

If the Council refuses to grant approval, or if any conditions of planning approval are imposed that are considered to be unreasonable, the applicant can apply to have the decision of the Council reviewed by the SAT.

COMMENT

This application seeks approval to increase maximum patron numbers at the Bad Apples Bar, Riseley Street Ardross, during certain prescribed trading periods. This increase in numbers requires a formal amendment to Condition 3 of planning approval reference DA -2012-301, which currently caps maximum patron numbers to 103 persons.

The current restriction on the patron numbers to 103 persons during standard business hours will remain.

P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

The proposal satisfies the relevant development requirements contained within CPS5 and Council policy, with the exception of car parking, as the additional 17 patrons proposed outside of standard trading hours will require the provision of an extra five bays, none of which are proposed to be provided.

In lieu of this shortfall, and in accordance with Council Policy CP-079 – Car Parking (Non-Residential) reciprocal parking can be considered where the parking demand and hours of operation of the various uses in the area will not unreasonably coincide.

Businesses within the Riseley Centre in close proximity include a hairdresser, newsagent, gift shop and two real estate offices. All of these businesses generally operate 9am-5pm Monday to Friday, with some also operating on a Saturday. All of these businesses are closed on a Sunday. Consequently, the peak evening and weekend trading periods of the Small Bar do not coincide with the peak trading periods of the majority of the nearby businesses.

It is further noted that the proprietors of the newsagent (Riseley News and Lotteries) and one of the real estate offices (Acton Applecross) have both given consent for the Small Bar to use their car parking bays outside of their business hours.

The applicant has also conducted a survey of the availability of car bays within the Riseley Street / Kearns Crescent / Canning Highway block on two days. A statutory declaration has been signed stating the information is correct. The table below indicates the survey results:

	Vacant bays*	
	Tuesday 12 February 2013	Friday 15 February 2013
1:00pm	39	21
5:00pm	82	95
6:00pm	121	89
7:00pm	87	49
8:00pm	96	31
9:00pm	142	81
10:00pm	186	142

* the number of vacant car parking bays out of the 215 public and private car parking bays available within the Riseley Street/Kearns Crescent/Canning Highway block.

The application has also been considered by the City's Rangers Services who have provided confirmation that although the area can be busy in terms of car parking availability, outside of standard business hours, the demand is less.

CONCLUSION

It is concluded that the increase in patron numbers and their associated additional car parking requirements can be met without prejudice to road safety, or amenity. As such, it is recommended that the proposal is supported on that basis.

P13/3436 - AMENDMENT TO PREVIOUS PLANNING APPROVAL TO INCREASE PATRON NUMBERS OF THE SMALL BAR AT LOT 538 (NO. 16) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3436)

ABSOLUTE MAJORITY

At 6.49pm Cr Schuster moved, seconded Cr Foxtton –

That the Council by absolute majority amend Condition 3 of Planning Approval DA-2012-863: Change of Use of Premises from Café to Small Bar as detailed below, subject to compliance with the previous planning approval DA-2012-863 (including all other remaining conditions).

- 3. Patron numbers for the business are restricted as indicated in the table below:**

	Prior to 1:00pm	1:00pm-6:00pm	6:00pm-Close
Monday-Friday	103	103	120
Saturday	103	120	120
Sunday	120	120	120

At 6.50pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY UNANIMOUSLY (12/0)

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

P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET, BOORAGOON (REC)

Ward	: City
Category	: Operational
Application Number	: DA-2013-834
Properties	: 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 554, 556, 558, 564, 566, 568, 570, & 572 Marmion Street, Booragoon 1 & 2 Preen Street, Booragoon
Proposal	: To allow an additional use of 'Office'
Applicant	: C Craggs
Owner	: A & G Jarvis – 528 Marmion Street V Chin & C Chan – 530 Marmion Street A Gan-le & X Phuoc le – 544 Marmion Street L E & S D Lim – 548 Marmion Street G H & M A E Swanepoel – 550 Marmion Street C Craggs – 564 Marmion Street Boss Corporation (WA) Pty Ltd – 570 Marmion St H Ho & M Guntur – 572 Marmion Street J Ge & W Huang – 1 Preen Street S & S Rusli – 2 Preen Street
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Peter Prendergast Manager Statutory Planning

P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)

AUTHORITY / DISCRETION

DEFINITION

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

P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)

KEY ISSUES / SUMMARY

- The City has received an application to amend Community Planning Scheme No. 5 (CPS5) to allow the properties along the northern side of Marmion Street (even numbers between 528-572) and 1 & 2 Preen Street, Booragoon being capable of use as Offices.
- The subject properties all abut Marmion Street and are zoned Living Area with a density coding of R20.
- Under the existing provisions of CPS5, within the Living Area Precincts, an Office is an 'X' use and is therefore not capable of approval.
- The proposed amendment to CPS5 would allow all of the above properties to be capable of obtaining planning approval to operate as an Office. The underlying zoning of the property would however remain residential.
- The proposed amendment is not supported as it is considered that to do so would undermine the vitality of the Melville City Centre, be contrary to State Planning Policy 4.2 'Activity Centres for Perth and Peel', and prejudice the intentions of the Draft Melville City Centre Structure Plan.
- As such it is considered in planning terms that there is no additional need for office space within the locality.
- It is recommended that the Council refuse to initiate the Scheme Amendment as requested.



P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)**BACKGROUND**

The subject properties are all zoned Living Area Precinct – BG1 Booragoon and have a residential density coding of R20. They are located on the northern side of Marmion Street and contain single and two storey residential developments. The site area of all of the properties ranges between 700m² and 844m², with an average of 758m².

Approved Home Occupations are currently operating from 564 and 566 Marmion Street and 1 Preen Street. These Home Occupations offer office, hair dressing and naturopath services, without compromise to the residential character of the locality.

Context

Directly to the south of the subject properties are Len Shearer Reserve and the Melville Aquatic Centre.

The Parkland Villas over 55's development is located to the west of 528 Marmion Street and 572 Marmion Street abuts a single storey grouped dwelling development.

The properties abutting the rear of the subject properties contain single and two storey single and grouped dwellings, with frontage to Ainsworth Loop, The Ramble, Preen Street or Saw Court.

The City Centre Precinct containing Garden City Shopping Centre and associated commercial developments is located some 50 metres to the east of the subject properties, whilst the Myaree Mixed Business Precinct is some 200 metres to the west.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct – BG1 Booragoon
R-Code	: R20
Use Type	: Office
Use Class	: The proposed amendment is to allow 'Office' on the subject properties.

Site Details

Lot Area	: Between 700m ² and 844m ²
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: See aerial photo above

P13/3434- INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)**DETAIL**

The City has received an application from several owners of the properties along the north side of Marmion Street between 528 and 572, as well as 1 and 2 Preen Street, Booragoon to allow Office as an additional use under Schedule 3 of CPS5.

The owners of the following properties have indicated they support the proposal:

- 528 Marmion Street
- 530 Marmion Street
- 544 Marmion Street
- 548 Marmion Street
- 550 Marmion Street
- 564 Marmion Street
- 570 Marmion Street
- 572 Marmion Street
- 1 Preen Street
- 2 Preen Street

The owner of 552 Marmion Street has indicated they had no objection to the application, however did not wish to be included in the amendment.

Prior to the drafting of this report, letters were sent to property owners who had not included their details as part of the scheme amendment application, notifying them of the proposal.

PUBLIC CONSULTATION/COMMUNICATION

Should Council resolve to initiate the Amendment, it will require formal advertising in accordance with the procedures outlined in WAPC Planning Bulletin No. 24.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There are no referrals to Government Agencies required prior to initiation of the Scheme Amendment, however, following initiation, the Amendment will require referral to the Environmental Protection Authority and WAPC prior to advertising.

STATUTORY AND LEGAL IMPLICATIONS

Part 5 of the *Planning and Development Act 2005* allows Council to initiate amendments to planning schemes. Once initiated, Council must advertise the Amendment, consider submissions received and forward the proposal to the Minister for Planning (the Minister) for determination.

P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)

FINANCIAL IMPLICATIONS

There are no direct financial implications which will result from this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The draft Local Planning Strategy considers Marmion Street as a transport corridor.

The proximity of the Melville City Centre, recreation facilities and transport make this a suitable area for consideration of an increase in intensity and diversity of housing.

The redevelopment of the Melville City Centre will increase the availability of office tenancies, for small and large scale tenancies. Consequently, the proposed additional office use is not considered necessary in this location.

POLICY IMPLICATIONS

There are no policy implications arising from this proposal..

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose to initiate the subject Scheme Amendment on the grounds that the proposal is considered to be consistent with orderly and proper planning.

If Council were to resolve to initiate the amendment, it would be recommended that provisions be imposed to restrict the size of office tenancies to a small scale, that developments comply with requirements such as car parking and signage and that the residential character of the precinct be retained.

COMMENT

Currently, the properties which are the subject of the proposal are all zoned Living Area Precinct. Within this zoning, limited non-residential uses are capable of approval at the discretion of Council including:

- Child Minding Centres
- Consulting Rooms
- Corner Stores
- Educational Establishments
- Public Worship

An Office use is an 'X' use within the Living Area Precinct, meaning the use is not permitted.

P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)

Office is defined within CPS5 as:

“Means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.”

The Statement of Intent for the Living Area BG1 – Booragoon Precinct states as follows:

“Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.”

The provision of non-retail commercial land uses in the draft Melville City Centre structure plan aspires to the target specified in State Planning Policy 4.2.. It is considered that the provisions of the draft Melville City Centre Structure Plan would cater for the provision of office tenancies of a variety of scales. On that basis, additional office floor space would not be required in the locality.

CONCLUSION

The applicant proposes an amendment to CPS5 to create an additional office use under Schedule 3 to the subject properties at 528-572 Marmion Street and 1 & 2 Preen Street, Booragoon.

The proposed additional office use is not supported as sufficient capacity for non-retail commercial floor space is proposed to be provided as part of the redevelopment of the Melville City Centre as detailed by the Draft Melville City Centre Structure Plan. Under the provisions of State Planning Policy 4.2 - Activity Centres for Perth and Peel, Booragoon is classed as a Secondary Centre. In such centres, major office development, which could include small scale office suite accommodation within a larger complex, is encouraged to be sited. Smaller scale office activities are appropriately sited within District Centres such as Riseley Street Precinct or Melville Plaza.

It is important in planning terms to ensure that land use activity such as Office development is appropriately guided to be located within the hierarchy of centres advocated by the Activity Centres policy. A failure to do so can be seen to prejudice and undermine the economic and environmental sustainability of that hierarchy of key activity centres. To allow general commercial development in defined non commercial precincts, such as the Living Area precinct the subject of this Scheme Amendment proposal, is not seen to an acceptable planning practice.

On that basis, it is recommended that the Council refuse to initiate the proposed Scheme Amendment No. 70 to CPS5.

P13/3434 - INITIATION OF AMENDMENT NO. 70 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND SCHEDULE 3 TO CREATE THE ADDITIONAL USE OF OFFICE FOR 528-572 MARMION STREET AND 1 & 2 PREEN STREET BOORAGOON (REC)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3434)

REFUSAL

At 6.52pm Cr Barton moved, seconded Cr Taylor-Rees –

That the Council:

Pursuant to Part 5 of the Planning and Development Act 2005, resolves to refuse to initiate Amendment No. 70 to Community Planning Scheme No. 5 for the following reasons:

- 1. It is considered that the proposed additional use of office would prejudice the viability and vitality of the Melville City Centre, and conflict with the provisions of State Planning Policy 4.2 ‘Activity Centres for Perth and Peel’.**
- 2. It is considered that the proposed additional use of office would prejudice the character of the Living Area BG1 Booragoon Precinct, contrary to the orderly and proper planning of the locality.**

At 6.55pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

For: Mayor Aubrey, Cr Aubrey, Cr Barton, Cr Foxton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis.

Against: Cr Taylor-Rees.

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)

Disclosure of Interest

Item No.	P13/3437
Member	Mr P Prendergast
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Friend of Applicant
Request	Not Required
Decision of Council	Not Required

Ward	: Bicton/Attadale
Category	: Operational
Application Number	: DA-2013-1140
Property	: Point Walter Reserve, Bicton
Proposal	: Proposed Kayak and Paddle Board Hire Operation
Applicant	: Mr Peter Bliss
Owner	: State of Western Australia
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Responsible Officer	: Steve Cope Director Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)

KEY ISSUES / SUMMARY

- The City's comments are sought by the Swan River Trust (SRT) on a proposal to operate a kayak and paddle board hire business at Point Walter Reserve in Bicton.
- Planning approval from the City is not required in this instance pursuant to Clause 3.2 of Community Planning Scheme No.5 (CPS No.5) as the activity is being undertaken within a Metropolitan Region Scheme (MRS) reserve. However a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated regulations.
- A maximum of twenty kayaks and five paddle boards are to be available for hire by the public.
- The applicant proposes to set up the hire area within the paved area adjacent to the limestone wall, west of the ablution block and to the east of the cafe. The proposed hire site will not occupy more than 2.5m square metres in area.
- Additionally, the applicant proposes to line up to ten craft along the foreshore between the end of the car park and the jetty.
- It is recommended that the City expresses its concern to the SRT that any further increase in the number of licenced recreational activities/businesses operating at Point Walter, Bicton, will result in congestion from the competing demands of users of the River Foreshore area, to the detriment of safety.



