

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

20 SEPTEMBER 2011

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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CONTENTS PAGE

Item Description		Page Number
ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE - 22 AUGUST 2011		
Discussions With The City's Investment Advisors – Denison Financial Advisory		10
URBAN PLANNING		
P11/3240	Proposed Departure from Approved Plans by Removing the Privacy Screening and Allowing the Opening in the Wall to the Outdoor Active Habitable Space (Alfresco) at 37 Roberts Road, Attadale	11
P11/3242	Change of use to Small Bar at Lot 18 (360) Marmion Street, Melville	21
P11/3243	Three Storey Single House at Lot 89 (11) Canning Beach Road, Applecross	33
P11/3244	Corpus Christi College Master Plan – 50 Murdoch Drive, Murdoch	43
P11/3246	Final Adoption Urban Planning Policies Stage 4	49
P11/3247	Final Adoption Urban Planning Policies (Stage 5) - Precinct and Local Area Policies	54
P11/3248	Final Adoption Urban Planning Policies (Stage 5) - Residential Development Policy	60
P11/3249	Final Adoption Urban Planning Policies (Stage 5) - Car Parking (Non Residential) Policy	66
P11/3250	Amendment No 61 to Community Planning Scheme No 5 – Deletion of Clause 5.6: Home Occupations and Inclusion of Home Office, Home Occupation and Home Business as Land Use Classes	75
TECHNICAL SERVICES		
T11/3238	Roads to Recovery Grant Programme Funding - Continuance Beyond June 2014	86
T11/3239	Roe Highway Extension Preferred Concept Design for the Melville Bypass	91
COMMUNITY DEVELOPMENT		
Nil		
MANAGEMENT SERVICES		
Nil		

CORPORATE SERVICES

C11/5000	Common Seal Register	102
C11/6000	Investment Statements July 2011	105
C11/6001	Schedule of Accounts July 2011	119
C11/6002	Financial Statements July 2011	124

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, 20 SEPTEMBER 2011.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr C Robartson, Cr R Subramaniam
Cr N Pazolli, Cr P Reidy
Cr A Nicholson, Cr A Ceniviva
Cr J Barton, Cr G Wieland
Cr C Halton
Cr N Foxtton

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Ms E Kania	A/Executive Manager Legal Services
Mr P Prendergast	Manager Planning & Development Services
Mr P Kellick (From 6.49pm to 8.16pm)	Manager Asset Management
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 14 members of the public and two members from the Press in the Public Gallery.

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

Deputy Mayor Cr M Reynolds University Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr B Kinnell Palmyra/Melville/Willagee 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 Ms S Bourke, Melville

Question 1

"P11/3242 – Change of Use Small Bar

Was my property's proximity to the shops taken into consideration? It doesn't appear so, when I read page 20 of the Minutes, amenity impacts, paragraph 2."

Response

His Worship the Mayor read out the response prepared by the Manager Planning and Development Services as follows –

The proximity of unit 3/69 Coleman Crescent was taken into consideration as part of the assessment undertaken in respect of this development proposal. The report states:

"The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5.

The location of the proposed bar within a parade of local shops, means that there are no shared party boundaries with noise sensitive properties. As such, and given the scale of the use proposed, it is considered that adverse amenity impacts are unlikely to result.

This view is reinforced by the existence of strict liquor licensing requirements which will have to be met in respect of responsible sale of alcohol, positive house management practices, and so on. In addition the use will be required to operate in accordance with the requirements of the Noise Regulations, compliance with which will ensure adverse amenity impacts caused by noise from the premises is avoided. "

It is a recommendation that if approved, the small bar use will be regulated and managed to ensure that its operations are undertaken without prejudice to residential amenity levels. This will be achieved via the imposition of planning conditions to ensure:

- No alfresco dining use after 10pm
- All external doors to be kept closed after 10pm
- Windows to be kept closed at all times
- No deliveries before 7am Monday to Saturday, and 8am Sunday, and
- No external waste disposal after 10pm.

6. QUESTION TIME (Continued)**6.2 Ms C Kranz, Bicton**

Questions submitted by Ms Kranz were taken on notice as Ms Kranz was not in attendance at the meeting. A response will be provided in writing to Ms Kranz from Mr Steve Cope, Director Urban Planning, and the details contained in that response will be included in the Agenda and Minutes of the Ordinary Meeting of Council of 11 October 2011.

6.3 Ms J Swindells, Bicton

Questions submitted by Ms Swindells were taken on notice as Ms Swindells was not in attendance at the meeting. A response will be provided in writing to Ms Swindells from Mr Steve Cope, Director Urban Planning, and the details contained in that response will be included in the Agenda and Minutes of the Ordinary Meeting of Council of 11 October 2011.

6.4 Mr G Marshall, MelvilleQuestion 1

Questions regarding summary details of investments held at 31 July 2011

Summary by Fund: I would like clarification of the five headings in regard to different values shown ie Items 1, 3 & 4 show no change since 30 June 2010, while Item 2 (Reserve) I cannot reconcile the figures, apart from the Profit/Loss being column 3 minus column 2?

- *What is a book value?*
- *What is a market value?*
- *What is the current value given we appear to be entering another global financial predicament since 31 July 2011?*

What are all these values based on?

Response

The Director Corporate Services responded by saying that book value is the value that the investments are recorded in the City of Melville's accounts at. For the purposes of determining the book value the City has adopted a conservative position being the lowest value attributed to the CDO's received since the advent of the Global Financial Crisis.

Market value is the end of month value placed on the Investments are advised by the City's investment advisors.

The current value of the CDO's as at the end of August 2011 show a book profit of \$4,445,758 which is approximately \$1.3 million less than 31 July 2011.

The values used are those provided by the City's investment advisors and in turn they receive them from the arranging banks who have pricing models that enable them to determine the values.

6. QUESTION TIME (*Continued*)**6.4 Mr G Marshall, Melville (*Continued*)**Question 2

I have a similar question in regard to Summary by Investment Type?

Response

The Director Corporate Services responded by saying that the summary by investment type is simply another view of the same investments as shown in the Summary by Fund and the columns have the same meaning.

Question 3

I question the credit ratings given in view of the Credit Ratings Agencies having been discredited during the GFC.

Response

The Director Corporate Services responded by saying that the City shares your concerns over the validity of the initial credit ratings given by credit rating agencies for some of the products the City owns however, the three major credit rating firms are used throughout the world to rate Countries and Corporations and are the best available information that we have to go on.

Question 4

What is the relationship between \$82,835,944 under the first three summaries and the same amount the next two summaries. They appear to relate to entirely different products?

I will not attempt to venture into the final two summaries.

Response

The Director Corporate Services responded by saying that the summaries you refer to are simply the same information but compared to various aspects of the City's Investment Policy which places limitations on various aspects of the investments which require the investments to be diversified According to credit risk, or institution so we don't "have our eggs all in one basket" or terms of maturity. The detailed listing of investments shows all the institutions that the City has money invested with.

The following subsequent response was provided for Mr Marshall who indicated that the first part of question 1 had not been answered to his satisfaction.

6. QUESTION TIME *(Continued)*

6.4 Mr G Marshall, Melville *(Continued)*

The values on 1, 3 and 4 (of the Summary by Fund) have not changed as they are not market priced investments and will be held to maturity so there is no need to value them each month. The values for item 2 will change on a monthly basis as these are market priced investments and therefore will fluctuate according to what the market believes is an appropriate price. These changes will be reflected in the column Estimated Current Market Value and will also alter the Book Profit(Loss) amount.

6.5 Mr R Petterson, Leeming

Questions submitted by Mr Petterson were taken on notice. A response will be provided in writing to Mr Petterson from Mr John Christie, Director Technical Services, and the details contained in that response will be included in the Agenda and Minutes of the Ordinary Meeting of Council of 11 October 2011.

7. AWARDS AND PRESENTATIONS

7.1 Presentation of Rates Incentive Prizes

His Worship the Mayor presented rates incentive prizes to the winners.

His Worship the Mayor invited Mr Angelo Daniele, representative from Westpac Bank, to present the first prize winner of a \$3,000 Westpac Account.

The Prize Winners of the 2011/2012 Rates Incentive Prizes are as follows -

Westpac prize winner - Mr and Mrs Farrell of Attadale

Stockland prize winner - Mr Singh of Mount Pleasant (not in attendance)

Le Beau Day Spa winner - Mr Meston of Willagee

Lifestyle Services winner - Ms Cook of Mount Pleasant (not in attendance)

Matters of Taste winner - Mr and Mrs Knight of Kardinya

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF COUNCIL – 16 AUGUST 2011 Min 16 August 2011

COUNCIL RESOLUTION

At 6.56pm Cr Wieland moved, seconded Cr Reidy -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 16 August 2011, be confirmed as a true and accurate record.

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

CARRIED (11/0)

8. CONFIRMATION OF MINUTES (Continued)**8.2 NOTES OF AGENDA BRIEFING FORUM – 6 SEPTEMBER 2011**
Notes 6 September 2011**COUNCIL RESOLUTION**

At 6.56pm Cr Halton moved, seconded Cr Subramaniam-

That the Notes of Agenda Briefing Forum held on Tuesday, 6 September 2011, be received.

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

CARRIED (11/0)

8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (FMARC) – 22 AUGUST 2011**COUNCIL RESOLUTION**

At 6.56pm Cr Barton moved, seconded Cr Halton -

That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 22 August 2011 be noted.

NB:

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

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

CARRIED (11/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- P11/3242 Cr Halton – Interest under Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Deputy Mayor, Cr M Reynolds
- Cr P Reidy

At 6.56pm Cr Robartson moved, seconded Cr Halton -

That the application for new leave of absence submitted by Cr M Reynolds and Cr P Reidy on 20 September 2011 be granted.

At 6.56pm the Mayor submitted the motion which was declared

CARRIED (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS**12.1 Petition – Purchase of Land Situated at 58, 60, 64 Murray Road and 24, 26 Fifth Street, Bicton for the purpose of Public Open Space**

A petition signed by 135 residents and 19 non residents was received by the City of Melville on Tuesday, 6 September 2011. The petition reads as follows -

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that -

The City of Melville purchase the parcel of land situated at 58, 60 , 64 Murray Road and 24, 26 Fifth Street Bicton, for the purpose of creating public open space to benefit the entire Bicton community.

There is currently a 17.63 hectare undersupply of public open space in the suburb of Bicton. If purchased the said parcel of land, totalling area 5039.13 square metres, will be large enough to constitute a Neighbourhood Park under WA Planning Commission’s, Liveable Neighbourhood’s Policy.

Even if the land is purchased, Bicton will remain short of public open space by 171,260.87square metres or approximately eight Subiaco ovals. This shortage will become even more significant when combined with projected 2031 population growth in the City of Melville of between 30,000 and 40,000.”

COUNCIL RESOLUTION

At 6.57pm Cr Subramaniam moved, seconded Cr Pazolli -

That the petition bearing 154 signatures be received, acknowledged and dealt with as part of negotiations with Western Power that are already in progress.

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

CARRIED (11/0)

12. PETITIONS (Continued)

12.2 Petition – Request for Melville Beach Road to be Resurfaced and the Streetscape Upgraded

A petition signed by 121 residents was received by the City of Melville on Tuesday, 20 September 2011. The petition reads as follows -

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that - Melville Beach Road be resurfaced due to its poor condition and the overall streetscape upgraded to a standard befitting of a river precinct. Work on Melville Beach Road appears to be constantly deferred in the City of Melville works program. We want action now!”

COUNCIL RESOLUTION

At 6.57pm Cr Pazolli moved, seconded Cr Subramaniam -

That the petition bearing 121 signatures be received, acknowledged and that the Lead Petitioner be advised that:

As a result of drainage issues on Melville Beach Road and foreshore erosion, Melville Beach Road requires extensive reconstruction work as opposed to a simple resurfacing. Reconstruction works will include increasing the grade of the road and attending to the drainage system that services the road. However, prior to attending to the drainage river bank revetment works were required and petitioners will note that these are currently being undertaken including the provision of new drainage piping.

The design work for the reconstruction of Melville Beach Road is currently in progress and due for completion prior to the end of December 2011.

On completion, the design will be submitted to the Swan River Trust for approval.

The reconstruction works may also require Section 18 approval from the Department of Indigenous Affairs in relation to the Aboriginal Heritage Act 1972.

The approvals process can be quite lengthy and could take at least six months.

Optimal construction weather occurs during the drier months, therefore construction is expected to commence between October 2012 and March 2013.

Due to the complexity and cost of reconstruction, the works are proposed to be staged over a three year period, with stage one being the section between Dee and Nairn Road.

Consideration will be given to enhancing the streetscape as part of the reconstruction design process.

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

CARRIED (11/0)

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER**13.1 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE –
22 AUGUST 2011**

The following is the only item from the Financial Management, Audit, Risk and Compliance Committee meeting that requires consideration by the Council.

**DISCUSSIONS WITH THE CITY'S INVESTMENT ADVISORS – DENISON FINANCIAL
ADVISORY****COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

At 6.58pm Cr Barton moved, seconded Cr Ceniviva -

**That the Council consider bids that are received for CDO Investments that are within
minus five percent of fair value as defined in Council Policy CP-009.**

At 6.58pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

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.

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING THE OPENING IN THE WALL TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) AT 37 ROBERTS ROAD, ATTADALE (REC)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2011-303
 Property : 37 Roberts Road, Attadale WA 6156
 Proposal : Proposed departure from approved plans by removing the privacy screening and allowing opening the opening in the wall to the outdoor Active Habitable Space (alfresco) – 37 Roberts Road, Attadale
 Applicant : Mr P E Neilsen
 Owner : Ms J L Neilsen and Mr P E Neilsen
 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 Planning and Development 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 review decisions made by Officers.</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>

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)**KEY ISSUES / SUMMARY**

- This application is presented to Council for determination at the request of the Chief Executive Officer (CEO), and further to concerns expressed by a third party objector.
- Planning approval was granted for the residential development of 37 Roberts Road on 6 December 2002, with Building Licence approval following on 25 March 2003.
- In May 2009, it was brought to the attention of the City that the development of 37 Roberts Road was not undertaken in strict compliance with the approved plans, in that screening proposed to be erected around the top of a stairwell leading from the raised alfresco entertaining area was not installed, and an opening was created within the northern side elevation of the alfresco area.
- When the City became aware of this breach of its Community Planning Scheme No 5 (CPS5), it was initially concluded that the screening should be provided.
- Efforts to ensure that the screening was implemented retrospectively resulted in the service of a Notice under the provisions of Clause 9.3 of CPS5. No appeal was lodged against the service of this Notice, neither was any further action pursued by the City at that time.
- Despite the service of the Notice, the City made it clear to the proponents that an alternative to the provision of the screening could be sought, although in practice no such alternative was placed before the City.
- The proponents did however request that any compliance action in respect of the requirement for screening be held in abeyance pending the completion of the construction of the dwelling on the adjoining lot at 39 Roberts Road.
- Construction progressed on the adjoining lot, and in November 2010, the whole issue regarding the need for screening was revisited, and alternatives to its provision were investigated.
- It was concluded that given the proposed redevelopment of the adjoining lot at 39 Roberts Road, that the need for screening at 37 Roberts Road was no longer justified in planning terms.
- This view was reached on the basis that the dwelling proposed as part of the redevelopment of the adjoining lot at 39 Roberts Road was designed with no major openings facing the subject property, and the setback area between the boundary of 37 with 39 will act as a service strip only, and not function as an active outdoor habitable open space.
- As such the property under construction at 39 is not capable of being overlooked by the existing property at 37 Roberts Road, which in turn dictates that the screening measures previously considered necessary are now no longer required.
- An Elected Member site visit took place on 4 August 2011. This was held in accordance with the requirements of Council Policy CP-052 “Quasi Judicial Role”.
- It is recommended that the application for planning approval to retain the raised alfresco entertainment area as constructed should be approved, and the Directions Notice previously served should now be withdrawn.

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)



BACKGROUND

Planning approval was granted for the residential development of 37 Roberts Road on 6 December 2002, with Building Licence approval following on 25 March 2003.

The approved details included the creation of a semi enclosed alfresco entertainment area with a northerly aspect towards the River. This was proposed to be located on the ground floor, but notwithstanding this, as the area was raised more than 0.5m above natural ground level, at that time it had the potential to overlook the outdoor living area of the adjoining property located at 39 Roberts Road, contrary to the provisions of the then applicable 2002 version of the R Codes. To address this issue, the plans that were submitted in support of the proposal included the provision of permanent screening along the northern side of the proposed alfresco entertainment area. The provision of such screening meant that that aspect of the development could be made compliant with the privacy provisions of the R Codes, and the Development Approval (DA) was approved on that basis.

In 2009, the City received a DA for the redevelopment of the adjoining lot at 39 Roberts Road. The details initially submitted in respect of this proposal included major openings on the southern elevation overlooking 37 Roberts Road, but as the setback between these major openings and the boundary with 37 fell short of that required under the 2008 R Codes, the applicant was required to amend the plans submitted to either provide the minimum setback required, in this case 4.5m, or incorporate non major openings within the elevation. The latter would enable the setback requirement to be reduced to that proposed by the plans initially submitted.

In this case, the applicant decided to incorporate high level window openings within the elevation, and keep the side setback at the distance proposed. Amended plans were subsequently prepared and submitted to the City for consideration. These plans were approved by Council on 18 August 2009.

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)

In considering the proposal to redevelop 39 Roberts Road, it was brought to the attention of the City that the raised alfresco entertainment area at 37 Roberts Road, as depicted on the approved plans, had not been constructed to incorporate screening along its northern side elevation. Communication between the City and the owners of 37 Roberts Road Mr and Mrs Neilson, concluded on May 31 2010 with the service of a Directions Notice to require the screening to be provided. The period within which an appeal to the State Administrative Tribunal (SAT) could be lodged expired on 28 June 2010. No further action has been pursued by the City since then, and the Directions Notice remains valid.

At the time of the service of the Notice, the City made it clear to the proponents that an alternative to the provision of the screening could be sought. In practice no such alternative was placed before the City although the Proponents did indicate to the City in writing that it was their preference that the City held any compliance action in abeyance pending the completion of the redevelopment of the adjoining lot at 39 Roberts Road, at which time the need or otherwise for the screening could be more accurately assessed.

At the time of the Planning and Building approvals for the redevelopment of the site at 37 Roberts Road, the adjacent lot at 39 Roberts Road was occupied by a modest single storey dwelling. The rear outdoor area of that property was potentially overlooked by the development proposed at 37, particularly from the raised alfresco entertainment area (including its stairwell) referred to previously. The provision of screening as depicted on the approved plans addressed this overlooking concern, and the development at 37 was approved by the City on that basis.

As stated, the screening measures proposed were never implemented on site, which strictly speaking meant that the development constructed at 37 had been in breach of the planning approval granted.

When this issue was brought to the attention of the City in dealing with the DA for the redevelopment of 39 Roberts, it was concluded that notwithstanding the details of the development proposed at 39 Roberts Road, that the screening remained necessary. On that basis a request for it to be implemented retrospectively was made, which ultimately resulted in the service of the Directions Notice in May 2010.

Since the service of the Directions Notice, no further formal compliance action has been taken by the City.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area – BC1
R-Code	:	R15
Use Type	:	Residential
Use Class	:	P – Permitted

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)

Site Details

Lot Area : 816.64 sq. metres
 Retention of Existing Vegetation : Not Applicable
 Street Tree(s) : Not Applicable
 Street Furniture (drainage pits etc) : Not Applicable
 Site Details : See site photo above

DETAIL

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Visual Privacy	7.5 metre setback for a balcony or active habitable space that is 0.5 metres above natural ground level	1.5 metres	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: R-Code requirement
 Support/Object: Object

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)

Submission Received From	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold/Not Uphold/Condition)
39 Roberts Road.	<p>The submitters house (under construction) has two bedrooms and a bathroom that have windows directly overlooked by both the opening in the neighbour's alfresco and their balcony.</p> <p>Concerns are expressed that these rooms will also be affected by noise from the alfresco and balcony due to its close proximity to the boundary.</p>	Objection	<p>The windows referred to are minor openings, the R Code definition of which precludes them from being capable of being overlooked.</p> <p>Not a material planning consideration in the context of privacy screening.</p>	<p>Not Uphold</p> <p>Not Uphold</p>

REFERRALS TO GOVERNMENT AGENCIES

No referrals to external agencies are required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City resolve to refuse the proposal, the application may be the subject of review at the State Administrative Tribunal.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this proposal.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications.

POLICY IMPLICATIONS

There are no policy implications as a result of this development

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is recommended for approval to Council. Council could determine that retrospective planning permission should not be granted for the retention of the development without the need for additional screening, but this course of action is not recommended for reasons outlined within this report.

If Council decided to refuse permission, an appeal to the State Administrative Tribunal may be lodged.

COMMENTS

At the time of the determination of the DA for the development at 37 Roberts Road, the adjoining lot at 39 Roberts Road was occupied by a single storey dwelling, and the raised alfresco area proposed to be included as part of the development at 37 Roberts Road had the potential to overlook the private outdoor living area of the adjoining property, to the detriment of the residential amenity of occupiers of the property.

For that reason, the approved plans depicted the provision of screening to ensure that the ability to overlook the adjoining lot was removed. In doing so the development at 37 Roberts Road could be said to comply with the Acceptable Development provisions of the R Codes, and was approved on that basis.

The original dwelling at 39 Roberts has now been removed, and the site is in process of being redeveloped with a large three storey home. The southern side elevation of the dwelling under construction at 39 Roberts Road is set back 2.3m from the side boundary with 37 Roberts Road. It was initially proposed that this elevation include major window openings to two bedrooms.

In order that these windows complied with the Acceptable Development Provisions of Clause 6.8.1 of the R Codes, which require a minimum setback to such openings of 4.5m, it was necessary for the applicant to either setback the wall 4.5m from the boundary, or amend the window openings to make them minor openings, and retain the setback as proposed at 2.3m.

The applicant elected to do the latter, and the plans submitted in support of his application were amended accordingly. This meant that the southern elevation of the proposed property did not include any major window openings, only minor highlight openings. The wall was therefore assessed in accordance with Table 2a of the R Codes, which assumes there are no major openings capable of being overlooked. The development at 39 Roberts Road was subsequently approved on that basis.

If the southern elevation of 39 Roberts Road does not include any major opening capable of being overlooked, that the existence of the unscreened raised alfresco area located at 37 Roberts Road cannot prejudice the amenity of the future occupants of 39 Roberts Road.

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)

In dealing with applications for residential development where privacy considerations come into play, it is the standard practice of the City's Statutory Planning Team to assess the extent to which any proposed development compromises privacy levels currently enjoyed by occupiers of existing adjoining properties.

In considering the need or otherwise for the screening to the alfresco entertaining area of 37 Roberts Road, it is useful to note that if the City was presented with the development application for the development of 37 Roberts Road today, then notwithstanding the development approved and under construction at 39 Roberts Road, there would be no requirement for screening of the alfresco area.