(Note: The red circle indicates proposed area to be utilized by patrons, the red line indicates the area where up to ten of the craft will be displayed and the blue dot indicates the hire location)

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)**BACKGROUND**

In February 2013, the SRT granted a 12 month approval for the operation of a paddle boarding school at Point Walter. In addition, in March 2013 the SRT also granted a 12 month approval for the operation of two kite surfing schools at Point Walter.

Furthermore, Council deferred consideration of two additional proposals referred to the City by the SRT at its October meeting in relation to the operation of a third kite surfing school and a second paddle boarding school at Point Walter Spit.

The paddle boarding and kite surfing schools mentioned above all operate (or propose to) from the northernmost beach area of the Point Walter reserve.

Scheme Provisions

MRS Zoning	:	Parks and Recreation Reserve
CPS 5 Zoning	:	Not Applicable
R-Code	:	Not Applicable
Use Type	:	Recreation
Use Class	:	Not Applicable

Site Details

Lot Area	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer photo above

DETAIL

Approval is sought by the applicant from the SRT to undertake a kayak and paddle board hire business from Point Walter Reserve. The application has been referred to the City by the SRT for its consideration and recommendation.

It is proposed to hire up to twenty kayaks and five paddle boards to members of the public, seven days a week for six months of the year, from sunrise to sunset.

The hire admin area will be located to the west of the existing ablution block and to the east of the café as identified in the photos below. The area will consist of a small table and chairs and a trailer which allow the craft and associated equipment to be stored horizontally.

The applicant also proposes to display up to ten kayaks along the foreshore each day with the remaining ten kayaks located within the admin area when not in use. This is to allow ease of hire and a reduced transportation of the craft to and from the admin area. Please refer to Appendix 1 for exact location.

It is proposed that the craft for hire is for use within the Department of Transport 'no boating area' between the boat ramp and the eastern end of the jetty as outlined on the aerial photo above.

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)

The proposal also seeks to display a number of temporary signs within Point Walter Reserve to advertise the business as follows:

Four tear drop signs (3.5mtrs high) surrounding the hire base.
One tear drop sign located at the launch/retrieve area (slightly off beach at high tide.)
Two pull up banners (vinyl 1600mm x 600mm) at the hire base.
One vinyl banner (1 x 2.5mtr) at the hire base.
One A-frame sign (600mm x 900mm) to be displayed on the paved area at the western end of pedestrian area.

All signage, craft and apparatus will be removed after daily trading.

The applicant has stated that a spare rescue kayak/paddle board will be available, in addition to a small inflatable boat powered by a small outboard engine for use outside of the Department of Transport's designated 'No Boating Area'.

The operator will have current life saving and first aid qualifications and equipment.



(Note: 2 Red line indicates the area to be utilized for the admin area)

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)



(Note: 3 Red line indicates the area to be utilized for admin use)



(Note: 4 Red line indicates the area to be utilized for kayak storage)

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)**PUBLIC CONSULTATION/COMMUNICATION**

As the proposed business is consistent with the MRS zoning of the reserve, public consultation is not required.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

STATUTORY AND LEGAL IMPLICATIONS

Planning approval is not required from the City as CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and as to whether it conforms to proper and orderly planning.

The City is asked to provide comment and/or advice to the SRT. The City is not the determining authority for the subject application. As such, there are no statutory or legal implications for the City.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property' together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

With regard to risk implications, a recommended condition of approval is to require that the applicant obtain the necessary public liability insurance.

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City is being requested to provide a recommendation and comment on the application to the SRT. The Council can elect to support or recommend refusal of the proposal. The SRT are not bound by the recommendation made by the Council.

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)**COMMENTS**

In recent months, the City has considered a number of licence proposals from the SRT, dealing with a range of recreational activities at key river foreshore locations throughout the City. These include kite surfing tuition at Point Walter and Melville Beach, Paddle Boarding tuition at Point Walter, and now the hire of paddle boards and kayaks, also at Point Walter.

The implications of the activities proposed by these applications have been duly considered by both Officers and Elected Members, and the various referral applications from the SRT have been treated on their merits, with comments provided accordingly.

This has resulted in approvals being granted by the SRT for Kite Surfing tuition for two schools at Melville Beach, and for three schools at Point Walter Spit. Active licences therefore exist to ensure that tuition is offered to those persons that require it, and to that end it is demonstrated that the City has acted responsibly in ensuring that there is such tuition available, in the interests of encouraging safe and active recreational use and diversity within the River Foreshore areas.

In its previous consideration of these various licence applications, the City took into account the availability of car parking. In addition, the City considered the various safety issues that accrue from activities of this nature, for both participants and bystanders alike, and also factored in the likely environmental impacts.

It is considered that the conclusions reached, and the comments that have been provided to the SRT to date, have been proper and correct, and in the best interests of our community.

The fact remains however, that it would be inappropriate to continue to endorse the operation of more and more commercial activities in these key locations, as at some point the level of activity that results from the operation of those activities can become excessive, causing congestion between competing users, to the detriment of amenity, and compromising safety levels.

It is considered that in the absence of a guideline or management plan, issued by the SRT, and against which the impacts of activities of this nature can be assessed, that saturation point is reached at both Melville Beach and Point Walter Spit.

In that vein, it is recommended that the City does not support the grant of a licence for a paddleboard and kayak hire operation at Point Walter, and that the SRT be advised as such.

CONCLUSION

It is considered that the City has acted responsibly in its previous support of licenced recreational activities at Point Walter. However, there is a concern that any further increase to the level of commercial activities operating within the foreshore area at Point Walter may result in overcrowding, reducing amenity levels, and compromising safety for all users.

On that basis, it is recommended that support for the paddle boarding and kayak hire activity proposed by this application should not be given.

P13/3437 - PROPOSED KAYAK AND PADDLE BOARD HIRE OPERATION AT POINT WALTER RESERVE, BICTON (REC)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3437) NOT SUPPORT

That the Swan River Trust be advised that the City of Melville does not support the proposed kayak and paddle board hire operation at Point Walter Reserve as the City is concerned that this would potentially result in congestion, compromise safety levels for all users of the River foreshore areas, and be detrimental to amenity.

The Swan River Trust is advised that the City is not prepared to support further proposals for commercial hire and/or tuition activities within the foreshore areas pending review of its Management Plan for these foreshore reserves that are under the City's control.

At 6.55pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**P13/3438- AMENDMENT TO COUNCIL POLICY – 078: RESIDENTIAL DEVELOPMENT
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council resolved on 20 August 2013 to adopt the revised Council Policy – 078: Residential Development for advertising.
- The revised policy was advertised for a period of 21 days and no submissions were received.
- Following the close of the advertising period, one minor change has been made to the policy in relation to secondary street setbacks on properties with a density coding of R50 and above.
- It is recommended that Council finally adopt the modified policy in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

BACKGROUND

The existing Council Policy – 078: Residential Development was adopted by Council on 20 September 2011.

The Western Australian Planning Commission (WAPC) gazetted changes to the R-Codes on 2 August 2013. From that date on the updated R-Codes are to be applied in the determination of all residential development applications throughout Western Australia.

DETAIL

The main changes to the existing policy as adopted by Council on 20 August 2013 included:

- Updating the terminology and clause numbers to reflect the recent changes to the R-Codes,
- Allowing boundary walls on properties with a density coding of less than R20 as Deemed-to-Comply,
- Permitting boundary walls to be constructed up to more than one boundary as Deemed-to-Comply,
- Reducing the front setback requirement for carports,
- Increasing the length of solid fencing permissible along the secondary street boundary of corner blocks,
- Increasing the width of gatehouses within the front setback.

Following the close of the advertising period, a further minor change has been made to the revised policy to address an anomaly in relation to secondary setbacks for residential properties with a density coding of R50 and above.

Clause C2.3 of the draft policy currently prescribes a secondary street setback of 3m for all corner properties, regardless of their density coding. This requirement is satisfactory for properties coded R40 and less, however, for properties coded R50 and greater, this setback requirement is greater than the primary street setback requirement of 2m. Accordingly, the draft policy has been amended to require a 1.5m minimum setback from the secondary street for properties coded R50 and above.

**P13/3438 - AMENDMENT TO COUNCIL POLICY – 078: RESIDENTIAL DEVELOPMENT
(REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Following adoption of the draft policy by Council on 20 August 2013, the policy was advertised via a notice in the Melville Times newspaper and on the City's website for a period of 21 days. No submissions were received.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires the Council to advise the WAPC of any policy proposal which affects the interests of the WAPC. The proposed revised policy does not have regional significance; therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

The review of Council's policies improves their validity in review situations by the State Administrative Tribunal. Once finally adopted, the reviewed policy will carry a similar weight to CPS5.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposed modifications to the policy are to reflect the changes to the R-Codes and will therefore ensure that the two documents are consistent with one another to reduce the possibility for errors to occur or for possible challenges.

The changes to the Deemed-to-Comply provisions relating to boundary walls, secondary street fencing and gatehouses will increase the ability for residential property owners to undertake development as-of-right whilst not resulting in a significant adverse amenity impact upon adjoining properties.

**P13/3438 - AMENDMENT TO COUNCIL POLICY – 078: RESIDENTIAL DEVELOPMENT
(REC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council could decide not to finally adopt the revised policy. This approach is not advocated in relation to the changes undertaken to bring the policy into conformity with the new terms and clauses within the R-Codes.

The Council could also resolve to amend the policy prior to adoption. Dependant upon their implications, changes may result in further advertising being necessary.

CONCLUSION

The proposed changes to the policy are consistent with State Planning Policy. The Policy will encourage and enable construction in accordance with current design practice and contemporary living standards. It is recommended that Council resolve to adopt as final, the revised policy.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3438)**ADOPTION**

That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt as final, the revised Council Policy CP – 078 Residential Development.
[Council Policy CP – 078 Residential Development.](#)

At 6.56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**P13/3440 – RENEWAL OF A FIVE YEAR GAMING PERMIT FOR THE LEOPOLD HOTEL
AT LOT 103 (NO. 326) CANNING HIGHWAY, BICTON (REC)**

Disclosure of Interest

Item No.	P13/3440
Member	Cr J Barton
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Shares in Wesfarmers
Request	Leave
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3440
Member	Cr C Robartson
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Shares in company that owns the Leopold Hotel
Request	Leave
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3440
Member	Cr C Schuster
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Wesfarmers Shareholder
Request	Leave
Decision of Council	Not Required

At 6.56pm Cr Barton, Cr Robartson and Cr Schuster left the meeting.

Ward	: Bicton/Attadale
Category	: Operational
Application Number	: DA-2013-1184
Property	: 326 Canning Highway, Bicton
Proposal	: Renewal of a Five Year Gaming Permit
Applicant	: P Bailey
Owner	: Always Holding Pty Ltd – Liquorland (Qld) Pty Ltd Lessee
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: NA
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**P13/3440 – RENEWAL OF A FIVE YEAR GAMING PERMIT FOR THE LEOPOLD HOTEL
AT LOT 103 (NO. 326) CANNING HIGHWAY, BICTON (REC)**

AUTHORITY / DISCRETION

DEFINITION

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

**P13/3440 – RENEWAL OF A FIVE YEAR GAMING PERMIT FOR THE LEOPOLD HOTEL
AT LOT 103 (NO. 326) CANNING HIGHWAY, BICTON (REC)****Site Details**

Lot Area	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	See aerial photo above

DETAIL

The applicant seeks Council support for the renewal of a Gaming Permit to allow a weekly poker night to continue to be run from within the function area of the Leopold Hotel.

The poker game takes place Friday evening between 6.30pm and midnight (unless extended by the Department of Racing, Gaming and Liquor). The applicant has stated that a maximum of 70 patrons have attended the poker nights with 60 patrons being the average attendance.

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the Department of RGL is the determining authority for the application. No complaints have arisen as a result of the gaming use.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the Department of RGL is the determining authority.