That is because the side wall of 39 Roberts Road facing 37 Roberts Road would be treated as a wall where direct overlooking of active habitable spaces or outdoor living areas is avoided as:

- There are no major openings located within the said elevation, and
- The area between the boundary of 37 Roberts Road and the building at 39 Roberts Road is a service strip, not an outdoor living area.

CONCLUSION

Notwithstanding the Service of a Directions Notice in May 2010, and despite the fact that the owner of the adjoining lot at 39 Roberts Road will be concerned by the recommendation now proposed, it is considered that there is no justification in planning terms to require the installation of screening to 37 Roberts Road.

As such it is recommended that unconditional retrospective planning consent be granted to retain the dwelling as constructed.

OFFICER RECOMMENDATION (3240)**APPROVAL**

At 6.58pm Cr Wieland moved, seconded Cr Barton -

- A** That the Council grant retrospective planning approval for the retention of the dwelling as constructed at 37 Roberts Road, Attadale.
- B** That the Council withdraw the Directions Notice dated 31 May 2010.
- C** That the objector be advised of (A) and (B) above in writing.

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)

Amendment

At 6.58pm Cr Wieland moved, seconded Cr Barton that resolution (A) of the Officers Recommendation be amended as follows –

- A** That the Council grant retrospective planning approval for the retention of the dwelling as constructed at 37 Roberts Road, Attadale, *subject to the following condition:*
- 1.** *Prior to the initial occupation of the dwelling under construction at 39 Roberts Road, Attadale, the northern elevation of the alfresco is required to be permanently screened with visually impermeable and fixed material to a minimum height of 1.6m above the finished floor level, or an alternative measure is implemented that satisfies Clause 6.8.1 (A1) of the Residential Design Codes to the satisfaction of the Manager Planning and Development Services.*

At 6.58pm the Mayor submitted the amendment, which was declared **CARRIED (11/0)**

Reasons for Amendment

Mediation in respect of this proposal was undertaken on Tuesday 13 September 2011. The session was attended by the applicants and owners of the neighbouring property at 39 Roberts Road. The mediation was facilitated by Peter Prendergast, Manager Planning and Development, assisted by Amanda Templeton, Planning Services Coordinator.

As a result, it was agreed that the applicants will install screening within the side opening of the existing alfresco entertaining area. This will meet the standards required by the privacy provisions of the R-Codes.

Similarly, the objectors have conceded that the stairwell leading from the pool area to the raised alfresco area need not be screened. This position was reached after a discussion about the likely use of the area at the top of the stairs, which is too small to be used as anything else but an access to the alfresco area itself. On that basis it was accepted that given its use, screening of it was unnecessary.

P11/3240 - PROPOSED DEPARTURE FROM APPROVED PLANS BY REMOVING THE PRIVACY SCREENING AND ALLOWING OPENING TO THE OUTDOOR ACTIVE HABITABLE SPACE (ALFRESCO) – 37 ROBERTS ROAD, ATTADALE (REC)

At 6.58pm the Mayor submitted the substantive motion as amended

COUNCIL RESOLUTION (3240)

APPROVAL

A That the Council grant retrospective planning approval for the retention of the dwelling as constructed at 37 Roberts Road, Attadale, *subject to the following condition:*

- 1.** *Prior to the initial occupation of the dwelling under construction at 39 Roberts Road, Attadale, the northern elevation of the alfresco is required to be permanently screened with visually impermeable and fixed material to a minimum height of 1.6m above the finished floor level, or an alternative measure is implemented that satisfies Clause 6.8.1 (A1) of the Residential Design Codes to the satisfaction of the Manager Planning and Development Services.*

B That the Council withdraw the Directions Notice dated 31 May 2010.

C That the objector be advised of (A) and (B) above in writing.

At 6.59pm the Mayor declared the motion

CARRIED (11/0)

P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET, MELVILLE (AMREC) (ATTACHMENT)

Disclosure of Interest

Item No.	P11/3242
Elected Member/Officer	Cr Halton
Type of Interest	Interest under Code of Conduct
Nature of Interest	Friends with Owner
Request	Stay, Discuss & Vote
Decision of Council	Not Applicable

Ward	: Palmyra/Melville/Willagee
Category	: Operational
Application Number	: DA-2011-389
Property	: 360 Marmion Street, Melville
Proposal	: Change of Use from Shop to Small Bar
Applicant	: Mr B P Small
Owner	: Sturt Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: N/A
Responsible Officer	: Peter Prendergast Manager Planning and Development 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 review decisions made by Officers.</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>

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for a change of use from Shop to Small Bar located at 360 Marmion Street, Melville.
- This application requires referral to Council for consideration and determination as it involves the exercise of discretion in respect of the Council Car Parking Policy.
- The Small Bar land use is a 'Use Not Listed' under Community Planning Scheme No. 5 (CPS5) and is therefore a 'D' use which requires Council's discretion to approve.
- The application was advertised in accordance with CPS5. Nine individual submissions and one petition were received. Of the letters received, eight object to the proposal whilst one was submitted in support. The petition received was in support of the proposal, and contained 190 resident and 65 non-resident signatures.
- The proposed Small Bar is to operate between 6pm and 11pm Tuesday and Wednesday and between 6pm and 12pm Thursday to Saturday.
- It is recommended that the application is approved subject to conditions.



**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Community Centre
 R-Code : N/A
 Use Type : Use Not Listed
 Use Class : 'D' use not permitted unless Council exercises discretion and grants approval

Site Details

Lot Area : 148sqm
 Retention of Existing Vegetation : N/A
 Street Tree(s) : N/A
 Street Furniture (drainage pits etc) : N/A
 Site Details : See above aerial photograph

[3242 Plans Small Bar at Lot 18 \(360\) Marmion Street Melville](#)

DETAIL

Development Requirement	Required	Proposed	Comments	Delegation to approve variation	Plan Notation
Car parking	Small bar requires 22 bays.	No on-site parking available, although the centre collectively uses the 72 Council owned bays located immediately adjacent.	Does not comply	Council	

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Use Not Listed is a 'D' use
 Support/Object: Eight Object, one Support and one Petition.

Submission received from	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
5 Submissions from Marmion Street Challenger Place Windfield Road Coleman Crescent	Increased traffic along Marmion Street.	Objection	Marmion street is a busy route accomodating significant levels of traffic. The traffic associated with this proposal is minor when considered against the levels of traffic already accomodated in the immediate vicinity. The proposed Small Bar has a maximum capacity of 72 patrons, and as such will not result in a substantial increase in traffic to and from the site.	Not Uphold

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

	The existing carpark is insufficient to cope with the car parking requirements of existing businesses and parking will overflow on to the surrounding residential streets.	Objection	The parking issues within the centre are acknowledged however the small bar proposed will trade after 6pm when other uses are in the main closed. This means that the specific demand for car parking associated with the proposed small bar use can be readily accommodated from the bank of car parking bays available to the front of the Shopping Centre.	Not Uphold
	The proposal will decrease value of properties.	Objection	Property value is not a material planning consideration.	Not Uphold
	There will be an increase to noise levels in the area due to patrons and music/entertainment.	Objection	Noise levels from the venue, (when measured from any noise sensitive premises located nearby) will be required to comply with the Environmental Protection (Noise) Regulations 1997.	Condition
	Concerned with noise occurring when bottles are thrown into the outside bins late at night.	Objection	As stated above the development is required to comply with Environmental Protection (Noise) Regulations 1997. A condition of approval is recommended to ensure that the abovementioned regulations are complied with.	Condition

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

	Concerned with the amount of premises within the Redwood Shopping Centre which are selling alcohol. This is not in the best interest of the Melville Community.	Objection	The sale and /or consumption of alcohol are not material land use considerations relevant to the determination of this planning application.	Not Uphold
	The operating hours may be extended, causing further strain on car parking for other business within the complex.	Objection	A condition of approval is recommended to limit the hours of operation to that applied for. Any amendment to these hours will require further planning approval.	Condition
	The proposal will impact on the viability of other eatery / drinking premises.	Objection	Competition between similar uses within the local area is not a material planning consideration.	Not Uphold
	The proposed Bar will play an important role in providing a place for the community to socialise.	Support	It is noted that there are no other Small Bars within the surrounding area.	Noted
	The Small Bar use is complementary to the other uses that have been established in the shopping centre.	Support	The shopping centre currently contains a mix of uses which provides day to day amenities for people within the surrounding area.	Noted
	Parking will not be an issues as reciprocal parking arrangements can be applied.	Support	The existence of car parking to the front of the Redwood Centre, coupled with the varied and staggered hours of opening of the various uses that make up the Redwood Shopping Centre, would appear to support this view..	Noted

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)****Petition**

In addition to the public consultation required by CPS5, one petition has been received in support of the application containing 255 signatures, 190 of which reside within the City of Melville.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None applicable.

REFERRALS WITH INTERNAL DEPARTMENTS*Environmental Health Services*

The Applicant has submitted an Acoustic report prepared by a suitably qualified Acoustic Consultant which includes a number of recommendations to ensure the proposed Small Bar complies with the Environmental Protection (Noise) Regulations 1997. This report has been reviewed by the City's Environmental Health Services, who recommend a number of conditions and advice notes in the event that planning approval is granted.

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

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Council Policy 06-PL-024 Car Parking (Non-Residential) does not prescribe a car parking requirement for the Small Bar land use. However it has become the informal practice of Council to apply the same car parking requirement as a Restaurant/Café as the uses are similar. The Restaurant/Café land use requires the provision of one car parking bay per four patrons and one additional car parking bay per staff member.

Based on 72 patrons and four staff members, the total number of bays required is 22.

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could elect to refuse the proposal however this may result in an application for Review to the State Administrative Tribunal.

Alternatively, Council could amend or provide additional conditions of approval.

COMMENT

As indicated above, planning approval is sought for a change of use from a Shop to a Use Not Listed (Small Bar) at 360 Marmion Street, Melville.

The use is proposed to operate daily with the exception of Monday. Hours of operation are 6pm to 11pm Sunday, Tuesday and Wednesday and 6pm to 12pm Thursday to Saturday.

The use will operate with a maximum of 72 patrons and four staff at any one time.

Land Use Matters

The subject site is located within a Community Centre Precinct under the provisions of CPS5. A Small Bar use is a 'Use Not Listed' under the provisions of the Use Classes Table, and is a 'D' use, which means it is not permitted unless Council exercises discretion and grants approval.

The site is located within an established shopping centre (Redwood Shopping Centre) which includes a range of retail and food uses including cafes, a take away business, a bottle shop, a small supermarket and a butcher. The proposed Small Bar use will add to the variety of services available within the Centre. It will add to the viability and vitality of the Centre as it has the potential to increase the number of reciprocal visits to other tenancies within the Centre. In addition, as is evidenced by the petition in support of the proposal, many people are in favour of the application as it will increase the opportunity for socializing within the locality as opposed to other similar venues which are located outside the local area.

Amenity Impacts

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5.

The location of the proposed bar within a parade of local shops, means that there are no shared party boundaries with noise sensitive properties. As such, and given the scale of the use proposed, it is considered that adverse amenity impacts are unlikely to result.

This view is reinforced by the existence of strict liquor licensing requirements which will have to be met in respect of responsible sale of alcohol and positive house management practices. In addition the use will be required to operate in accordance with the requirements of the Noise Regulations, compliance with which will ensure adverse amenity impacts caused by noise from the premises are avoided.

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**Noise Issues

The Applicant has provided an Acoustic report which has considered the potential for noise emissions from the proposed Small Bar and made recommendations to ensure the operation of the bar satisfies the Environmental Protection (Noise) Regulations 1997. The City's

Environmental Health Services has reviewed the report and recommended a number of conditions and advice notes. These include:

- The front door must be kept closed after 10pm, except for when individual patrons are entering/leaving the premises. Door closers must be fitted to the doors for this purpose.
- The rear door must be kept closed after 10pm, except for when individual patrons are accessing the toilets. Door closers must be fitted to the doors for this purpose.
- All of the glass louvered windows must be kept shut at all times.
- The outdoor dining area is not to be occupied after 10pm.