STATUTORY AND LEGAL IMPLICATIONS

The City's role in the assessment of gaming permit applications is to verify that the part of the premises which is the subject of the application conforms with the *Health Act 1911* and that use of the premises for gaming does not contravene Town Planning Regulations. This information is utilised by the RGL for the assessment of a Premises Approval Certificate and the subsequent Gaming Function Permits required pursuant to the *Gaming and Wagering Commission Act 1987*.

FINANCIAL IMPLICATIONS

There are no financial implications for the Council in respect of this application.

**P13/3440 – RENEWAL OF A FIVE YEAR GAMING PERMIT FOR THE LEOPOLD HOTEL
AT LOT 103 (NO. 326) CANNING HIGHWAY, BICTON (REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are not considered to be any strategic, risk or environmental management implications in respect of this application.

POLICY IMPLICATIONS

Council Policy CP- 048 – Gaming Permits states:

“In cases where the application involves licensed premises for a Casino, Hotel, Tavern, Small Bar, Nightclub, Restaurant or a Special Facility for a Sports Arena, the application shall be referred to the Council for determination.”

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council can resolve to endorse or not endorse the proposed renewal.

Should the Council decide to recommend that the proposal be refused, that advice will be forwarded to the Department of RGL,

COMMENTS

The applicant seeks Council support for the renewal of a Gaming Permit (Section 55 Certificate) pursuant to the *Gaming and Wagering Commission Act 1987* to allow a weekly poker night to continue to be run within the function area of the Leopold Hotel.

A Gaming Permit verifies that the part of the premises which is subject of the application conforms with the *Health Act 1911* and that use of the premises for gaming does not contravene town planning regulations.

Once endorsed, the applicant refers the permit to the Department of RGL for the issue of a Premises Approval Certificate which allow the Hotel to run gaming nights.

The hotel is also required to apply for a Gaming Function Permit from the Department of RGL for each individual poker night, however no further consent is required from the City in relation to these permits.

The site is located within the Melville Commercial Centre Frame Precinct. In this Precinct, a Hotel is an ‘X’ use meaning it is not permitted.

The existing Hotel was approved prior to the gazettal of Community Planning Scheme No. 5 (CPS5) and therefore has non-conforming use rights. CPS5 allows for non-conforming uses to continue operating provided they were lawfully established.

**P13/3440 – RENEWAL OF A FIVE YEAR GAMING PERMIT FOR THE LEOPOLD HOTEL
AT LOT 103 (NO. 326) CANNING HIGHWAY, BICTON (REC)**

A Hotel is defined within CPS5 as follows:

“Hotel’ means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 and may include a betting Agency operated in accordance with Totalisator Agency Betting Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.”

The continuation of the existing poker nights once a week is seen as a complementary activity in land use terms to the predominant use of the site as an Hotel, and is recommended for support on that basis.

CONCLUSION

The proposed continuation of the poker nights at the Hotel is considered to be consistent with the existing use of site as a Hotel and will not contravene any provisions within CPS5. In view of this, it is recommended that Council endorse the five year Gaming Permit renewal application as proposed.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3440)**SUPPORT**

At 6.57pm Cr Macphail moved, seconded Cr Taylor-Rees –

That the Council resolve to support the renewal application for a five year Gaming Permit at Lot 103 (No. 326) Canning Highway, Bicton and endorse the signing of the Section 55 Certificate to enable the Department of Racing, Gaming and Liquor to issue a Premises Approval Certificate.

At 6.57pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (9/0)

At 6.58pm Cr Barton, Cr Robartson and Cr Schuster returned to the meeting.

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)

Ward	:	Applecross/Mt Pleasant Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2013-950
Property	:	Point Walter, Bicton and Melville Beach, Applecross
Proposal	:	Kite Surfing School
Applicant	:	Seabreezekitesurfschool (Silvio Di Canto)
Owner	:	State of Western Australia
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item P13/3374 – Proposed Kite Surfing School at Melville Beach, Applecross - Ordinary Meeting of Council – 16 April 2013 Item P13/3375 – Proposed Kite surfing School at Melville Beach Applecross, Attadale Foreshore and Point Walter -Ordinary Meeting of Council – 16 April 2013
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

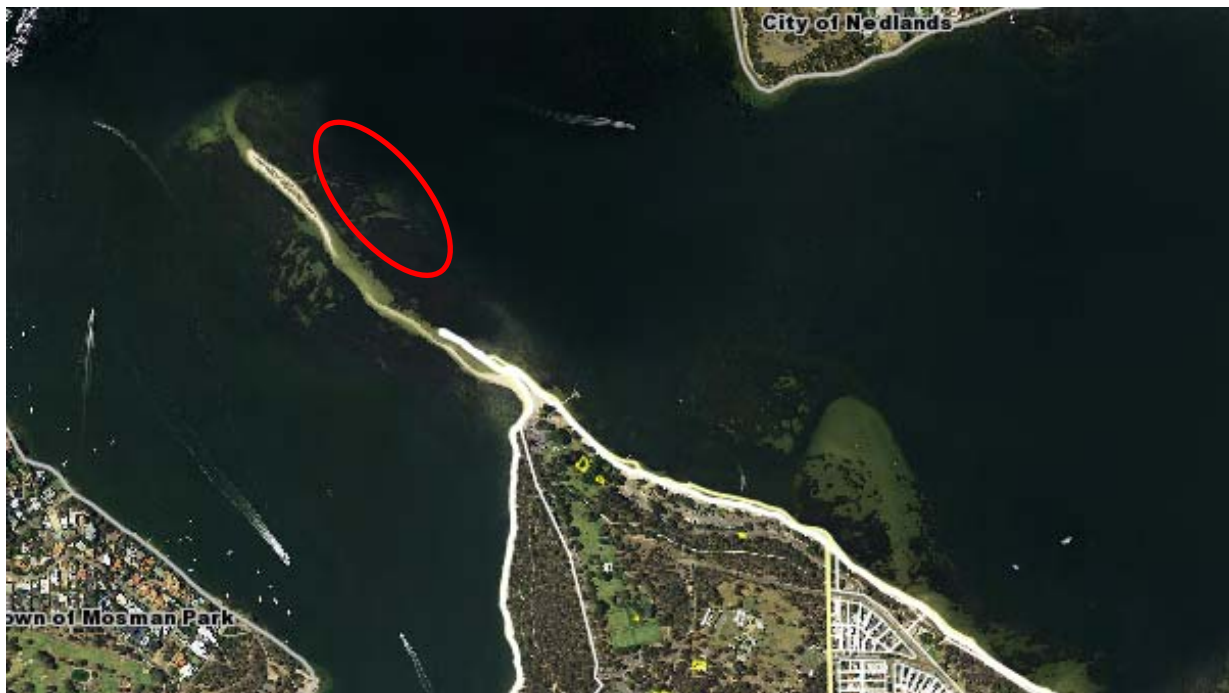
DEFINITION

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

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)

KEY ISSUES / SUMMARY

- The Swan River Trust (SRT) seeks the City's comments in relation to a proposed Kite Surfing School to operate at Point Walter Spit, Bicton and Melville Beach, Applecross
- The application seeks approval for the two locations due to the differing weather conditions between the two, however the business will operate from one location at any given time.
- It is proposed to operate a maximum of three, two hour classes per day and a maximum of six people will be involved in the tuition at any one time (two instructors and up to four pupils).
- Planning approval from the City is not required, as the activity is undertaken within a Metropolitan Region Scheme Reserve. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- Consideration of this proposal was deferred at the Ordinary Council Meeting of October 2013, as the City was made aware of concerns expressed by the Department of Transport (DoT) in respect of commercial Kite Surfing Tuition activities at popular locations within the Swan River, such as Point Walter Spit and Melville Beach. The DoT consider that the addition of more Kite Surfing Schools in these locations will result in congestion and overcrowding at the expense of safety.
- It is recommended that the City expresses its concern to the SRT that any further increase in the number of commercial kite surfing tuition activities operating at Point Walter Spit, Bicton, and Melville Beach Applecross, will result in congestion from the competing demands of users of the River Foreshore area, to the detriment of safety.



P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)



BACKGROUND

In February 2013, the Council considered a referral from the SRT in relation to the operation of a Kite Surfing School (Elemental Surf) at Point Walter Spit. At this meeting, Council resolved to support the application subject to conditions.

The details of two further kite surfing proposals were referred to the Ordinary Meeting of Council held in March 2013. These related to one proposal at Melville Beach Road, Applecross, and a second proposal which involved three locations at Point Walter Spit, Melville Beach Road, and the Attadale foreshore. Council resolved to defer consideration of those applications to enable consideration to be given to concerns raised by other users of the foreshore areas in question.

The applications were referred back to the Ordinary Meeting of Council held in April 2013.. At this meeting, Council resolved to support the proposal at Melville Beach Road, but did not support the proposal at Melville Beach, Attadale Foreshore and Point Walter Spit.

In June 2013 the SRT granted approval for the operation of all three of the abovementioned Kite Surfing Schools, but in doing so specifically excluded the use of the Attadale foreshore location, sharing the Council's concern regarding the possible negative impacts that might result given the proximity of the Attadale foreshore location to a marine conservation area.

In addition to the above, in March 2013 the SRT granted approval for the operation of a Stand Up Paddle Board lessons and tours at Point Walter Spit.

All of the above schools were granted temporary approval for a 12 month period and are generally restricted in numbers to two instructors and four students at any one time.

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)**Scheme Provisions**

MRS Zoning	:	'Parks and Recreation' Reserve
CPS 5 Zoning	:	Not applicable
R-Code	:	Not applicable
Use Type	:	Recreation
Use Class	:	Not applicable

Site Details

Lot Area	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

DETAIL

The applicant is seeking approval from the SRT to conduct Kite Surfing lessons at Point Walter Spit, Bicton and Melville Beach, Applecross. The SRT has now consulted with the City, and requests that the City comment on the proposal.

The application seeks approval to operate from dual locations due to the differing weather conditions that characterise them. It is intended however, that the business will operate from one location at any one given time, as the site that has the better prevailing weather conditions at the time of any lesson, will be the preferred location for the tuition at that particular time.

It is proposed to operate classes which go for no longer than two hours per student and a maximum of six people will be involved in the tuition at any one time (two instructors and up to four pupils).

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application. Previous consultation in respect of a similar proposal at Melville Beach resulted in the raising of concerns relative to safety and car parking.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)**STATUTORY AND LEGAL IMPLICATIONS**

As planning approval is not required from the City, CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and in respect of compliance with the objectives of orderly and proper planning.

The City of Melville Property Local Law applies in relation to commercial use of any reserve.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property',

together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental implications anticipated as a result of this application.

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City is being requested to provide a recommendation and comment on the application to the SRT.

The Council can elect to support or resist the use. The SRT is not bound by the recommendation made by Council. .

COMMENT

In recent months, the City has considered a number of proposals for Kite Surfing tuition at both Point Walter Spit and Melville Beach Parade, as well as at a location adjacent to the Attadale Foreshore.

The implications of the activities proposed by these applications have been duly considered by both Officers and Elected Members, and the various referral applications from the SRT have been treated on their merits, with comments provided accordingly.

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)

This has resulted in approvals being granted by the SRT for Kite Surfing tuition by two schools at Melville Beach, and by three schools at Point Walter Spit. Active licences therefore exist to ensure that tuition is offered to those persons that require it, and to that end it is demonstrated that the City has acted responsibly in ensuring that there is such tuition available, in the interests of encouraging safe and active recreational use and diversity within the River Foreshore areas.

In its previous consideration of these various Kite Surfing Tuition proposals, the City took into account the availability of car parking. In addition the City considered the various safety issues that accrue from activities of this nature, for both participants and bystanders alike, and also factored in the likely environmental impacts.

In this context, it is considered that the conclusions reached, and the comments that have been provided to the SRT to date, have been proper and correct and in the best interests of our community.

The fact remains however, that it would be inappropriate to continue to endorse the operation of more Tuition Schools in these key locations, as at some point the level of activity that result from the operation of such schools is excessive, causing congestion between competing users, to the detriment of amenity, and compromising safety levels.

It is considered that in the absence of a guideline or management plan, issued by the SRT, and against which the impacts of activities of this nature can be assessed, that saturation point has been reached at both Melville Beach and Point Walter Spit.

In its consideration of the subject proposal, the DoT, who is a consultee of the SRT in the same way that the City is, has commented as follows:

'DoT Navigational Safety comments are provided from a marine safety perspective and we have expressed safety concerns regarding overcrowding of popular sights. Additional applications for kite surfing schools at Point Walter would only compound these concerns and compromise safety for all aquatic users of the area.'

These sentiments are equally attributable to the Melville Beach location, and in that vein it is recommended that the City does not support the grant of any additional licenses for Kite Surfing Tuition Schools to operate at either Melville Beach or Point Walter Spit, and that the SRT be advised as such.

CONCLUSION

It is considered that the City has acted responsibly in its previous support of Kite Surfing Tuition Schools at Melville Beach and Point Walter Spit. However, there is a concern that any further increase to the number of schools in operation may result in overcrowding, reducing amenity levels, and compromising safety for all river foreshore users in these locations.

It is recommended therefore that the SRT be advised that the City of Melville does not support the grant of any further licences at Melville Beach and Point Walter Spit.

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)**OFFICER RECOMMENDATION (3442)****NOT SUPPORT**

That the Swan River Trust (SRT) be advised that the City of Melville does not support the proposed kite surfing tuition operation at Point Walter Reserve and Melville Beach, as the City is concerned that this would potentially result in congestion, compromise safety levels for all users of the River foreshore areas, and be detrimental to amenity.

The SRT is advised that the City is not prepared to support further proposals for commercial hire and/or tuition activities within the foreshore areas pending review of its Management Plan for these foreshore reserves that are under the City's control.

Reject and Replace

At 6.58pm Cr Schuster moved, seconded Cr Macphail –

That the Officer Recommendation be rejected and replaced with the following –

- 1. The Swan River Trust be advised that the City of Melville supports the proposed kite surfing tuition operations at Point Walter Reserve and Melville Beach, subject to:**
 - (a) the approvals being for 12 months from the date of Swan River Trust approval;**
 - (b) the applicants seeking and obtaining any necessary licensing permits from the City for use of its land;**
 - (c) the City liaising with the Swan River Trust, Department of Transport, Department of Parks and Wildlife and other relevant agencies and develop a Council policy that could inform the capacity of the river foreshores in the City to cater for commercial ventures of this kind, whilst protecting the environment and the safety of other foreshore users; and**
 - (d) this Council policy to also canvass how commercial venture approvals could be allocated in the event of capacity limits.**

- (2) The Swan River Trust be further advised that the City is not prepared to support further proposals for commercial hire and/or tuition activities within the foreshore areas pending the development of a suitable policy as referenced to in item (c) above.**

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

For: Cr Aubrey, Cr Foxton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis.

Against: Mayor Aubrey, Cr Barton, Cr Taylor-Rees.

P13/3442 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC)Reasons for Reject and Replace

Cr Schuster provided the following reasons in support of the Reject and Replace motion –

1. the activity appears to be well constructed and is part of educating the community to use the river and foreshore appropriately;
2. the activities encourage people of varying ages to undertake healthy physical activities (potentially in a safer environment than would be available in the Indian Ocean);
3. the proponents have made suitable commitments in respect to how they will interact with other river and foreshore users;
4. the Council will apply suitable conditions through permits to the activities that require the use of City controlled land to take place;
5. the proposed amendment supports the process around capacity setting that I understand is about to commence.

**P13/3443 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON
(REC)**

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2013-967
 Property : Point Walter Spit, Bicton
 Proposal : Kite Surfing school
 Applicant : Soulkite (Kerry Enright)
 Owner : State of Western Australia
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P13/3367- Proposed Kite Surfing School At Point Walter-Ordinary Council Meeting April 2013
 P13/3375 - Proposed Kite Surfing School At Melville Beach Applecross, Attadale Foreshore and Point Walter-Ordinary Council Meeting April 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P13/3443 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON
(REC)****KEY ISSUES / SUMMARY**

- The Swan River Trust (SRT) seeks the City's comments in relation to a proposal to allow the operation of an existing Kite Surfing School at Point Walter Spit, Bicton.
- The Applicant obtained temporary approval from the SRT in June 2013 to operate a Kite Surfing School at Melville Beach, Applecross for up to two instructors and four students at any one time.
- Point Walter Spit is proposed to be the secondary Kite Surfing School location for the Applicant for when the weather conditions are not favourable at Melville Beach.
- Classes would operate between 6am and 10am once a week. A maximum of two instructors, two assistant instructors and four students will operate at any one time.
- Planning approval from the City is not required, as the activity is undertaken within a Metropolitan Region Scheme Reserve. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- Consideration of this proposal was deferred at the Ordinary Council Meeting of October 2013, as the City was made aware of concerns expressed by the Department of Transport (DoT) in respect of commercial Kite Surfing Tuition activities at popular locations within the Swan River, such as Point Walter Spit and Melville Beach. The DoT consider that the addition of more Kite Surfing Schools in these locations will result in congestion and overcrowding at the expense of safety.
- It is recommended that the City expresses its concern to the SRT that any further increase in the number of commercial kite surfing tuition activities operating at Point Walter, Bicton, will result in congestion from the competing demands of users of the River Foreshore area, to the detriment of safety.

P13/3443 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)



BACKGROUND

In February 2013, the Council considered a referral from the SRT in relation to the operation of a Kite Surfing School (Elemental Surf) at Point Walter Spit. At this meeting, Council resolved to support the application subject to conditions.

The details of two further kite surfing proposals were referred to the Ordinary Meeting of Council held in March 2013. These related to one proposal at Melville Beach Road, Applecross, and a second proposal which involved three locations at Point Walter Spit, Melville Beach Road, and the Attadale foreshore. Council resolved to defer consideration of those applications to enable consideration to be given to concerns raised by other users of the foreshore areas in question.

The applications were referred back to the Ordinary Meeting of Council held in April 2013.. At this meeting, Council resolved to support the proposal at Melville Beach Road, but did not support the proposal at Melville Beach, Attadale Foreshore and Point Walter Spit.

In June 2013 the SRT granted approval for the operation of all three of the abovementioned Kite Surfing Schools, but in doing so specifically excluded the use of the Attadale foreshore location, sharing the Councils concern regarding the possible negative impacts that might result given the proximity of the Attadale foreshore location to a marine conservation area.

P13/3443 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)

In addition to the above, in March 2013 the SRT granted approval for the operation of a Stand Up Paddle Board lessons and tours at Point Walter Spit.

All of the above schools were granted temporary approval for a 12 month period and are generally restricted in numbers to two instructors and four students at any one time.

Scheme Provisions

MRS Zoning/Reservation	:	'Parks and Recreation' Reserve
CPS 5 Zoning/Reservation	:	Not applicable
R-Code	:	Not applicable
Use Type	:	Recreation
Use Class	:	Not applicable

Site Details

Lot Area	:	Not applicable
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

DETAIL

Approval is sought from the SRT to conduct Kite Surfing lessons at Point Walter Spit, Bicton. The application has been referred to the City by the SRT for its recommendation.

Two instructors and two assistant instructors, teaching a total of four students are proposed. A maximum of six kites will be used at any one time.

The days and times of the classes are subject to weather conditions. Generally, conditions at Point Walter are favourable with easterly winds between 6am and 10am between November and March.

The business offers a five hour beginner package; which is divided into three lessons. The first lesson is a one hour safety session. The other two, two hour sessions teach the rider how to fly a kite in the water safely. These lessons may be conducted between both Point Walter and the previously approved Melville Beach, Applecross.

No advertising, flags or shelters are proposed.

P13/3443 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)**PUBLIC CONSULTATION/COMMUNICATION**

The City is not required to undertake public consultation as the SRT are the determining authority for the application. Furthermore there are no residential properties within the immediate area surrounding the Point Walter Spit.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

STATUTORY AND LEGAL IMPLICATIONS

As planning approval is not required from the City, CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and as to whether it conforms to proper and orderly planning.

The City of Melville Property Local Law applies in relation to commercial use of any reserve.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property', together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental implications anticipated as a result of this application.

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

P13/3443 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The City is being requested to provide a recommendation and comment on the application to the SRT.

The Council can elect to support or recommend refusal of the proposal. The SRT are not bound by the recommendation made by the Council.

COMMENT

In recent months, the City has considered a number of proposals for Kite Surfing tuition at both Point Walter Spit and Melville Beach Parade, as well as at a location adjacent to the Attadale Foreshore.

The implications of the activities proposed by these applications have been duly considered by both Officers and Elected Members, and the various referral applications from the SRT have been treated on their merits, with comments provided accordingly.

This has resulted in approvals being granted by the SRT for Kite Surfing tuition for two schools at Melville Beach, and for three schools at Point Walter Spit. Active licences therefore exist to ensure that tuition is offered to those persons that require it, and to that end it is demonstrated that the City has acted responsibly in ensuring that there is such tuition available, in the interests of encouraging safe and active recreational use and diversity within the River Foreshore areas.

In its previous consideration of these various Kite Surfing Tuition proposals, the City took into account the availability of car parking. In addition, the City considered the various safety issues that accrue from activities of this nature, for both participants and bystanders alike, and also factored in the likely environmental impacts.

It is considered that the conclusions reached, and the comments that have been provided to the SRT to date, have been proper and correct, and in the best interests of our community.

The fact remains however, that it would be inappropriate to continue to endorse the operation of more and more Tuition Schools in these key locations, as at some point the level of activity that results from the operation of such schools is excessive, causing congestion between competing users, to the detriment of amenity, and compromising safety levels.

It is considered that in the absence of a guideline or management plan, issued by the SRT, and against which the impacts of activities of this nature can be assessed, that saturation point is reached at both Melville Beach and Point Walter Spit.

P13/3443 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)

In its consideration of the subject proposal, the DoT, who is a consultee of the SRT in the same way that the City is, has commented as follows:

'DoT Navigational Safety comments are provided from a marine safety perspective and we have expressed safety concerns regarding overcrowding of popular sights. Additional applications for kite surfing schools at Point Walter would only compound these concerns and compromise safety for all aquatic users of the area.'

In that vein, it is recommended that the City does not support the grant of any additional licenses for Kite Surfing Tuition Schools to operate at Point Walter Spit, and that the SRT be advised as such.

CONCLUSION

It is considered that the City has acted responsibly in its previous support of Kite Surfing Tuition Schools at Point Walter Spit. However, there is a concern that any further increase to the number of schools in operation at that location may result in overcrowding, reducing amenity levels, and compromising safety for all users.

It is recommended therefore that the SRT be advised that the City of Melville does not support the grant of any further licences at Point Walter Spit unless it can be demonstrated that safety, and amenity, is not compromised.

OFFICER RECOMMENDATION (3443)**NOT SUPPORT**

That the Swan River Trust (SRT) be advised that the City of Melville does not support the proposed kite surfing tuition operation at Point Walter Reserve as the City is concerned that this would potentially result in congestion, compromise safety levels for all users of the River foreshore areas, and be detrimental to amenity.

The SRT is advised that the City is not prepared to support further proposals for commercial hire and/or tuition activities within the foreshore areas pending review of its Management Plan for these foreshore reserves that are under the City's control.

P13/3443 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)**Reject and Replace**

At 7.42pm Cr Schuster moved, seconded Cr Macphail –

At 8.01pm Cr Aubrey left the meeting and returned at 8.03pm.

At 8.06pm Cr Macphail left the meeting and returned at 8.08pm.

That the Officer Recommendation be rejected and replaced with the following –

- 1 The Swan River Trust be advised that the City of Melville supports the proposed kite surfing tuition operations at Point Walter Reserve ,subject to:**
 - (a) the approvals being for 12 months from the date of Swan River Trust approval;**
 - (b) the applicants seeking and obtaining any necessary licensing permits from the City for use of its land;**
 - (c) the City liaising with the Swan River Trust, Department of Transport, Department of Parks and Wildlife and other relevant agencies and develop a Council policy that could inform the capacity of the river foreshores in the City to cater for commercial ventures of this kind, whilst protecting the environment and the safety of other foreshore users; and**
 - (d) this Council policy to also canvass how commercial venture approvals could be allocated in the event of capacity limits.**
- 2 The Swan River Trust be further advised that the City is not prepared to support further proposals for commercial hire and/or tuition activities within the foreshore areas pending the development of a suitable policy as referenced to in item (c) above.**

At 8.12pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

For: Cr Aubrey, Cr Foxton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds,
Cr Robartson, Cr Schuster, Cr Willis.

Against: Mayor Aubrey, Cr Barton, Cr Taylor-Rees.

Reasons for Reject and Replace

Cr Schuster provided the following reasons in support of the Reject and Replace motion –

1. the activity appears to be well constructed and is part of educating the community to use the river and foreshore appropriately;
2. the activities encourage people of varying ages to undertake healthy physical activities (potentially in a safer environment than would be available in the Indian Ocean);
3. the proponents have made suitable commitments in respect to how they will interact with other river and foreshore users;
4. the Council will apply suitable conditions through permits to the activities that require the use of City controlled land to take place;
5. the proposed amendment supports the process around capacity setting that I understand is about to commence.