Car Parking

As stated, in accordance with Council Car Parking Policy, the proposed use requires the provision of 22 car parking bays, 18 for customers and four for staff.

In practice the businesses located within the Redwood Centre have no dedicated off street car parking at their disposal. The 72 City of Melville car parking bays located immediately adjacent to the centre do however act as the de facto shopping centre car park, despite the fact that the bays available are not for the exclusive use of the shops or their patrons.

Despite the existence of this car parking facility, there is insufficient car parking for the centre as a whole, when judged against the requirements of Policy 06-PL-024, which requires the provision of 158 bays based on the range of uses that are currently authorised within the Redwood Centre.

An appraisal of the Council owned car park has recently been undertaken by staff of the Technical Services Directorate. This survey was considered necessary given the changes that have occurred .in recent years to the nature of the uses, and their popularity, located within the Redwood Centre, changes that have resulted in additional demands being placed upon the Council owned car parking facility, particularly during peak trading periods.

Whilst it is acknowledged that the number of car parking bays do not strictly speaking meet the requirement for on site car parking for the range of uses at the Redwood Centre, they do satisfy the demand for car parking that results from the day to day operations of the centre.

P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET, MELVILLE (AMREC) (ATTACHMENT)

It is noted that there are no specific restrictions imposed regarding the use of the car parking area per se by the general public. To that end the facility is enjoyed by patrons of other facilities within the vicinity, including the local medical centre. In addition some members of the public use it as a park and ride facility, whilst others use it when visiting owners and/or occupiers of local residential properties. It is considered that this range and level of use is acceptable given its Council owned status. To restrict the use of the car park in favour of patrons of the Redwood Centre only is not considered appropriate, nor is it recommended that a more intensive management regime be introduced to rationalize the use of the car parking as this would present a more onerous financial and management burden on the City.

It is recommended that the car parking area continue to operate as is, and that decisions on planning applications relative to uses within the Redwood Centre should be treated on their individual merit, taking into account the nature of the use, and the likely demand that will result for car parking from it. This is the responsibility of the City as Local Planning Authority, and the subject Small Bar change of use application will be assessed on that basis.

In that vein it is noted that the proposed Small Bar will operate from 6pm onward when the majority of the other tenancies are closed. The table below outlines the car parking requirements for each of the existing businesses within the shopping centre and their hours of operation (the businesses which have operating hours which will overlap the proposed hours of operation for the Small Bar are denoted in bold).

Address	Required parking	Trading Times
344 Marmion St Supermarket	48	8.00am – 6.00pm
346 Marmion St Beautician	10	8.00am – 5.30pm
348 Marmion St Liquor Store	10	10.00am – 8.00pm
350 Marmion St Redwood Café	20	Open until 6.30pm
352 Marmion St Dance Shop	8	9.30am – 5.30pm
354 Marmion St Butcher	8	Open until 6.00pm
356 and 358 Marmion St Blend Café	32 (based 100 seats across both premises after 6pm).	Open until 11.00pm
360 Marmion St Proposed Small Bar	22	6pm – 11pm
362 Marmion St Takeaway	8	4.00pm – 8.30pm

As shown above, the operating hours of four other businesses involve a degree of overlap with the proposed Small Bar ranging from 30 minutes to five hours. An analysis of the car parking demands of these uses concludes that there is a demand for 92 bays, whereas only 72 bays are provided.

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

This 20 bay shortfall represents the worst case scenario and will only occur for a 30 minute period between 6pm and 6.30pm when another cafe closes. After 6.30pm the car parking requirements for the three remaining businesses in conjunction with the Small Bar would be 72 bays, resulting in no shortfall.

In addition to the above, the above car parking shortfall is based upon each of the uses operating at its maximum capacity during this period. It has been noted on a number of visits to the shopping centre that the Redwood Café often closes prior to 6.30pm. Furthermore, by virtue of the nature of the shopping centre, it is anticipated that a large proportion of the visitors to the centre attend more than one premises during their visit. In such cases, there is a degree of informal shared and reciprocal car parking taking place, such that the overall demand for car parking as required by the literal and somewhat crude interpretation of the Council's Car Parking policy already given, is reduced.

Overall, the proposed Small Bar use is considered to be supportable in car parking terms as the proposed hours of operation are whilst the majority of the other tenancies within the shopping centre are closed. Furthermore the location of the Small Bar within the shopping centre allows for the shared use and reciprocation of car parking amongst the tenancies which further reduces the literal requirement for car parking bays per individual tenancy.

CONCLUSION

The proposed change of use to Small Bar at 360 Marmion Street is recommended for approval subject to conditions.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3242)**ABSOLUTE MAJORITY**

At 7.01pm Cr Halton moved, seconded Cr Nicholson -

That the Small Bar at Lot 18 (360) Marmion Street, Melville, be approved by an Absolute Majority decision of the Council, subject to the following conditions and advice notes:

CONDITIONS:

- 1. A maximum of 72 patrons and four staff members may occupy the premises at any one time. This includes patrons occupying the outside alfresco area.**
- 2. The use of the alfresco dining area must cease at 10pm each evening.**
- 3. With the exception of access and egress for staff and patrons, all external doors must be kept closed after 10pm. Self closing mechanisms must be fitted to all external doors for this purpose.**
- 4. All windows must be kept closed at all times.**

**P11/3242 – CHANGE OF USE TO SMALL BAR AT LOT 18 (360) MARMION STREET,
MELVILLE (AMREC) (ATTACHMENT)**

5. There must be no deliveries to the premises prior to 7am Monday to Saturday and prior to 8am on Sunday.

The use hereby approved shall operate to the satisfaction of the Manager Planning and Development Services in accordance with the recommendations of the Acoustic Noise Report submitted as part of the application submission.

6. There shall be no external disposal of waste after 10pm daily.

ADVICE NOTES

1. An alfresco dining licence is required for the use of an alfresco dining area. The applicant is advised to contact Health Services at the City of Melville in respect of such a licence.
2. A separate application for Planning Approval and a Signs Licence is required for all signage.
3. The Environmental Protection (Noise) Regulations 1997 must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the Environmental Protection Act 1986. These regulations can be obtained from www.slp.wa.gov.au
4. This development constitutes a “Food Business” as per Section 107 of the Food Act 2008 and therefore shall comply with the provisions of the Food Regulations 2009 and the Food Safety Standards.
5. This development constitutes a “Public Building” as per Section 173 of the Health Act 1911 and therefore shall comply with the provisions of the Health (Public Building) Regulations 1992.

At 7.16pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY
(8/3)**

P11/3243 - THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2011-678
 Property : Lot 89 (11) Canning Beach Road, Applecross
 Proposal : Three storey single house
 Applicant : Mr A Ciccarelli
 Owner : Mrs C S Parker
 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 Planning and Development 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 review decisions made by Officers.</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>

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for the construction of a three-storey single house on a river-front corner lot.
- The proposal is generally compliant with the requirements of Community Planning Scheme No. 5 (CPS5), the Acceptable Development provisions of the Residential Design Codes (R-Codes) and Council policy, with the exception of the primary street setback, open space, garage setback, side (southern) setbacks and building height.
- The variations were advertised to adjoining neighbours with one letter of objection and one letter of support received. Amendments subsequently made to the proposal have since satisfied the concerns raised by the objector.
- The Applicant has submitted supporting information as part of the application justifying the proposed variations.
- The proposal and its variations are considered to satisfy the relevant Performance Criteria of the R-Codes and objectives of CPS5 however, as a result of the building height variation, the application requires a Special Majority decision of Council.
- The proposal is recommended for conditional approval.



P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area – River Foreshore (RFS)
R-Code	: R12.5
Use Class	: Residential
Use Permissibility	: P - permitted

Site Details

Lot Area	: 720sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer to photo above

[3243 Revised Plans Lot 89 Canning Beach Road Applecross](#)

DETAIL

The proposal satisfies all of the relevant provisions contained within CPS5, the R-Codes and Council policy with the exception of those matters addressed below.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Primary Street Setback	7.5m (avg) 3.75m (min)	<u>GF</u> 7.9m (avg) 2.1m (min) <u>FF</u> 8.1m (avg) 2.1m (min)	Does not comply	MPDS	
Garage Setback	4.5m	3.49m	Does not comply	MPDS	
Open Space	55% (396sqm)	53.8% (387.4sqm)	Does not comply	MPDS	
Building Height	9.0m (max)	10.23m (max)	Does not comply	Council	

*Note: GF – Ground Floor, FF – First Floor, SF – Second Floor

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Side Setback (south)					
GF – Gallery	1.6m	0.814m	Does not comply	MPDS	
FF – Kitchen	2.2m	0.8m – 1.5m	Does not comply	MPDS	
FF Stairs	2.8m	2.0m	Does not comply	MPDS	

(Note: GF – ground floor, FF – first floor)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Two submissions received
 Reason: Variations to R-Codes / CPS5
 Support/Object: One Object, one Support

Submission Received From	Summary of Submissions	Support / Objection	Officer's Comment	Action (Uphold / Not Uphold)
Flanagan Road	Concerns regarding the building height variation and side (west) second floor setback variation of 1.55m in lieu of 2.4m. However, subject to the setback variation being brought into compliance, it was stated that the building height variation will be supported by the submitter.	Objection	The Applicant has submitted revised plans which has redesigned the second floor wall at a minimum setback of 2.55m, thus satisfying the neighbours concern. It is also noted that similar increases to the ground and first floor setbacks were also made which now bring the setback of the entire western elevation into compliance with the Acceptable Development provisions of the R-Codes.	Uphold
Canning Beach Road	No objection to all variations sought.	Support	Noted	Uphold

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes
Reason: Abuts Swan River Trust Development Control Area
Support/Object: No objection – Conditional support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Uphold / Not Uphold)
Swan River Trust	No objection subject to the imposition of standard conditions	Support	Noted.	Condition

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

There are no financial implications applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no specific strategic, risk or environmental management implications applicable.

POLICY IMPLICATIONS

The proposal seeks to vary the building height provisions within Part 4 of CPS5 as guided by Council Policy CP-066: Height of Buildings.

The objective of Policy CP-066 is "...to provide guidance regarding the interpretation and application of building height controls throughout the City, in order to ensure that the height of buildings is consistent with the desired character of the locality, in the interests of residential and visual amenity".

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Approval of this proposal requires a Special Majority decision of the Council. Council may refuse the application or recommend that the proposed development be modified to comply with the maximum heights provided for under CPS5 and Policy. However, in this instance, it is recommended that the proposal be approved as it is not considered to result in any significant adverse impact upon the amenity of occupiers of adjoining properties or the surrounding area, and as such its endorsement will not prejudice the objectives of the Council's Building Heights policy.

Any decision may be subject of review by the State Administrative Tribunal.

COMMENTS

As detailed in the preceding sections above, planning approval is sought for the construction of a three storey single house at 11 Canning Beach Road, Applecross. The subject site is characterised by its river front location, and the subject vacant lot is newly created on the corner of Canning Beach Road and Flanagan Street, resulting from a recent amalgamation and subdivision of two existing lots.

The proposed development satisfies all of the requirements of CPS5, the R-Codes and Council policy with the exception of those matters detailed below.

Side Setbacks (south)

The proposal includes three side setback variations, the details of which are outlined earlier in this report.