P13/3444 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT, BICTON (REC)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2013-1008
 Property : Point Walter Spit, Bicton
 Proposal : Paddle Board Lessons
 Applicant : John Geyer
 Owner : State of Western Australia
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P13/3370 - Proposed Stand Up Paddle Board Lessons and Tours at The Point Walter Spit - Ordinary Meeting of Council – 19 February 2013.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

<input checked="" type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P13/3444 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT, BICTON (REC)

KEY ISSUES / SUMMARY

- The City's comments are sought by the Swan River Trust (SRT) on a proposal for paddle boarding lessons at Point Walter Spit in Bicton adjacent to the sand bar.
- Paddle boarding involves persons standing on top of a long board and paddling with a single, long armed paddle.
- Planning approval from the City is not required in this instance pursuant to Clause 3.2 of Community Planning Scheme No. 5 (CPS5) as the activity is being undertaken within a Metropolitan Region Scheme Reserve. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- A maximum of six persons per class are proposed, with participants following the shoreline along the spit, stopping before the jetty.
- Consideration of this item was deferred at the October 2013 Meeting of Council due to concerns raised by the Department of Transport in respect of the impacts of additional Kite Surfing Tuition Schools operating from within the Point Walter Reserve.
- In view of this, and given the fact that there are a number of licenced commercial recreational activities/businesses operating within the Point Walter Reserve, there is concern that the addition of more operators will result in congestion from the competing demands of users of the River Foreshore area, to the detriment of safety. For that reason it is recommended that support from the City is not given..



(Note: 1 Red line indicates the area to be used for lessons)

BACKGROUND

In February 2013, Council resolved to inform the SRT that it supports the operation of a Paddle Boarding school and tours subject to conditions. The SRT subsequently granted a 12 month temporary approval to the business.

**P13/3444 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC)**

In addition to the above, in March 2013 the SRT also granted temporary approval for the operation of two Kite Surfing schools at Point Walter Spit.

All of the above schools were granted temporary approval for a 12 month period and are generally restricted in numbers to two instructors and four students at any one time.

Scheme Provisions

MRS Zoning	:	'Parks and Recreation' Reserve
CPS 5 Zoning	:	Not Applicable
R-Code	:	Not Applicable
Use Type	:	Recreation
Use Class	:	Not Applicable

Site Details

Lot Area	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer photo above

DETAIL

The applicant is seeking approval from the SRT to undertake paddle boarding tuition in the vicinity of the Point Walter Spit. The application has been referred to the City by the SRT for its consideration and recommendation.

The applicant is proposing to operate the classes with a maximum of six persons at any one time. The classes are to be run for 1.5 hours between 8-9:30am on weekends.

No advertising, flags or shelters are proposed.

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application. Furthermore there are no residential properties within the immediate area surrounding the Point Walter Spit.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

**P13/3444 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC)****STATUTORY AND LEGAL IMPLICATIONS**

As planning approval is not required from the City, CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and as to whether it conforms to proper and orderly planning.

The City is asked to make recommendations to the SRT and is not the determining authority for the subject application. As such, there is not statutory authority or legal implications for the City.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property' together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City is being requested to provide a recommendation and comment on the application to the SRT.

The Council can elect to support or recommend refusal of the proposal. The SRT are not bound by the recommendation made by the Council.

COMMENTS

In recent months, the City has considered a number of licence proposals referred from the SRT, dealing with a range of recreational activities at key river foreshore locations throughout the City. These include kite surfing tuition at Point Walter and Melville Beach, Paddle Boarding tuition at Point Walter, and more recently the hire of paddle boards and kayaks, also at Point Walter.

The implications of the activities proposed by these applications have been duly considered by both Officers and Elected Members, and the various referral applications from the SRT have been treated on their merits, with comments provided accordingly.

P13/3444 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT, BICTON (REC)

This has resulted in approvals being granted by the SRT for Kite Surfing tuition for two schools at Melville Beach, and for three schools at Point Walter Spit. In addition approval already exists for paddle board tuition at Point Walter. Active licences therefore exist to ensure that demands for tuition in kite surfing and paddle boarding are met, and the City has acted responsibly in that regard.

In its previous consideration of these various licence applications, the City took into account the availability of car parking. In addition, the City considered the various safety issues that accrue from activities of this nature, for both participants and bystanders alike, and also factored in the likely environmental impacts.

It is considered that the conclusions reached, and the comments that have been provided to the SRT to date, have been proper and correct, and in the best interests of our community.

The fact remains however, that it would be inappropriate to continue to endorse the operation of more and more commercial activities in these key locations, as at some point the level of activity that results from the operation of those activities can become excessive, causing congestion between competing users, to the detriment of amenity, and compromising safety levels.

It is considered that in the absence of a guideline or management plan, issued by the SRT, and against which the impacts of activities of this nature can be assessed, that saturation point is reached at both Melville Beach and Point Walter Spit as far as the grant of additional activity licences is concerned.

In that vein, it is recommended that the City does not support the grant of a further licence for paddle board tuition at Point Walter, and that the SRT be advised as such.

CONCLUSION

It is considered that the City has acted responsibly in its previous support of licenced recreational activities at Point Walter. However, there is a concern that any further increase to the level of commercial activities operating within the foreshore area at Point Walter may result in overcrowding, reducing amenity levels, and compromising safety for all users.

On that basis, it is recommended that support for the paddle boarding tuition proposed by this application should not be given.

**P13/3444 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3444) NOT SUPPORT**

That the Swan River Trust be advised that the City of Melville does not support the proposed paddle board tuition operation at Point Walter Reserve as the City is concerned that this would potentially result in congestion, compromise safety levels for all users of the River foreshore areas, and be detrimental to amenity.

The Swan River Trust is further advised that the City is not prepared to support further proposals for commercial hire and/or tuition activities within the foreshore areas pending review of its Management Plan for these foreshore reserves that are under the City's control.

At 8.13pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)

Ward : Bicton/Attadale
 Category : Operational
 Subject Index : Attadale Foreshore Path Realignment
 Customer Index : Attadale Bushland Reserve
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item T13/3425 Attadale Foreshore Path Realignment – Ordinary Meeting of Council 17 September 2013
 Works Programme : 2013-2014
 Funding : \$201,141
 Responsible Officer : John Christie
 Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)**KEY ISSUES / SUMMARY**

- As a result of erosion along a section of the Attadale Foreshore, discussions between the Swan River Trust (SRT), Department of Parks and Wildlife (DPaW; formerly DEC) and the City of Melville (COM) began to find a solution to this issue.
- Three options were considered to resolve the ongoing erosion.
- The option of a managed retreat and realignment of the path was supported by the SRT, DPaW and COM.
- Letters were sent to 420 residents surrounding the area and to the Friends of Attadale Foreshore group, advising of the realignment of the footpath.
- A Special Meeting of Electors was held on Monday, 2 September, 2013, as a result of a request being received by the City.
- Report T13/3425 Attadale Foreshore Path Realignment was presented to the Ordinary Meeting of Council on 17 September 2013.
- Council resolved to note the resolution of the Special Meeting of Electors held on 2 September.
- Council resolved to accept a reject and replace motion to defer consideration of points 2 and 3 of the officer's recommendation pending further discussions at an Elected Member Information Session (EMIS).
- The proposed realignment of the foreshore path was discussed at length at an EMIS on 29 October following a presentation by the Friends of Attadale Foreshore and then the Director Technical Services.
- As a result of no viable new technical information being provided it is recommended that the City proceed with the proposed realignment of the shared use path, as this is the most sustainable option.

BACKGROUND

The following was resolved at the Ordinary Meeting of Council on 17 September 2013:

At 7.02pm Cr Barton moved, seconded Cr Taylor-Rees -

That the Council:

1. Note the resolution of the Special Meeting of Electors held on 2 September, 2013.

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

CARRIED (11/0)

Reject and Replace

At 7.03pm Cr Barton moved, seconded Cr Taylor-Rees –

That the Council reject point 2 and 3 of the Officer Recommendation and defer consideration of the item until after the item T13/3425 Attadale Foreshore Path Realignment, has been presented to an Elected Member Information Session for discussion.

At 7.30pm the Mayor submitted the amendment, which was declared

CARRIED (8/3)

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)**DETAIL**

As resolved by Council at the Ordinary Meeting of Council held on 17 September 2013, this matter was discussed at length at an EMIS on 29 October 2013 following presentations from the Friends of Attadale Foreshore and the Director Technical Services.

There being no new or additional technical information presented that would result in an alternative long term viable solution being identified, it is recommended that the City progress with the realignment of the Attadale foreshore path as planned and contained within the Technical Services capital works program.

Officers believe that the construction of the new path is also considered essential to ensure the ongoing safety of the recreational users of the Shared Bicycle Network pathway as the alternative of riding on Burke Drive is not considered as safe a route for families who currently prefer to use the recreational integrated cycle path network.

PUBLIC CONSULTATION/COMMUNICATION

Letters were sent to 420 residents surrounding the area and the Friends of Attadale Foreshore group, informing residents and the Friends group of the works.

Special Electors Meeting held on Monday, 2 September, 2013.

The Friends of Attadale Foreshore presented to Elected Members and officers at the EMIS on 29 October on behalf of the community.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The SRT, as the managing body for the Riverpark, provided guidance and advice throughout the process. They are responsible for the approval of works within the Riverpark boundary and have identified that the realignment of the foreshore path is the most appropriate solution in this situation.

The City is bound by their permit process and it is not possible to proceed with alternative options, which the SRT do not endorse or recommend. The SRT has already approved and issued a permit for the realignment of the path.

The DPaW, as the neighbouring management authority, was also consulted on this issue. They have also agreed with the SRT that the realignment of the path is the best approach to take.

STATUTORY AND LEGAL IMPLICATIONS

The *Swan and Canning Rivers Management Act 2006* and the *Conservation and Land Management Act 1984* are the relevant Acts that apply to the City.

The funding from Lotterywest and the Department of Sport and Recreation is dependent on the completion of the shared use path being realigned.

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)

FINANCIAL IMPLICATIONS

1. The amount of \$201,000 has been provided in the 2013/2014 budget to realign a section of the Attadale shared use pathway.
2. The amount of \$100,000 in funding has also been obtained from Lotterywest and the Department of Sport and Recreation Trails grants fund. This funding may not be guaranteed if an alternative option is selected and the scope of works change from the City's original proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Further delays in the realignment of the path will affect public safety due to the lack of a permanent path.	Moderate consequences which are likely, resulting in a High level of risk	Retain signage and fencing redirecting cyclists and walkers around damaged area.
That if a boardwalk is constructed instead of the path realignment there is a risk of further erosion and inundation which may result in damage to or loss of the structure.	Moderate consequences which are likely, resulting in a High level of risk.	Realign the path.

POLICY IMPLICATIONS

Environmental Policy CP-030 outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

1. Cease all works and wait for ratepayers to find an alternative solution and perhaps funding. Implications of this option are:
 - (a) Disruption to the community due to the continued closure of the shared use path.
 - (b) No guarantee if or when the community will be able to deliver an alternative solution.
 - (c) Expert opinion from the relevant government agencies has already been received and further investigation is unlikely to identify feasible alternatives.
 - (d) Potential loss of \$100,000 in grant funding.
2. Install a recycled plastic boardwalk with marine grade footings. Two stages have been quoted for. Stage 1 would cover the existing eroded shared use path; Stage 2 may need to be implemented if the remainder of the foreshore path erodes as anticipated.

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)

Estimated budget Stage 1: \$272,000

(127.6m x 3.3m wide)

(a)	Indigenous consultation	\$40,000
(b)	Detailed design	\$25,000
(c)	Boardwalk	\$135,000
(d)	Footings (marine grade)	\$51,000
(e)	Site Protection	\$3,000
(f)	Site prep works	\$18,000
	TOTAL	\$272,000

Estimated budget Stage 2: \$501,000

(310m x 3.3m wide)

(g)	Boardwalk	\$328,000
(h)	Footings	\$124,000
(i)	Site Protection	\$3,000
(j)	Site prep works	\$46,000
	TOTAL	\$501,000

Stage 1 & 2 TOTAL \$773,000

The implications of this option are:

- (a) Costs to the City will increase by about \$572,000.
- (b) The City will need to request a variation to the conditions of the \$100,000 Lotterywest grant, which may not be granted.
- (c) The project will be delayed by approximately 12 months or more as the City progresses detailed design, Section 18 approvals, SRT permit negotiations and procurement, by which stage the summer weather window for installation will have passed, prompting further delays.
- (d) As a result of the continued movement of the water towards Burke Drive, the boardwalk structure may become unstable or unusable.

CONCLUSION

As a result of the river being a dynamic system and the pressures being placed on it by rising water levels, increased boat activity and more severe storms, a managed retreat is considered the most viable option for this particular area.

The City has secured funding of \$100,000 which will reduce the costs to the City to rectify the problem. There is agreement from the SRT and DPaW who are major stakeholders in the management of this area that the realignment of the path is the best outcome for the environment and the protection of City infrastructure.

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)

This area of shared use path has not been available to the community for the past 12 months and any delays to this work may cause further frustration to those who utilise this area of foreshore.

The City has a clear responsibility to provide environmentally sound solutions that provide value for money, fulfil its legal obligations and satisfy community need. The three options considered would all have satisfied one or more of these requirements; however, the realignment of the shared use path is the only one that satisfied all three.

Cr Barton presented a procedural motion as below:

At 8.14pm Cr Barton moved, seconded Cr Taylor Rees –

That the Item T13/3445 - Attadale Foreshore Path Realignment be adjourned to be considered at the first meeting of the Council after the Special Meeting of Electors for the purpose of “The Proposed Attadale Reserve Footpath Construction – Burke Drive”, has been held.

At 8.17pm the CEO left the meeting and returned at 8.19pm.

At 8.24pm the Mayor submitted the motion, which was declared

LOST (2/10)

For: Cr Barton, Cr Taylor-Rees.

Against: Mayor Aubrey, Cr Aubrey, Cr Foxtton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis.

OFFICER RECOMMENDATION (3445)**APPROVAL**

At 8.24pm Cr Reynolds moved, seconded Cr Macphail –

That the Council resolves to endorse the realignment of the shared used pathway on the Attadale Foreshore as contained within the 2013/2014 Technical Services capital works program.

Amendment 1

At 8.25pm Cr Taylor-Rees moved, seconded Cr Barton –

That after the words “...Technical Services capital works program.”, the words “and to instigate rehabilitation measures to the eroded area (from 10m east to 50m west of the fenced dieback area) with the intention of providing future access to pedestrians.” be inserted.

At 8.52pm Mr Tieleman left the meeting and returned at 8.54pm.

At 9.13pm the Mayor submitted the motion, which was declared

LOST (3/9)

For: Cr Barton, Cr Taylor-Rees, Cr Willis.

Against: Mayor Aubrey, Cr Aubrey, Cr Foxtton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster.

T13/3445 - ATTADALE FORESHORE PATH REALIGNMENT (REC)Foreshadowed MotionAmendment 2

At 9.14pm Cr Reynolds moved, seconded Cr Macphail –

- 1 That the Council resolves to endorse the realignment of the shared used pathway on the Attadale Foreshore as contained within the 2013/2014 Technical Services capital works program.**
- 2 That the costing and feasibility of foreshore rehabilitation be considered on the eroded area and adjacent areas of the foreshore in association with the Swan River Trust, Department of Parks and Wildlife and Friends of Attadale foreshore.**

At 9.18pm Cr Foxtan left the meeting and returned at 9.19pm.

At 9.21pm Cr Schuster left the meeting and returned at 9.23pm.

At 9.30pm Ms Young left the meeting and returned at 9.34pm.

At 9.34pm Cr Phelan left the meeting and returned at 9.37pm.

At 9.45pm Mr Hitchcock left the meeting.

At 9.46pm the Mayor submitted Amendment 2, which was declared

CARRIED (10/2)

For: Mayor Aubrey Cr Aubrey, Cr Foxtan, Cr Hill, Cr Macphail, Cr Phelan,
Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis.

Against: Cr Barton, Cr Taylor-Rees.

COUNCIL RESOLUTION (3445)

APPROVAL

At 9.46pm the Mayor submitted the substantive motion as amended -

- 1 That the Council resolves to endorse the realignment of the shared used pathway on the Attadale Foreshore as contained within the 2013/2014 Technical Services capital works program.**
- 2 That the costing and feasibility of foreshore rehabilitation be considered on the eroded area and adjacent areas of the foreshore in association with the Swan River Trust Department of Parks and Wildlife and Friends of Attadale foreshore.**

At 9.46pm the Mayor declared the motion

CARRIED (10/2)

For: Mayor Aubrey Cr Aubrey, Cr Foxtan, Cr Hill, Cr Macphail, Cr Phelan,
Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis.

Against: Cr Barton, Cr Taylor-Rees.

At 9.47pm Mr Hitchcock returned to the meeting.

At 9.47pm Cr Barton left the meeting.

CD13/8057 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Community Development Policy
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Numerous items have been provided to Council for either review or amendment of current policies. D11/8042 Policy Review – Ordinary Meeting of the Council – December 2011
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Christine Young
 Director Community Development

AUTHORITY / DISCRETION

DEFINITION

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

CD13/8057 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

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

BACKGROUND

The City of Melville has Council Policies which the majority for Community Development were previously reviewed in December 2010. Officers have again reviewed these Community Development policies in 2013 and have now brought the reviewed policies with proposed amendments to Council for consideration. A two yearly review cycle has been implemented to ensure all policies remain current.

DETAIL

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

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

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

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

CD13/8057 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

This report provides comment on policies from the Director Community Development. All policies referred to in this report are provided as:

[8057 CP 028 Physical Activity Policy](#)
[8057 CP 040 Public Health Wellbeing Policy](#)
[8057 CP 038 Discretionary Services Policy](#)
[8057 CP 037 Neighbourhood Development Policy](#)
[8057 CP 002 Stakeholder Relationship Policy](#)

Of the five policies reviewed by the Director Community Development:

Minor change: 2 - as shown below
Some change 3 - as shown below

CP-028 Physical Activity

Minor change that include updated reference to both State and City documents.

CP-040 Public Health and Wellbeing Policy

Minor changes that include updated reference to City documents.

CP-038 Discretionary Services Policy

The policy title has been changed to be the Discretionary Services Review Policy – now including the word review to capture the intent of the policy. The reference to the Social Return on Investment Framework has been removed as this was investigated, piloted, and evaluated and a decision not to progress was made, due to the resource implications of this method. The policy statement has been re-written to more accurately highlight reasoning behind reviews to ensure value for money, and principles and considerations of the Community Benefit Assessment methodology.

CP-037 Neighbourhood Development Policy

The policy title has been changed to the Neighbourhood Development – Community Hub Policy to more accurately reflect the content of the Policy. Minor changes have been included that show updated reference to City documents. An addition has been made to highlight financial sustainability with community assets under aims of community hubs.

CP-002 Stakeholder Relationships Policy

This policy has been renamed to “Stakeholder Engagement Policy” to reflect Engagement as a key aspect of the policy. Removal of operational information and detail has occurred. It also now highlights best practice with emphasis on striving for excellence in the policy objective.

The policy makes reference to the Brisbane Declaration which was developed from the International Conference on Engaging Communities held in Brisbane in 2005 and is a series of statements presented to the General Assembly of the United Nations.

Parts of the policy have been re-written to be more succinct. An operational policy for Stakeholder Relationships will be developed and the definitions included in the Council Policy will be included in this document.

CD13/8057 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

This review of policies has particularly included references to legislation to support the policy position. The policies are consistent with the current Local Government Act 1995 and relevant Regulations.

FINANCIAL IMPLICATIONS**CP-028 Physical Activity Policy**

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

CP-040 Public Health Wellbeing Policy

There are costs associated with the promotion of public health and wellbeing through urban planning, social and physical infrastructure, health protection initiatives, and community programs.

CP-038 Discretionary Services Review Policy

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

CP-037 Neighbourhood Development – Community Hub Policy

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

CP-002 Stakeholder Engagement Policy

There are costs associated with the implementation of the stakeholder engagement policy. Cost savings can be realised through well designed engagement processes which inform good decision making which has sustainable outcomes.

CD13/8057 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

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

CD13/8057 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8057)****APPROVAL**

That the policies reviewed by the Director Community Development as contained in the following attachments be approved.

[8057 CP 028 Physical Activity Policy](#)

[8057 CP 040 Public Health Wellbeing Policy](#)

[8057 CP 038 Discretionary Services Review Policy](#)

[8057 CP 037 Neighbourhood Development - Community Hub Policy](#)

[8057 CP 002 Stakeholder Engagement Policy](#)

At 9.47pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

M13/5330 - CITY OF MELVILLE ANNUAL REPORT 2012-2013 (AMREC) (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 : M12/5258 - City of Melville Annual Report 2011-2012: Ordinary Meeting of Council 20 November 2012
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officers : Kylie Johnson
 Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

M13/5330 - CITY OF MELVILLE ANNUAL REPORT 2012-2013 (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents the 2012-2013 Community Annual Report for Council's acceptance.
- The Community Annual Report includes the following aspects required by the Local Government Act 1995; reports from the Mayor and Chief Executive Officer (CEO); overview of future plans including major initiatives; financial report for the financial year; prescribed information 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; and details of entries made under section 5.121 regarding complaints against Council Members.
- In accordance with the Local Government Act 1995 section 5.54 the Community Annual Report is to be accepted by absolute majority decision.

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 be accepted by the Local Government no later than 31 December after that financial year, and is to be by absolute majority decision.

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. The Annual Report is required to be prepared and printed in time for that meeting.

Like the 2011-2012 Annual Report, this year's report takes the form of a 'Community Annual Report' which features a full summary attached, [City of Melville Community Annual Report 2012-2013](#) and an abridged set of Financial Statements. The full set of Financial Statements will be available to ratepayers on request.

M13/5330 - CITY OF MELVILLE ANNUAL REPORT 2012-2013 (AMREC) (ATTACHMENT)**DETAIL**

Section 5.53 of the Local Government Act 1995 requires the Annual Report to contain the following:

- a report from the Mayor;
- 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)

The 2012-2013 Community Annual Report has been prepared and meets the requirements of the Local Government Act 1995. It is designed to report directly on the goals and strategies detailed in the document "The City of Melville Corporate Plan 2012 – 2016". It also references and reinforces the importance of the Strategic Community Plan, which aligns with the Department of Local Government and Communities Integrated Planning Framework.

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). The Governance and Compliance Program Manager also completed an audit of the text against the specific legislative requirements and confirmed relevant requirements had been addressed.

It is of relevance that the abridged and complete Financial Statements are reviewed and adopted by the Financial Management, Audit, Risk and Compliance Committee on 11 November 2013, which incorporates question and discussion with the external Auditors. The abridged Financial Statement is reflected in the Community Annual Report, and the full Financial Statement is available on request.

In accordance with section 5.55 of Local Government Act 1995 the CEO 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. The notice will include comment that the Full Financial Statements are available on request.

M13/5330 - CITY OF MELVILLE ANNUAL REPORT 2012-2013 (AMREC) (ATTACHMENT)**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.

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 2013-2014 budget to enable graphic design, publication, promotion and distribution of the Annual Report. As per the previous year, minimal hard copy Annual Reports will be published, and more environmentally responsible distribution methods such as through CD Rom and access via the internet will be utilised.

M13/5330 - CITY OF MELVILLE ANNUAL REPORT 2012-2013 (AMREC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL 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 through assessment by the Governance and Compliance Program Manager.

POLICY IMPLICATIONS

There are no policy implications for Council to consider as part of this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternate options as the production of an Annual Report is a legislative requirement.

CONCLUSION

This Annual Report is a succinct and accurate reflection of the activities undertaken by the City of Melville in 2012-2013, and has been prepared in accordance with legislative and regulatory requirements.

Following Council adoption, this document will be finalised and made available in various formats, including CD Rom, internet and hard copy, for all stakeholders.

An Addendum to this report is provided as an attachment to the Minutes.

[5330 Addendum City of Melville Community Annual Report 2012-2013](#)

M13/5330 - CITY OF MELVILLE ANNUAL REPORT 2012-2013 (AMREC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5330)

ABSOLUTE MAJORITY

At 9.48pm Cr Willis moved, seconded Cr Robartson –

**That the Council, by Absolute Majority Decision, accepts the City of Melville 2012-2013
Community Annual Report
[City of Melville Community Annual Report 2012-2013.](#)**

At 9.48pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY UNANIMOUSLY (11/0)

At 9.49pm Mr L Hitchcock left the meeting

M13/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 17 September 2013 up to and including 21 October 2013 and recommends that the information be noted.

M13/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
839	City of Melville	Community Planning Scheme No 5 Amendment No 67 <i>Development Zone – Mixed Used Precinct, Murdoch Activity Centre</i>	3097870
846	City of Melville	Partial Surrender of Drainage Easement	3131244

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

M13/5000 – COMMON SEAL REGISTER (REC)**FINANCIAL IMPLICATIONS**

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

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

That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 17 September up to and including 21 October 2013, be noted.

At 9.49pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the period ending 30 September 2013 and recommends that the information detailed in the report be noted.
- The low 'Cash' rate and legislative restrictions, continues to result in low returns being achieved on the City's investment earnings.
- Monthly valuations for the City's three remaining Collateralised Debt Obligations (CDOs) shown for September 2013 are based on valuations obtained from CPG Research and Advisory as at 30 September 2013. When compared to the valuations used as at 30 June 2009, CDOs have increased in value by \$938,917.