These setback variations have been assessed against the performance criteria of Clause 6.3.1 of the R-Codes, and are considered to satisfy these criteria for the following reasons:

- Building bulk has been minimised through the use of varied building materials (i.e. cladding, rendered brick and Colorbond roof) combined with building articulation.
- Bulk impact is further mitigated given the majority of the building presents as a well-articulated two-storey development with only a 9.5m section on the third floor (22% of the length of the rear boundary) facing the adjoining neighbour.
- The majority of the building bulk is situated opposite an area of the neighbouring lot that does not contain any major openings or outdoor living areas. As such, walls the subject of the setback variation will hardly be visible from the neighbouring lot
 - The variation does not result in any privacy implications given no major openings are proposed along the southern façade of the proposal.
 - The variation does not result in an overshadowing impact other than deemed acceptable under the Acceptable Development provisions of the R-Codes, being 25% of an adjoining lot.
 - Adequate levels of ventilation to both the subject and neighbouring properties is achieved.

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)Primary Street Setback

The primary street for the proposed development is Flanagan Road, and whilst a 7.5m average primary street setback is achieved, the minimum setback requirement of 3.75m has not been achieved, this being reduced to 2.1m for a portion of the ground and first floor.

This variation is supported on the basis that:

- Flanagan Road could have been deemed the secondary street, in which case the minimum setback of 2.1m would have been readily acceptable.
- The proposed dwelling is designed and sited to make a positive contribution to the streetscape in accordance with the R-Codes and Council policy.
- The street setback to Canning Beach Road is commensurate with that of a primary street setback requirement, when in actual fact it could have been reduced to 2.0m in accordance with R Code requirements.

Garage setback

The proposal presents a variation to the garage setback requirement of 4.5m being a minimum of 3.49m. Where a variation is sought, the associated Performance Criteria of Clause 6.2.3 requires garages to be setback so as to not detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.

The variation is considered to satisfy the above Performance Criteria based on the following reasons:

- The feature walls mitigate any bulk or dominance the garage may have on the streetscape of Flanagan Road.
- The garage has been designed integrally with the remainder of the dwelling with the first floor level located directly above to further reduce any dominance the garage may have on the streetscape.
- The reduced garage setback does not obstruct the view of the dwelling when viewed from any direction.

Open Space

The proposal seeks a variation to the Acceptable Development provisions of the R-Codes relating to open space of 53.8% (387.4sqm) in lieu of 55% (396sqm).

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)

This modest variation is supported when assessed against the relevant Performance Criteria relating to open space for the following reasons:

- The proposal features a large entry void which features large pivot doors and a first floor raised alfresco and pool entertainment area, both of which create a seamless link between available open space and functional outdoor living areas.
- The 8.6sqm shortfall in open space is adequately catered for by the first floor alfresco and pool area which provides in excess of 70sqm of additional active open space.
- Notwithstanding a primary street setback variation, the abovementioned first floor open space is a key design feature of the dwelling, which will contribute to the maintenance of an attractive streetscape.

Building Height

The majority of the proposed development complies with the building height limits found within Part 4 of CPS5, as supported by Council Policy CP-066 Height of Buildings. However, a portion of the second floor level exceeds the maximum height permitted for a development with a concealed roof, this portion being 10.23m in height in lieu of the prescribed 9.0m.

The variation to height is however supported in this case for the following reasons:

- The variation only relates to a portion of the second floor level.
- The proposed building exceeds the maximum height of 9.0m by only 1.23m. The second floor level is of small area and is designed with a high level of articulation. As such any adverse building bulk impacts are avoided
- The majority of the building is two-storey in design with a roof height of 6.9m. Overall, the average building height of the whole building is approximately 7.8m which is well below the maximum allowable.
- The variation sought will complement the overall building design and enhance its streetscape appeal.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is considered that the proposed development, subject to the imposition of appropriate conditions, satisfies the provisions and requirements of CPS5 and the R-Codes. Accordingly, it is recommended that the conditional approval be granted.

P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD, APPLECROSS (SMREC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3243)****SPECIAL MAJORITY APPROVAL**

At 7.17pm Cr Reidy moved, seconded Cr Ceniviva -

- A** That the application for a Three-Storey Single House at Lot 89 (11) Canning Beach Road, Applecross be approved by a Special Majority decision of the Council subject to the following conditions:

CONDITIONS:

1. Prior to first occupation, all unused crossover(s) are to be removed and the kerbing and road verge reinstated at the owners full cost. All work undertaken to be to the satisfaction of the Manager Planning and Development Services.
2. The development shall be connected to the reticulated sewerage system prior to occupation.
3. Prior to the occupation of the dwelling, stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the City of Melville on advice from the Swan River Trust.
4. In accordance with the provisions of Council Policy “Highly Reflective Roofing Materials”, the materials proposed for use on the development hereby approved must not be highly reflective. The use of Zinalume, white or surfmist coloured metal roofing may only be permitted through the grant of a separate planning approval.

ADVICE NOTES:

1. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area, except with the approval of the Swan River Trust.
2. The applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and harmonise with the river environment.
3. Any queries relating to Special Condition 2 and 3 should be directed to Swan River Trust Environmental Officer quoting reference number SRT3752.

**P11/3243 – THREE STOREY SINGLE HOUSE AT LOT 89 (11) CANNING BEACH ROAD,
APPLECROSS (SMREC) (ATTACHMENT)**

- 4. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.**

B That persons who submitted on the application be notified in writing of A) above.

At 7.19pm the Mayor submitted the motion, which was declared

CARRIED BY SPECIAL MAJORITY (11/0)

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

P11/3244 – CORPUS CHRISTI COLLEGE MASTER PLAN – 50 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)

Ward : City
 Category : Policy
 Application Number : Not applicable
 Property : 50 Murdoch Drive, Murdoch
 Applicant : Edgar Idle Wade Architects
 Owner : Catholic Diocese
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

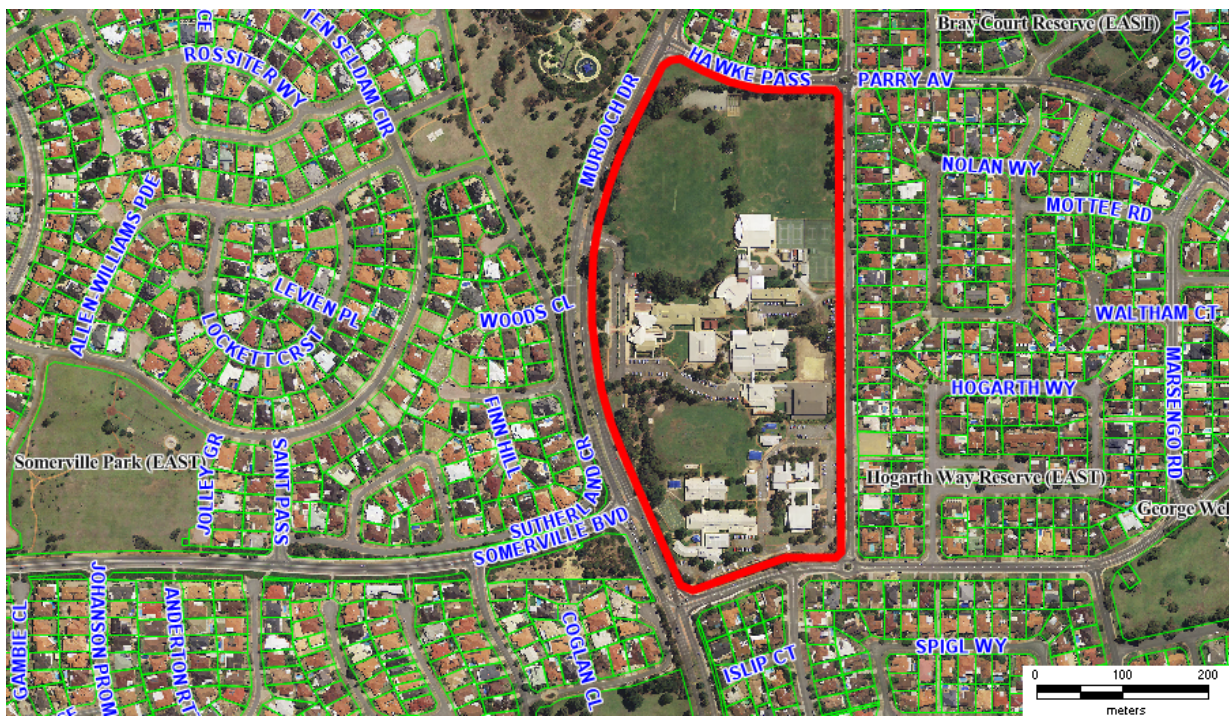
DEFINITION

<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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</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>

**P11/3244 - CORPUS CHRISTI MASTER PLAN – 50 MURDOCH DRIVE, MURDOCH
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies.
- For administrative purposes, Master Plans are classed as Council Policy, as they are relied upon to forward plan the future redevelopment of a site. Master Plans act to provide surety to the way in which a site will be developed in the future, and assist the City when individual development proposals are under consideration.
- There are no specific provisions within CPS5 to enable the adoption of Master Plans. As such, Master Plans are adopted as planning policies pursuant to Clause 9.6 of CPS5.
- A proposed Master Plan relating to the future development of Corpus Christi College has been submitted for the Council's consideration.
- It is recommended that the Council adopt the Master Plan for public consultation pursuant to Clause 9.6 of CPS5 for a period of 21 days.



**P11/3244 - CORPUS CHRISTI MASTER PLAN – 50 MURDOCH DRIVE, MURDOCH
(REC) (ATTACHMENT)****BACKGROUND**

In 2007, approval was granted for the construction of a new Year 7 school block at Corpus Christi College. Condition 1 of this approval stated:

- 1 *Prior to consideration of any future applications for significant development on the combined Corpus Christi College and Yidarra Primary School site, the applicant is to prepare a Master Plan for the future development of the combined site. The Master Plan is to address future development of the site inclusive of future uses for the existing year 7 classrooms at Yidarra Primary School, parking and traffic impacts.*

In May 2011, a similar condition was imposed on another approval for additions to the existing Year 7 classroom block. This condition states:

- 1 *Prior to consideration of any future applications for significant development on the combined Corpus Christi College and Yidarra Primary School site, the applicant to prepare a Master Plan for the future development of the combined site.*

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R12.5
Use Type	:	Educational Establishment
Use Class	:	S use

Site Details

Lot Area	:	147,482m ²
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	See aerial photo above

DETAIL

The proposed future redevelopment of the Corpus Christi College site involves the following:

- Extension to the Sadler Centre which is located adjacent to the existing hard courts and houses the Year 7 students.
- Internal alterations to the Tony Curtis Centre which houses the Year 8 students and is located within the centre of the site.
- Total internal refurbishment and an extension of the Foundation Block which houses the Year 9 students within the centre of the site.
- Internal changes to the Mayne Block located within the centre of the site which houses senior students.
- Potential adaption of the existing James Nestor Auditorium into the senior school block.

**P11/3244 - CORPUS CHRISTI MASTER PLAN – 50 MURDOCH DRIVE, MURDOCH
(REC) (ATTACHMENT)**

- Relocation of the Sports Centre to adjacent to the playing fields.
- Adaption of the existing Sports Centre building into a new Performing Arts Centre.
- Construction of a Visual Arts Centre adjacent to the eastern boundary.
- Relocation of hard courts adjacent to the northern boundary of the site.

Other developments are also listed within the Master Plan as potential future developments, including the extension of the Design Technology Building, a new Cafeteria and College Chapel.