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)
BACKGROUND

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

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

DETAIL

Summary details of investments held as at 30 September 2013 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2013					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 49,455,306	\$ 49,455,306	\$ 49,455,306	\$ -	0.00%
RESERVE	\$ 75,430,343	\$ 72,512,581	\$ 73,451,498	\$ 938,917	1.24%
TRUST	\$ 390,234	\$ 390,234	\$ 390,234	\$ -	0.00%
CRF	\$ 196,001	\$ 196,001	\$ 196,001	\$ -	0.00%
	\$ 125,471,884	\$ 122,554,122	\$ 123,493,039	\$ 938,917	0.75%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 3,000,000	\$ 82,238	\$ 1,021,155	\$ 938,917	31.30%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
TERM DEPOSIT	\$ 118,325,506	\$ 118,325,506	\$ 118,325,506	\$ -	0.00%
11AM	\$ 1,915,733	\$ 1,915,733	\$ 1,915,733	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 125,471,884	\$ 122,554,122	\$ 123,493,039	\$ 938,917	0.75%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 8,500,000	\$ 8,500,000	\$ 8,500,000	\$ -	0.00%
AA-	\$ 62,920,027	\$ 62,920,027	\$ 62,920,027	\$ -	0.00%
A+	\$ 21,300,000	\$ 21,300,000	\$ 21,300,000	\$ -	0.00%
A	\$ 17,221,212	\$ 17,221,212	\$ 17,221,212	\$ -	0.00%
A-	\$ 12,300,000	\$ 12,300,000	\$ 12,300,000	\$ -	0.00%
BBB+	\$ -	\$ -	\$ -	\$ -	0.00%
NR	\$ 3,000,000	\$ 82,238	\$ 1,021,155	\$ 938,917	31.30%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 125,471,884	\$ 122,554,122	\$ 123,493,039	\$ 938,917	0.75%

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

The following statements detail the investments held by the City for the period ending 30 September 2013. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2013									
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2009 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/09 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$905,347	\$905,347	\$905,347	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$0	\$0	\$0	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$1,010,169	\$1,010,169	\$1,010,169	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$216	\$216	\$216	\$0	On call
					\$1,915,733	\$1,915,733	\$1,915,733	\$0	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$4,800,000	\$4,800,000	\$4,800,000	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$7,500,000	\$7,500,000	\$7,500,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$14,700,000	\$14,700,000	\$14,700,000	\$0	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$9,300,000	\$9,300,000	\$9,300,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$14,300,000	\$14,300,000	\$14,300,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	4.35%	A	\$2,921,212	\$2,921,212	\$2,921,212	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$21,582,941	\$21,582,941	\$21,582,941	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$14,200,000	\$14,200,000	\$14,200,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$12,000,000	\$12,000,000	\$12,000,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$10,521,353	\$10,521,353	\$10,521,353	\$0	Various
					\$118,325,506	\$118,325,506	\$118,325,506	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	4.09%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					\$2,000,000	\$2,000,000	\$2,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.20%	NR	\$1,500,000	\$72,363	\$392,100	\$319,737	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.18%	NR	\$1,050,000	\$9,874	\$314,055	\$304,181	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					\$3,000,000	\$82,238	\$1,021,155	\$938,917	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$125,471,884	\$122,554,122	\$123,493,039	\$938,917	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	\$8,500,000	7%	80%	
AA-	\$62,920,027	\$62,920,027	51%	80%	
A+	\$21,300,000	\$21,300,000	17%	50%	
A	\$17,221,212	\$17,221,212	14%	50%	
A-	\$12,300,000	\$12,300,000	10%	50%	
BBB+	\$0	\$0	0%	20%	
NR	\$3,000,000	\$1,021,155	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	125,471,884	123,493,039	100%		

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	9,300,000	7.53%	7.53%	15%	
BANKWEST (11AM)	11AM	AA-	905,347	0.73%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.73%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	4,800,000	3.89%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	3.89%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,500,000	6.07%	6.07%	15%	
CITIBANK (TERM)	TERM	AA-	14,700,000	11.90%	11.90%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.62%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	1.62%	20%	
ING BANK (TERM)	TERM	A	14,300,000	11.58%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	-	0.00%	11.58%	15%	
MACQUARIE BANK (TERM)	TERM	A	2,921,212	2.37%	2.37%	15%	
NAB (TERM)	TERM	AA-	21,582,941	17.48%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	17.48%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	5.26%	5.26%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	14,200,000	11.50%	11.50%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	12,000,000	9.72%	9.72%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,010,169	0.82%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	216	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	-	0.00%		20%	
WESTPAC (TERM)	TERM	AA-	10,521,353	8.52%	9.34%	20%	
CDO - Various	CDO		1,021,155	0.83%	0.83%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.19%	0.19%		
			123,493,039	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	49,614,895	100%	100%	
	49,614,895	100%		
RESERVE FUNDS				
< 1 year	71,137,443	97%	100%	
< 2 years	314,055	0%	80%	
< 3 years	2,000,000	3%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	73,451,498	100%		

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

Due to the continuing volatility in credit markets worldwide, the default risks associated with two of the City's three CDOs remains elevated.

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 30 September 2013 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2009, valuations obtained from CPG as at 30 September 2013 show that CDOs have increased in value by \$938,917.

The last remaining Lehman Brothers arranged CDO with a face value of \$450,000 remains to be settled.

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5.007 million from CDO investments since 1 July 2007.

The remaining values of non Lehman Brothers arranged CDOs held as at 30 September 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2009)	\$ 82,237
- Estimated Market Value (30 September 2013)	\$ 707,100

Further investment in CDOs is specifically excluded under the City's current Investment Policy.

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

Credit Ratings and Credit Events

Twenty two credit events impacting the City's CDO investments have now been recorded to date. The companies involved are ResCap, PMI Group, AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), 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, Landsbanki, Chemtura, Abitibi and CIT Group.

The City's Remaining CDO Investments:

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5 million Maturing 20/3/14	12 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing, CIT Group, Anglo Irish Bank & PMI Group	-0.1	1.8	Partial loss 8.6% (\$0.129 million) of principal has occurred. Very high likelihood of total default.
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05 million Maturing 20/6/15	10 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

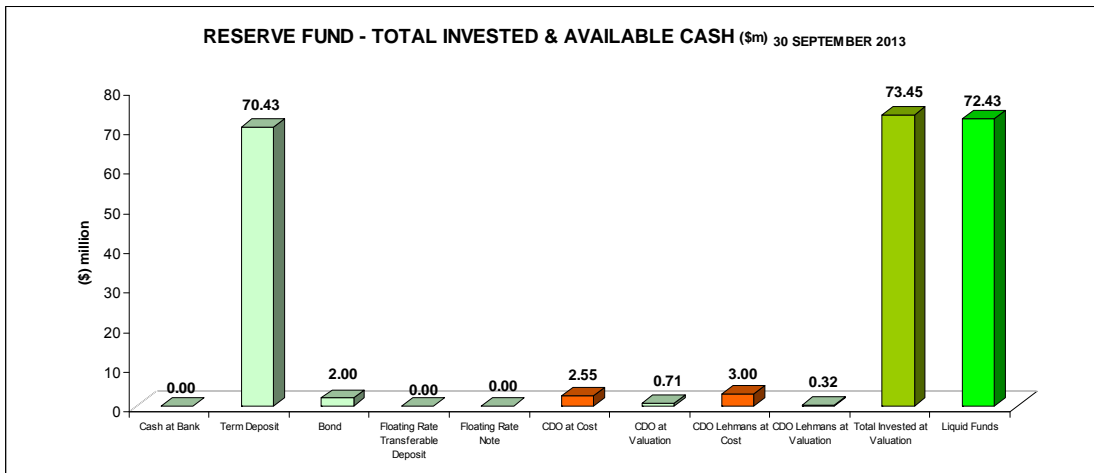
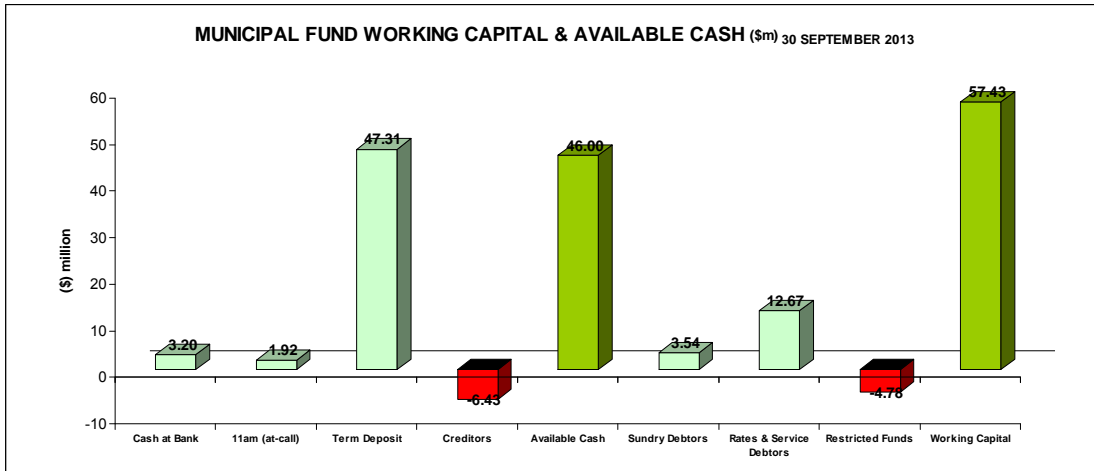
Terminated Lehman Brothers Arranged CDO Investments:

Beryl Finance Global Bank Note 2 \$450,000 Terminated Maturing 20/9/14	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In the process of being unwound and the Trustee disposing of the collateral.
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C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

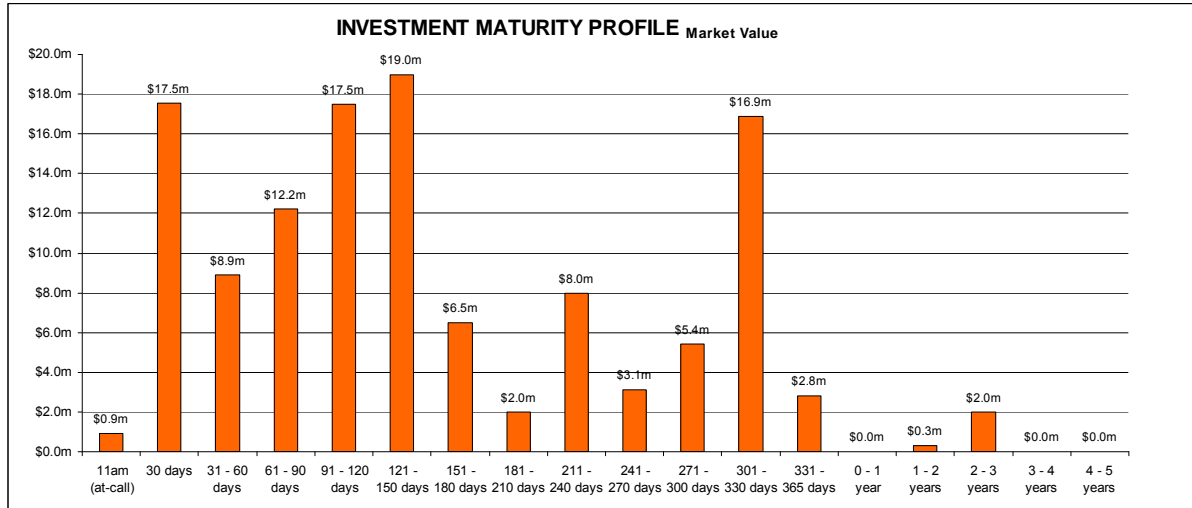
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 30 September 2013.



C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 30 September 2013.



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

City officers are in regular contact with the City's investment advisors, CPG Research and Advisory.

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. Johnson Winter and Slattery (JWS) was successful in seeking an early termination of four of the City's Lehman arranged CDOs, so that on 26 February 2013 the City gained access to the collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)

In conjunction with approximately 71 other corporations and local government authorities, the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the litigants, the legal process is lengthy. Lehman Brothers USA through purchase of Lehman Brothers Asia has established themselves as a creditor with sufficient voting rights to control any Scheme of Arrangement with creditors. It is currently unclear as to the position they will adopt in respect to appealing the legal decisions which to date have favoured the litigants.