[3244 Corpus Christi College Draft Master Plan](#)

PUBLIC CONSULTATION/COMMUNICATION

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

Pursuant to Clause 9.6(b) of CPS5, should Council resolve to adopt the draft Master Plan for public consultation, the plan will be advertised via a notice in a local newspaper. In addition, it is proposed to consult with all owners/occupiers within a 50 metre radius of the College campus.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The proposed policies and modification do not have regional significance therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

Once finally adopted by Council, the Master Plan will in effect carry the power and weight of CPS5.

FINANCIAL IMPLICATIONS

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

**P11/3244 - CORPUS CHRISTI MASTER PLAN – 50 MURDOCH DRIVE, MURDOCH
(REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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 provide clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

The final adoption of the Master Plan as a planning policy will guide the assessment of future development proposals for Corpus Christi College.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could elect not to adopt the proposed Master Plan for public consultation or could adopt the Master Plan for consultation subject to modifications or amendments.

COMMENT

Despite the conditional requirement to require the Master Planning process to encompass the future development plans for both Corpus Christi College, which occupies the bulk of this lot, and Yidarra Catholic Primary School, which occupies the remainder, the details as submitted relate to the future development plans of Corpus Christi College only.

This is because both schools, whilst sharing a common lot, operate independently of one another as two separate entities.

As such, it is considered that the conditions previously applied to require a comprehensive Master Plan to be prepared across the whole lot, are onerous. The main intent was to require Corpus Christi College to engage in a Master Planning process ahead of any further development of their site. This intent is satisfied by the process now being followed.

The previous conditions of planning approval also required that the Master Plan include traffic and parking assessment. The Master Plan as submitted states that the movement of students to and from the College site will be specifically addressed in the form of detailed Traffic Studies as and when the specific development proposals as highlighted by the Master Plan come forward for detailed planning consideration.

**P11/3244 - CORPUS CHRISTI MASTER PLAN – 50 MURDOCH DRIVE, MURDOCH
(REC) (ATTACHMENT)**

This approach is supported on the basis that it is not feasible at the Master Planning stage to fully appreciate the traffic implications of development proposals without more detailed information. Such information can only be expected to be provided at the detailed planning application stage.

The Master Plan as submitted details the construction of four new buildings to include a new Sports Centre, a Visual Arts Centre, a Cafeteria and a new Chapel. In addition the Master Plan provides information in respect the adaptation, reconfiguration, and extension of the existing buildings on the site. Overall, the future development of the Corpus Christi College site as detailed in the Master Plan is considered to be suitable in terms of the location and scale of the proposed built form, and on that basis it is recommended that the Master Plan be endorsed for advertising.

CONCLUSION

It is recommended that Council adopts the draft Corpus Christi College Master Plan for the purpose of public consultation.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3244)**ADOPTION**

- 1 That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Corpus Christi College Master Plan for public consultation.**
- 2 That a notice be placed in a local newspaper and letters be sent to the adjoining owners and occupiers within a 50 metre radius inviting submissions on the Corpus Christi College Master Plan.**
- 3 That submissions will be received for a period of 21 days from the date of advertising.**

At 7.19pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**P11/3246 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 4) (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not applicable
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P11/3210 Ordinary Meeting of Council 17 May 2011 – Stage 4 Review of Urban Planning Policies
 Responsible Officer : Peter Prendergast
 Manager Planning and Development 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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
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<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>

**P111/3246 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 4) (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- This report relates to the fourth stage of the Urban Planning Policy Review and pertains to three policies which were considered at the Ordinary Meeting of Council held 17 May 2011 and advertised for 21 days on 7 June 2011.
- No submissions were received during the advertising period.
- It is recommended that Council finally adopt the Amenity, Street Numbering, and Architectural and Urban Design Advisory Panel policies subject to minor amendments.
- It is also recommended that final adoption of the Outdoor Advertising and Signage Policy be deferred pending further consideration.

BACKGROUND

CPS5 allows Council to prepare and adopt planning policies to supplement CPS5 provisions and the requirements of the R-Codes.

Planning policies which address technical planning issues need to be adopted under CPS5 and require formal advertising for public comment for 21 days. Following consultation, the policies need to be adopted by Council.

Stage 4 Policy Review

At the Ordinary Meeting of Council held 17 May 2011, Council considered a number of policies and resolved as follows:

1. *That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policies for public consultation and a notice be placed in a local newspaper for a period of 21 days:*
 - (i) *Outdoor Advertisements and Signage*
 - (ii) *Amenity*
 - (iii) *Street Numbering*
 - (iv) *Architectural and Urban Design Advisory Panel*

That the draft Street Numbering Policy be amended by replacing Clause 4.2 with the following:

'Any submissions received will be taken into account in the determination of the application, however the City is not obliged to support the views contained within the submissions and the determination of the application is to be consistent with the objectives of the policy.'

**P11/3246 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 4) (REC)
(ATTACHMENT)**

That the draft Street Numbering Policy be amended to include an additional Clause 4.3 stating:

'4.3 The requirements of the CP-044 Development Advisory Unit policy shall apply to street renumbering applications. This provides the opportunity for applicants or objectors to the street renumbering proposal to have the decision reviewed by the full Council.'

Upon further review, it has been determined that final adoption of the Outdoor Advertisements and Signage policy should be deferred. This policy will be presented to a future Council meeting.

DETAILCommunity Planning Scheme No. 5 Requirements

Clause 9.6(g) of CPS5 requires Council to review planning policies adopted under CPS5 on an annual basis. Since the gazettal of CPS5 in 1999, various policies have been adopted and up to three reviews (of some policies) have taken place.

Whilst annual reviews have not always been undertaken in accordance with CPS5, legal advice indicates that the present policies are still applicable, however until they are reviewed they may not be given as much weight in an appeal as a recently reviewed policy.

Policy Review

This report pertains to the final adoption of the following policies:

- Amenity
- Street Numbering
- Architectural and Urban Design Advisory Panel

[3246 Amenity Policy](#)

[3246 Street Numbering Policy](#)

[3246 Architectural and Urban Design Advisory Panel Policy](#)

PUBLIC CONSULTATION/COMMUNICATION

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

As a result of Council's resolution of 17 May 2011, public consultation was undertaken by advertisement in the Melville Times newspaper on 7 June 2011. This provided for a 21 day public submission period expiring on 29 June 2011.

No submissions were received in respect of the four policies in question.

**P11/3246 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 4) (REC)
(ATTACHMENT)**

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The proposed policies do not have regional significance therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

The review of Council's policies will improve the validity of the policies in review situations by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policies in effect carry the power and weight of CPS5.

Should Council resolve to formally adopt the proposed Street Numbering policy, amendments to the current Street Numbering Local Law will also become necessary to ensure that the two are consistent.

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

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 provide clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

The implication of this and subsequent reports relating to the Policy Review is that Council will have a revised set of planning policies to firmly guide future development in the City.

**P11/3246 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 4) (REC)
(ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could elect not to adopt the proposed Policies or could modify the proposed Policies prior to adoption. It should be noted that any modifications to the policies previously advertised, dependent upon the extent of the changes, may require re-advertising.

It is inappropriate not to review the Policies as their relevance in the consideration of development matters would be diminished over time.

COMMENTS

Since initial consideration by the Council on 17 May 2011, it is recommended that the draft policies be adopted subject to minor modifications, detailed as follows.

Amenity Policy

Minor formatting changes only are proposed to this policy.

Street Numbering Policy

The amendments to Clauses 4.2 and 4.3 (as resolved by Council on 17 May 2011) have been made, as have a number of other minor formatting changes.

Architectural and Urban Design Advisory Panel

Minor modifications to Clause 3.1 have been undertaken to provide an additional sub-clause which requires that developments involving a substantial variation to the Council's Building Height Policy and residential development proposals comprising more than 10 dwellings, should be the subject of consideration by the Panel. The previous policy wording encompassed these two criteria within one sub-clause which was considered unclear. A number of minor formatting amendments are also proposed to this policy.

CONCLUSION

It is recommended that the advertised policies be adopted by the Council in accordance with Clause 9.6(b) of CPS5, subject to the amendments detailed above.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3246) FINAL ADOPTION

- A That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following amended policies:**
- (i) Amenity**
 - (ii) Street Numbering**
 - (iii) Architectural and Urban Design Advisory Panel**
- B That pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5, the Council authorise a notice in a local newspaper circulating within the district advising the final adoption of the policies referred to in A above.**

At 7.19pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**P11/3247 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
PRECINCT AND LOCAL AREA POLICIES (REC) (ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not applicable
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P11/3220 Ordinary Meeting of Council held 21 June 2011 – Stage Five Review of Urban Planning Policies – Precinct and Local Area Policies
 Responsible Officer : Peter Prendergast
 Manager Planning and Development 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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</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>

**P111/3247 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
PRECINCT AND LOCAL AREA POLICIES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- This report relates to the fifth stage of the Urban Planning Policy Review and pertains to eight Precinct and Local Area policies which were considered at the Ordinary Meeting of Council held 21 June 2011 and advertised for a period of 21 days from 12 July 2011.
- No submissions were received in respect of the eight policies in question.
- It is recommended that Council finally adopt the Heathcote Heritage Precinct Signage Strategy, Reynolds Road Local Area Policy, Mixed Business Frame Precinct Additional Development Requirements, Mixed Business Precinct Additional Development Requirements, City Centre Frame Precinct Design Guidelines, Canning Highway Precinct Design Guidelines, Community Concept Plan and Chemists in Medical Centres subject to minor amendments.

BACKGROUND

CPS5 allows Council to prepare and adopt planning policies to supplement CPS5 provisions and the requirements of the R-Codes.

Planning policies which address technical planning issues need to be adopted under CPS5 and require formal advertising for public comment for 21 days. Following consultation, the policies need to be adopted by Council.

Stage 5 Policy Review

At the Ordinary Meeting of Council held 21 June 2011 Council adopted modifications to eight Precinct and Local Area policies for public consultation as follows:

- A *That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the modified Council Policies for public consultation via notice in a local newspaper for a period of 21 days:*
- (i) 28-PL-014 Heathcote Heritage Precinct Signage Strategy*
 - (ii) 28-PL-016 Reynolds Road Local Area Policy*
 - (iii) 28-PL-007 Mixed Business Frame Precinct Additional Development Requirements*
 - (iv) 28-PL-006 Mixed Business Precinct Additional Development Requirements*
 - (v) 27-PL-004 City Centre Frame Precinct Urban Design Guidelines*
 - (vi) 28-PL-004 Canning Highway Precinct Design Guidelines*
 - (vii) 28-PL-005 Community Concept Plan*
 - (viii) 28-PL-013 Chemists in Medical Centres*

**P111/3247 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
PRECINCT AND LOCAL AREA POLICIES (REC) (ATTACHMENT)****DETAIL**Community Planning Scheme No. 5 Requirements

Clause 9.6(g) of CPS5 requires Council to review planning policies adopted under CPS5 on an annual basis. Since the gazettal of CPS5 in 1999, various policies have been adopted and up to three reviews (of some policies) have taken place.

Whilst annual reviews have not always been undertaken in accordance with CPS5, legal advice indicates that the present policies are still applicable, however until they are reviewed they may not be given as much weight in an appeal as a recently reviewed policy.

Policy Review

This report pertains to the final adoption of the following policies:

- Heathcote Heritage Precinct Signage Strategy
- Reynolds Road Local Area Policy
- Mixed Business Frame Precinct Additional Development Requirements
- Mixed Business Precinct Additional Development Requirements
- City Centre Frame Precinct Design Guidelines
- Canning Highway Precinct Design Guidelines
- Community Concept Plan
- Chemists in Medical Centres

[3247 Heathcote Heritage Precinct Signage Strategy](#)

[3247 Reynolds Road Local Area Policy](#)

[3247 Mixed Business Frame Precinct Additional Development Requirements](#)

[3247 Mixed Business Precinct Additional Development Requirements](#)

[3247 City Centre Frame Precinct Design Guidelines](#)

[3247 Canning Highway Precinct Design Guidelines](#)

[3247 Community Concept Plan](#)

[3247 Chemists In Medical Centres](#)

PUBLIC CONSULTATION/COMMUNICATION

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

As a result of Council's resolution of 21 June 2011, public consultation was undertaken by notice in the Melville Times newspaper on 12 July 2011, providing for a 21 day public submission period expiring on 2 August 2011.

No submissions were received in respect of the eight policies in question.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The proposed policies and modification do not have regional significance therefore the WAPC need not be consulted.

**P111/3247 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
PRECINCT AND LOCAL AREA POLICIES (REC) (ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

The review of Council's policies will improve the validity of the policies in review situations by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policies in effect carry the power and weight of 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

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 provide clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could elect not to adopt the proposed Policies or could modify the proposed Policies prior to adoption. It should be noted that any modifications to the policies previously advertised may require re-advertising, although this would depend on the extent of the changes in question.

**P11/3247 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
PRECINCT AND LOCAL AREA POLICIES (REC) (ATTACHMENT)****COMMENTS**

Since the initial consideration of these reviewed policies by the Council on 21 June 2011, and given the consultation exercise that has been followed, it is now recommended that the draft policies be finally adopted for use, subject to minor modifications which are detailed below.

City Centre Frame Precinct Design Guidelines

Minor editorial corrections are proposed to this policy. Additionally, the policy has been amended to remove the duplication of some provisions.

*Mixed Business Precinct Additional Development Requirements**Mixed Business Frame Precinct Additional Development Requirements*

Clause 3: Landscaping has been amended in both policies to emphasise the presumption that exists in favour of the retention of street trees, the removal of which will not be supported unless material development circumstances dictate otherwise. Other than this, only minor editorial corrections are now proposed.

*Reynolds Road Local Area Policy**Heathcote Heritage Precinct Signage Strategy**Chemists in Medical Centres**Community Concept Plan*

Only minor formatting and wording changes are proposed to the abovementioned policies.

Canning Highway Precinct Design Guidelines

Only minor formatting and wording changes are proposed to the abovementioned policies.

The above policies will be further reviewed in conjunction with the introduction of Local Planning Scheme No. 6.

CONCLUSION

It is recommended that the advertised policies be adopted by the Council in accordance with Clause 9.6(b) of CPS5 subject to the amendments detailed above.

**P11/3247 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
PRECINCT AND LOCAL AREA POLICIES (REC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3247) FINAL ADOPTION**

- A That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following amended policies:**
- (i) Heathcote Heritage Precinct Signage Strategy,**
 - (ii) Reynolds Road Local Area Policy,**
 - (iii) Mixed Business Frame Precinct Additional Development Requirements,**
 - (iv) Mixed Business Precinct Additional Development Requirements,**
 - (v) City Centre Frame Precinct Urban Design Guidelines,**
 - (vi) Canning Highway Precinct Design Guidelines,**
 - (vii) Community Concept Plan**
 - (viii) Chemists in Medical Centres**
- B That pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5, the Council authorise a notice in a local newspaper circulating within the district advising the final adoption of the policies referred to in A above.**

At 7.20pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

P11/3248 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – RESIDENTIAL DEVELOPMENT POLICY (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not applicable
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P11/3221 Ordinary Meeting of Council held 21 June 2011 – Stage Five Review of Urban Planning Policies – Residential Development
 Responsible Officer : Peter Prendergast
 Manager Planning and Development 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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</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>

P11/3248 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – RESIDENTIAL DEVELOPMENT POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- This report relates to the fifth stage of the Urban Planning Policy Review and pertains to the modifications to the Residential Development policy which were considered at the Ordinary Meeting of Council held 21 June 2011 and advertised for 21 days on 12 July 2011.
- No submissions were received during the public consultation period.
- It is recommended that Council finally adopt the Residential Development policy as advertised subject to minor amendments.

BACKGROUND

CPS5 allows Council to prepare and adopt planning policies to supplement CPS5 provisions and the requirements of the R-Codes.

Planning policies which address technical planning issues need to be adopted under CPS5 and require formal advertising for public comment for 21 days. Following consultation, the policies need to be adopted by Council.

Stage 5 Policy Review

At the Ordinary Meeting of Council held 21 June 2011, Council adopted modifications to the Residential Development policy for public consultation as follows:

- A *That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the modified Residential Development policy for public consultation via notice in a local newspaper for a period of 21 days.*

DETAILCommunity Planning Scheme No. 5 Requirements

Clause 9.6(g) of CPS5 requires Council to review planning policies adopted under CPS5 on an annual basis. Since the gazettal of CPS5 in 1999, various policies have been adopted and up to three reviews (of some policies) have taken place.

Whilst annual reviews have not always been undertaken in accordance with CPS5, legal advice indicates that the present policies are still applicable, however until they are reviewed they may not be given as much weight in an appeal as a recently reviewed policy.

[3248 Residential Development Policy](#)

P111/3248 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – RESIDENTIAL DEVELOPMENT POLICY (REC) (ATTACHMENT)Residential Design Code (R-Code) Requirements

The Residential Design Codes contain provisions which deal with the adoption of Local Planning Policies as follows:

“5.1 Local planning policies consistent with codes

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

5.2 Pre-existing local planning policies

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

5.3 Scope of local planning policies

5.3.1 Local planning policies may contain provisions that:

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

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

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

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

Policy Review

This report pertains to the final adoption of the modifications to the existing Residential Development policy.

P11/3248 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – RESIDENTIAL DEVELOPMENT POLICY (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

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

As a result of Council's resolution of 21 June 2011, public consultation was undertaken by notice in the Melville Times newspaper on 12 July 2011, providing for a 21 day public submission period expiring on 2 August 2011.

No submissions were received the proposed modifications to the Residential Development policy.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The review of Council's policies will improve the validity of the policies in review situations by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policies in effect carry the power and weight of 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

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 provide clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references.

P111/3248 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – RESIDENTIAL DEVELOPMENT POLICY (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could elect not to adopt the proposed policy or could modify the proposed policy prior to adoption. It should be noted that any modifications to the policies previously advertised, dependent upon the extent of the changes, may require re-advertising.

It is inappropriate not to review the Policies as their relevance in the consideration of development matters would be diminished over time.

COMMENTS

It is recommended that the advertised policy be finally adopted subject to minor modifications which are detailed below:

- Inclusion of a Background section at the start of the policy which describes the residential character of the City of Melville to provide context to the policy, and outlines the pressure that the City's streetscapes face from infill development and increased residential density.
- Inclusion of additional Policy Objectives to encourage innovative residential design, and to accommodate increased density without compromise to streetscape character.
- Amendment to Clause A1.1 (ii) to refer to areas coded R15 or higher, rather than the advertised R12.5 area so to be consistent with the R-Codes.
- Inclusion of Clause A3.1 to replicate the current R-Code requirement to require garages and carports to be located behind the street setback line unless Criteria A3.2 – 3.6 are satisfied.
- Modifications to Clause 3.6 to expand upon the criteria which need to be satisfied where garages and carports are located in front of the building line.
- The addition of A5 (ii) to specify that solid fencing along the Primary Street is supported for 50% of the length of the boundary where the only outdoor living area for the property is located within the front setback.
- Correction of Clause (5) (i) to replicate the R-Codes requirement as local governments do not have the ability to vary this provision.
- Addition of Clause (7) to state that there is a presumption in favour of the retention of street trees, the removal of which for development purposes will generally not be supported. The inclusion of this provision will act as a note of caution to property owners at the start of the design process to take into account the constraints to development presented by the existence of street trees, and highlight the obvious benefits of street tree retention for the assimilation of new development proposals within existing streetscapes.
- The addition of Clause (8) and (9) to make clear the role of Council's Energy Efficiency in Building Design policy and the Crime Prevention Through Environmental Design policy in the design process associated with new residential development proposals.
- Minor editorial additions, corrections and formatting.

**P11/3248 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) –
RESIDENTIAL DEVELOPMENT POLICY (REC) (ATTACHMENT)****CONCLUSION**

It is recommended that the modifications to the Residential Development policy be finally adopted subject to the minor amendments outlined above.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3248) FINAL ADOPTION

- A That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Residential Development Policy.**
- B That pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5, the Council authorise a notice in a local newspaper circulating within the district advising the final adoption of the policies referred to in A above.**

At 7.19pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

P11/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not applicable
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P11/3218 Ordinary Meeting of Council held 21 June 2011 – Stage Five Review of Urban Planning Policies – Car Parking
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P11/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- This report relates to the fifth stage of the Urban Planning Policy Review and pertains to the modifications to the Car Parking (Non-Residential) Policy which were considered at the Ordinary Meeting of Council held 21 June 2011 and advertised for 21 days on 12 July 2011.
- Three submissions were received during the public consultation period.
- It is recommended that Council finally adopt the Car Parking (Non-Residential) policy as advertised subject to minor amendments.

BACKGROUND

CPS5 allows Council to prepare and adopt planning policies to supplement CPS5 provisions and the requirements of the R-Codes.

Planning policies which address technical planning issues need to be adopted under CPS5 and require formal advertising for public comment for 21 days. Following consultation, the policies need to be adopted by Council.

Stage 5 Policy Review

At the Ordinary Meeting of Council held 21 June 2011, Council adopted modifications to the Residential Development policy for public consultation as follows:

- A *That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Draft Council Policy: Car Parking (Non-Residential) for public consultation via a notice in a local newspaper for a period of 21 days "subject to the following modification to Note (c) associated with Table 2: Concessions for Alternative Transport Options:*

The asteric () in Category 2 be recorded as relating to Note (c) and*

P11/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)

Draft Council Policy: Car Parking (Non-Residential) be amended at Table 2: - Concessions for Alternative Transport Options: Note (c) to read –

(c) For the purpose of this Policy, High Frequency bus stops are designated stops on the following roads:

Canning Highway

Riseley Street

Marmion Street

Karel Avenue between Parry Avenue and South Street

South Street

Leach Highway

The above modifications to the policy were made prior to advertising.

DETAIL**Community Planning Scheme No. 5 Requirements**

Clause 9.6(g) of CPS5 requires Council to review planning policies adopted under CPS5 on an annual basis. Since the gazettal of CPS5 in 1999, various policies have been adopted and up to three reviews (of some policies) have taken place.

Whilst annual reviews have not always been undertaken in accordance with CPS5, legal advice indicates that the present policies are still applicable, however until they are reviewed they may not be given as much weight in an appeal as a recently reviewed policy.

3249 Car Parking Non-Residential Policy**Policy Review**

This report pertains to the final adoption of the modifications to the existing Car Parking (Non-Residential) policy.

PUBLIC CONSULTATION/COMMUNICATION

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

As a result of Council's resolution of 21 June 2011, public consultation was undertaken by notice in the Melville Times newspaper on 12 July 2011, providing for a 21 day public submission period expiring on 2 August 2011.