FINANCIAL IMPLICATIONS

For the year ending 30 September 2013:

- Investment earnings on Municipal and Trust Funds were \$302,555 against a budget of \$355,250 representing a \$52,695 negative variance.
- Investment earnings on Reserve accounts were \$777,413 against a budget of \$575,000. This represents a \$202,413 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

Due to the Reserve Bank of Australia (RBA) reductions in the 'Cash' rate and the legislative restrictions that have been placed by State Government, the City's revenue earned from investment earnings is expected to decrease in the foreseeable future.

The City's last remaining Lehman Brothers arranged CDO with a face value of \$450,000 is in the process of being unwound. Whilst the process has been delayed by other actions taken by Lehman Brothers USA, indications are that the City will be repaid the \$450,000 plus some interest.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

The risk of capital loss associated with \$2.55 million of the City's legacy CDO investments is extreme. The risk of capital loss with the balance of the City's investment portfolio is low. The interest rate risk is high due to the short-term nature of the City's investments and the inability due to legislative restrictions to lock into longer dated investments which attract higher interest rates.

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

C13/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2013 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The investment report highlights that, except for the remaining three legacy CDO investments of 2007, the City's investment portfolio is invested in highly secure investments that are returning low but market competitive investment returns. These returns are commensurate with the low level of risk of the portfolio.

Future investment earnings are expected to continue to decrease due to continuing interest rates cuts and legislative restrictions on investment options available to the City.

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

That the Investment Report for the month of September 2013 be noted.

At 9.50pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2013 (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 : 2012/13 Budget
 Responsible Officer : Bruce Taylor – Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of September 2013 and recommends that the Schedule of Accounts Paid be noted.

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2013 (REC)
(ATTACHMENT)**

BACKGROUND

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial Management) Regulations 1996, where this power has been delegated, a list of payments made for each month is to be compiled and presented to Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts for the month ending 30 September 2013 ([6001 September 2013](#)), including Payment Registers numbers, Cheques 371 to 376 and Electronic Funds Transfers batches 310 to 311 were distributed to the Members of Council on 1 November 2013.

Payments in excess of \$25,000 for the month of September 2013 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
AD Engineering	Chq 055567	Custom speed trailer	\$28,096.20
Australia Post Perth	E035780 & E035995	Mail charges for July & August	\$42,264.03
Calibre Coatings Pty Ltd	E035755	External painting at Civic Centre	\$38,049.00
City of Cockburn	E035929	Tip fees for August	\$68,015.71
Crabclaw Holdings Pty Ltd	E035776 & E035993	Building maintenance	\$29,197.59
Dickies Tree Service	E035701 & E035930	Tree lopping services	\$52,992.10
Dowsing Concrete	E036096 & E035917	Concrete works	\$156,240.87
Earthcare Australia Pty Ltd	E035808	Embankment retaining wall and landscape works at Heathcote Reserve	\$152,509.97
Ellenby Tree Farm Pty Ltd	E035740	Trees	\$26,895.00
Engineered Watering Solutions	Chq 055697	Progress claim 1 for floating pontoon at Raffles Hotel Jetty	\$37,968.70
Flexi Staff	E035736 & E035954	Temporary employment	\$31,562.70
Fremantle Trailers	E035900	Heavy duty trailer	\$33,000.00
Hays Specialised Recruitment	E036062 & E035866	Temporary employment	\$42,489.52
Hydroquip Pumps	E035964 & E035743	Service to irrigation pumps	\$37,549.82
Independent Power Systems	Chq 055670	Power upgrade for Piney Lakes Environmental Education Centre	\$67,858.70
Landmark Engineering & Design	E035945 & E035719	Installation of picnic tables and chairs at various Reserves	\$39,408.60
LGIS Liability	E035742	Insurance payments	\$955,880.94
MMM WA Pty Ltd	E035811	Drainage upgrade	\$254,178.00
Natural Area Management & Services	E035908 & E036091	Progress claim 12 for Point Walter restoration project, herbicide treatment & weed control	\$50,747.52
Perfekt Pty Ltd	E035842 & E036051	Consultancy for Disaster Relief project & 8 port upgrade	\$28,347.00
Quayclean Australia Pty Ltd	E035826	Cleaning of Melville Aquatic Fitness Centre, Melville Recreation Centre and AH Bracks Library for August	\$26,769.39
Robinson Buildtech	E035712 & E035938	Building maintenance	\$72,323.26
Sifting Sands	E035915	Maintenance to sand pits	\$26,204.28
Sirsidynix Pty Ltd	E035732	Software renewal	\$32,845.36
South West Group	E035757	Council contributions	\$38,000.00

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2013 (REC)
(ATTACHMENT)**

Supplier Name	Remittance Number	Remittance Details	Amount
Southern Metropolitan Regional Council	E035794 & E036007	RRRC loan repayment for September quarter, MSW gate fees for August, green waste gate fees for August & recyclable fees for August	\$1,217,909.41
Supreme Heating WA	E036074	30% deposit for solar heating at Melville Aquatic Fitness Centre	\$145,499.97
Synergy	E035953 & E035734	Electricity supply	\$345,048.40
Total Eden	E035978 & E035761	Reticulation and irrigation parts	\$27,127.50
Veraison Enterprises Pty Ltd	E035827 & E036038	Cultural optimisation program	\$29,647.20
Water Corporation	Chq's 055663 & 055524	Water usage	\$41,637.08
Western Power	E035731 & E035951	Cash call 8 for Attadale North Project & powder coating of street lights at Ardross West	\$417,274.21

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 adopted Budget as amended by any subsequent Budget reviews.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2013 (REC)
(ATTACHMENT)****CONCLUSION**

This is a regular monthly report for Elected Members' information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)**NOTING**

That the Schedule of Accounts paid for the month ending 30 September 2013, as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 September 2013](#) be noted.

At 9.50pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 30 September 2013 and recommends that they be noted by the Council.
- Budget amendments for the period ending 30 September 2013 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of September 2013 and recommends that they be noted by the Council.
- The City has ended the 2012/13 financial year with a surplus of \$944,344, which is \$855,656 short of the amount budgeted for in the 2013/14 budget.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2013 (AMREC)
(ATTACHMENTS)**

BACKGROUND

The Statements of Financial Activity for the period ending 30 September 2013 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

DETAIL

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

For the period ending 30 September 2013, net operating positive variances of \$2,944,967 and net capital positive variances of \$4,412,419 were recorded.

The unaudited surplus that the City has achieved for the 2012/13 financial is \$944,344 which is \$855,656 short of what was required, to achieve a balance budget for 2013/14 (\$1.8m). This shortfall will be addressed during the 2013/14 mid year budget review.

Variations

A summary of variations and comments are provided in attachment [6002H September 2013](#).

RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2013							
	September Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Health	10,418	5,961	211,722	205,761	3452%	263,590	263,590
Education & Welfare	42,199	85,001	163,406	78,405	92%	326,927	329,835
Recreation and Culture	885,285	2,416,232	2,545,497	129,265	5%	9,701,557	9,861,657
Transport	63,567	1,435,972	1,377,074	(58,897)	-4%	5,478,318	5,354,318
Other Property and Services	1,423,044	284,159	1,634,123	1,349,964	475%	400,476	725,476
	3,537,810	27,109,763	28,798,748	3,038,949	6%	46,106,554	46,470,562
Expenses							
Governance	(1,613,800)	(3,245,770)	(2,908,621)	337,149	-10%	(11,760,677)	(11,862,362)
Law, Order, Public Safety	(308,444)	(973,391)	(889,688)	83,703	-9%	(3,900,624)	(3,928,678)
Education & Welfare	(429,966)	(1,528,805)	(1,380,597)	148,208	-10%	(5,473,488)	(5,667,860)
Community Amenities	(1,917,297)	(5,479,650)	(5,031,046)	448,604	-8%	(19,616,325)	(20,000,146)
Recreation and Culture	(2,373,068)	(7,340,977)	(6,467,409)	873,569	-12%	(28,262,846)	(28,473,370)
Transport	(799,779)	(2,534,374)	(2,000,810)	533,564	-21%	(10,248,296)	(10,367,402)
Other Property and Services	(947,102)	(3,567,065)	(3,239,541)	327,523	-9%	(11,028,916)	(11,028,916)
	(8,537,988)	(26,106,682)	(23,333,724)	4,009,371	-11%	(93,615,109)	(94,661,671)

Revenue

\$55.92m in Rates was raised to 30 September 2013. This is compared with a year to date budget of \$55.93m, resulting in a negative variance of \$6K.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for September 2013.

Budget Amendments

Details of Budget Amendments requested for the month of September 2013 are shown in attachment [6002J September 2012](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2013 (AMREC)
(ATTACHMENTS)**

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$4,809,200 were collected over the course of the month. Rates collection progress for the month of September was on target. As at 30 September 2013, 65% of 2013/14 rates had been collected. This is 3.7% higher than collected for the same time last year.

Total sundry debtor balances decreased by \$542,662 over the course of the month. The 90+ day's debtor balance decreased by \$254,855.

Granting of concession or writing off debts owed to the City

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

No debts were written off under delegated authority, in the month of September 2013.

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

DESCRIPTION	LINK
Rate Setting Statement – September 2013	6002A September 2013
Statement of Financial Activity – September 2013	6002B September 2013
Representation of Net Working Capital – September 2013	6002E September 2013
Reconciliation of Net Working Capital – September 2013	6002F September 2013
Notes on Rate Setting Statement reporting on variances of 10% or greater – September 2013	6002H September 2013
Details of Budget Amendments requested – September 2013	6002J September 2013
Summary of Rates Debtors – September 2013	6002L September 2013
Graph Showing Rates Collections – September 2013	6002M September 2013
Summary of General Debtors aged 90 Days Old or Greater – September 2013	6002N September 2013
Detail of Debts Written Off for the Month – September 2013	N/A

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2013 (AMREC)
(ATTACHMENTS)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

34. Financial activity statement report — s. 6.4

(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

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

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

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

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

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

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

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

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2013 (AMREC)
(ATTACHMENTS)**

The variance adopted by the Council at its Special meeting held on 26 June 2013 to adopt the 2013/2014 Budget, was 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H September 2013](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 September 2013.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

At 9.50pm Cr Schuster moved, seconded Cr Willis –

That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 30 September 2013 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement – September 2013	6002A September 2013
Statement of Financial Activity – September 2013	6002B September 2013
Representation of Net Working Capital – September 2013	6002E September 2013
Reconciliation of Net Working Capital – September 2013	6002F September 2013
Notes on Rate Setting Statement reporting on variances of 10% or greater – September 2013	6002H September 2013
Details of Budget Amendments requested – September 2013	6002J September 2013
Summary of Rates Debtors – September 2013	6002L September 2013
Graph Showing Rates Collections – September 2013	6002M September 2013
Summary of General Debtors aged 90 Days Old or Greater – September 2013	6002N September 2013
Detail of Debts Written Off for the Month – September 2013	N/A

- By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for September 2013, as detailed in attachment [6002J September 2013](#).**

At 9.50pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY UNANIMOUSLY (11/0)

At 9.51pm Cr Barton returned to the meeting.

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. EN BLOC ITEMS

At 9.51pm Cr Reynolds moved, seconded Cr Foxtton -

That the recommendations for items P13/3437, P13/3438, P13/3444, CD13/8057, M13/5000, C13/6000 and C13/6001, be carried En Bloc.

At 9.51pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**17.1 Durdham Crescent Residents Visitors Permit**

At 9.52pm Cr Taylor-Rees moved, seconded Cr Robartson -

That Cr Taylor-Rees be permitted to present to Council a Motion Without Notice relating to Durdham Crescent Residents Visitors Permit.

At 9.52pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (11/1)

For: Mayor Aubrey, Cr Aubrey, Cr Barton, Cr Foxtton, Cr Hill, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Taylor-Rees, Cr Willis.

Against: Cr Macphail.

COUNCIL RESOLUTION**ABSOLUTE MAJORITY APPROVAL**

At 9.55pm Cr Taylor-Rees moved, seconded Cr Barton –

At 10.00pm Cr Reynolds left the meeting and returned at 10.02pm.

That the Council approves that one visitor's parking permit per residential address can be issued to each residential address on Durdham Crescent or Angove Lane Bicton, for the three parking permit bays in Durdham Crescent.

At 10.03pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/1)

For: Mayor Aubrey, Cr Barton, Cr Foxtton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Taylor-Rees, Cr Willis.

Against: Cr Aubrey.

17.1 Durdham Crescent Residents Visitors Permit (Continued)Reasons for Motion

Cr Taylor-Rees provided the following reasons in support of the motion.

“The original motion has facilitated two permits per residential address linked to vehicle registrations. This proposed notice of motion broadens this to also include one visitors permit per residential address. This was the intention of the original motion and in the spirit of the discussion.”

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 10.04pm.