Three submissions were received the proposed modifications to the Car Parking (Non-Residential) policy. The comments outlined within the three submissions all request the removal of Table 2: Concessions for Alternative Transport Options for the following reasons:

P11/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)

Summary of Concerns Raised by Submissions	Officer's Comment	Uphold / Not Uphold
<p>Concern is expressed that infill development has resulted in an increase of on street car parking, and parking of vehicles on verges. This has had an adverse impact on visual amenity, and traffic safety.</p>	<p>The parking concessions available to businesses under the draft provisions of the policy are granted on the basis that the demand for off street car parking can be reduced given the proximity of the development to high frequency public transport facilities, a rail station, a public car park of 50 or more bays, or where development is proposed within an employment centre and bicycle parking is made available. Notwithstanding the availability of off street car parking, provided on-street and verge parking takes place in accordance with the Parking Facilities Local Law and any posted restrictions, then no objection can reasonably be raised to such parking activity.</p>	<p>Not uphold</p>
<p>Parking on streets and verges results in a decrease in traffic safety, affects traffic flow and results in increased congestion.</p>	<p>As stated above, on-street and verge parking is acceptable where it is undertaken in accordance with the requirements of the Parking Facilities Local Law and any posted on street car parking restrictions.</p> <p>Research shows that on-street parking acts as a traffic calming measure which decreases speeds along residential streets.</p>	<p>Not uphold</p>

P11/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)

<p>Car parking reductions will not force people to use public transport nor reduce private vehicle use.</p>	<p>In respect of accessibility to high frequency public transport options, the concessions represent a modest reduction to the standard car parking requirements in situations where public transport is a viable option. Whilst individual users cannot be physically forced to use public transport alternatives, the option for them to do so remains. The practice advocated by the draft policy is consistent with a sustainable development approach, and will only be exercised in scenarios where proximity to alternative transport options supports it. In essence the concessions acknowledge that in locations with high accessibility to public transport, demand for parking bays will be reduced given that a small portion of users of a facility can choose to utilise public transport. By limiting the number of available car parking spaces on site, workers and visitors are encouraged to utilise public transport to access the property.</p>	<p>Not uphold</p>
<p>Car parking reductions will force commercial users of these developments to park in the street or on verges.</p>	<p>Refer to previous comments above.</p>	<p>Not uphold</p>
<p>The policy will allow developers to increase plot ratio.</p>	<p>A reduction in on car parking provision will not result in increased plot ratio. These two issues are.</p>	<p>Not uphold</p>
<p>The policy has not been developed on any fundamental proven planning grounds and is an experiment.</p>	<p>The concession approach is a contemporary response to land use car parking demands. The approach is site specific, and responsive in a more meaningful sense to real parking requirements taking into account accessibility to public transport options, use of alternative transport nodes such as rail and bicycle, and the availability of public car parking. This type of response is evidenced in the Non Residential Car Parking Policies of other Local Governments located throughout the Metropolitan Area, including the Cities of Stirling and Joondalup and the Town of Victoria Park. It is also noted that the scale of the concession proposed in the draft Policy is less than those provided for in the above examples.</p>	<p>Not uphold</p>

P11/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The review of Council's policies will improve the validity of the policies in review situations by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policies in effect carry the power and weight of 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

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 provide clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could elect not to adopt the proposed policy or could modify the proposed policy prior to adoption. It should be noted that any modifications to the policies previously advertised, dependent upon the extent of the changes, may require re-advertising.

It is inappropriate not to review the Policies as their relevance in the consideration of development matters would be diminished over time.

P111/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)**COMMENTS**

It is recommended that the advertised policy be finally adopted subject to minor modifications which include formatting and minor editorial corrections.

An additional land use has also been added to Table 2: Car Parking Ratios for the Small Bar land use as at present the requirements for this land use activity is not stipulated. This will formalise the car parking requirement (one bay per four patrons and one bay per staff member) that is already utilised in the assessment of such applications, a ratio of car parking to customers and staff commensurate with that of a Restaurant/Café use.

CONCLUSION

It is recommended that the modifications to the Car Parking (Non-Residential) policy be finally adopted subject to the minor amendments outlined above.

OFFICER RECOMMENDATION (3249)**FINAL ADOPTION**

At 7.24pm Cr Halton moved, seconded Cr Ceniviva -

- A** That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Car Parking (Non-Residential) Policy.
- B** That pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5, the Council authorise a notice in a local newspaper circulating within the district advising the final adoption of the policies referred to in A above.

Amendment 1

At 7.25pm Cr Wieland moved, seconded Cr Barton -

That Part A and B of the Officers Recommendation be amended as follows:

That in Part A after the words “(Non Residential Policy)” the words “subject to the Policy being modified to provide for removal of reference to Category One and Category Two concessions and associated performance criteria in Table 2 of the Policy” be inserted.

That in Part B after the words “final adoption of the” the words “modified policy” be inserted.

At 7.42pm the Mayor submitted the motion, which was declared

CARRIED (7/4)

P111/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)Reasons for Amendment 1

The Submissions from the public have merit, the proposed policy allowing developers a commercial car parking reduction of up to 20% will deteriorate the City of Melville's streetscape amenity and seriously compromise the Road safety of all users.

- Increasing On-street parking and verge parking through a reduction in off-street parking will reduce site lines for motor vehicle users reversing out of drive ways creating a road safety issue for not only vehicles and pedestrians including children, but also bicycle riders.
- Increased On-street parking forces vehicles to move to the opposite side of the road into on coming traffic, the City of Melville statement in the report referring to this procedure as increasing road safety is seriously flawed at best.
- The City of Melville report states the policy reflects "Contemporary" design but fails to state where this design has actually succeeded in the long term in Western Australia, both of the councils mentioned in the report have not had the policy in place long enough to determine outcomes, if we look at the Eastern States with examples of this type of policy in place by default it has created severe amenity loss.
- This type of policy has not proven nor will it enforce road users to adopt public transport, nor will it force motor vehicle owners to sell their motor vehicles, as previously stated if Eastern States examples such as Sydney are used, even a casual observation would conclude that the majority of dwelling occupiers still own motor vehicles, as the general population still require access to a number of facilities and areas not frequented by public transport.
- The report provides no sound correlation between the policy objectives and provision of public transport.

Amendment 2

At 7.42pm Cr Ceniviva moved, seconded Cr Robartson -

That Part C be added to the Officer Recommendation as follows:

C A further review of the City's Car Parking (Non Residential) Policy be undertaken, focusing on additional examination of the role of alternative transport options and parking concessions in the Policy, with the results of the further review being presented to Council for consideration.

At 7.42pm the Mayor submitted the amendment, which was declared

CARRIED (10/1)

P111/3249 - FINAL ADOPTION OF URBAN PLANNING POLICIES (STAGE 5) – CAR PARKING (NON-RESIDENTIAL) POLICY (REC) (ATTACHMENT)Reasons for Amendment 2

1. Questions raised at the Elected Members Information Session on 13 September 2011 identified the following issues:
 - the intended definition of public parking stations referred to in the draft Policy;
 - the scale of concessions proposed; and
 - the extent and type of public transport catchment areas identified.It is agreed that these matters warrant further investigation, adjustment of the draft Policy provisions specifically relating to possible concessions and presentation of this information to Council for consideration.
2. The draft Policy introduces a number of administrative efficiencies with respect to rationalising a number of existing Policies relating to car parking, cash in lieu of parking and bicycle parking. Adoption of the draft Policy, subject to further consideration of the proposed concessions related to proximity to public transport and proximity to public parking stations, will enable these efficiencies to be realised whilst also providing opportunity for further detailed review of the concept of parking concession.

COUNCIL RESOLUTION (3249)**FINAL ADOPTION**

At 7.43pm the Mayor submitted the substantive motion as amended –

- A** That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Car Parking (Non-Residential) Policy *subject to the Policy being modified to provide for removal of reference to Category One and Category Two concessions and associated performance criteria in Table 2 of the Policy.*
- B** That pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5, the Council authorise a notice in a local newspaper circulating within the district advising the final adoption of the *modified policy* referred to in A above.
- C** *A further review of the City's Car Parking (Non Residential) Policy be undertaken, focusing on additional examination of the role of alternative transport options and parking concessions in the Policy, with the results of the further review being presented to Council for consideration.*

At 7.43pm the Mayor declared the motion

CARRIED (10/1)

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

Ward : All
 Category : Strategic
 Application Number : CPS5-61
 Property : All
 Proposal : Deletion of Clause 5.6: Home Occupations and inclusion of Home Office, Home Occupation and Home Business as land use classes in CPS5
 Applicant : City of Melville
 Owner : Not applicable
 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 Planning and Development 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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</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>

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)**KEY ISSUES / SUMMARY**

- At present, under Clause 5.6 of the Community Planning Scheme No. 5 (CPS5), Home Occupations are treated as licenses which require the issue of an annual renewal.
- The current process requires that all Home Occupation Licences are renewed every 12 months.
- This 12 month time limit on the approval of home occupations is considered onerous as the majority of home occupations involve low impact activities, which have a negligible impact on the amenity of occupiers of neighbouring properties.
- The administrative burden associated with the 12 month renewals process is considerable, and the benefits that accrue from having the 12 month renewal regime in place are questionable given their very low key nature.
- In order that this administrative burden is set aside, whilst ensuring that the amenity impacts of Home Occupation proposals are managed in accordance with Scheme requirements, it is proposed to introduce the Home Business, Home Occupation and Home Office land uses into CPS5. This will result in Home Businesses and Home Occupations requiring planning approval, and remove the need for them to be the subject of an annual licence renewal.
- This requires a Scheme Amendment to CPS5.
- The City will retain its ability to manage and control the impacts that may arise from Home Occupation developments in the same way that it does for any other type of development proposal.
- This is achieved using a thorough and comprehensive assessment approach, backed by an existing framework of Policy and guidelines as provided by CPS5, Council Policies, and State Planning Policies and Guidance.
- The City can impose conditions on any planning approval to regulate how land is used, and how uses operate. In practice such conditions are generally tailored to suit individual circumstances, and applied to planning approvals accordingly.
- Where the impact of a proposed home based business is uncertain, the City can maintain control by imposing a time limit on the validity of any consent issued. In that way the controls available under the present 12 month licence regime are effectively replicated, but in a much more focused and cost effective way.
- In view of the foregoing, Council, at its Ordinary Meeting on 19 April 2011, initiated the proposed amendment to CPS5 for advertising.
- The proposed amendment was advertised on 12 July 2011 for a period of 42 days ending on 26 August 2011. No submissions were received.
- It is recommended that the City finally adopt the proposed Scheme Amendment to CPS5 to delete Clause 5.6 and introduce Home Business, Home Occupation and Home Office land uses into the Scheme text.

BACKGROUND

A Home Occupation is a business operated from a residential property where the property is also utilised as the primary residence for the person who operates the business.

At present there are 116 approved home occupations being operated within the City of Melville. The range of businesses operating as home occupations is varied and includes those such as hairdressers, physiotherapists, lawn mowing, cake baking and piano lessons.

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

Under Clause 5.6 of CPS5, all home occupations are required to obtain approval prior to commencement. Home Occupations are granted as licenses under CPS5 rather than planning approvals as an annual renewal of the approval is required under current Scheme provisions.

Council at its Ordinary Meeting of 19 April 2011, resolved to initiate the proposed Amendment 61 to CPS5 for advertising. The details of the Scheme Amendment were subsequently referred to the Environmental Protection Authority and the Department for Planning and then advertised.

Scheme Provisions

MRS Zoning	:	Not applicable
CPS 5 Zoning	:	Not applicable
R-Code	:	Various
Use Type	:	Not applicable
Use Class	:	Not applicable

Clause 5.6 of CPS5 states:

To preserve the amenity of residential precincts:

- (a) no home occupation may be commenced, established, advertised or undertaken from a residential lot or address unless such use has been approved by the Council;*
- (b) any home occupation shall be a use carried out by an occupier of land and shall not be transferable to any subsequent owner of the land;*
- (c) approval for the establishment of a home occupation shall be for a maximum period of twelve (12) months only and the applicant is to seek renewals thereafter to effect the continuance of the home occupation;*
- (d) if in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood the Council may revoke its approval;*
- (e) the Council may only grant approval for a home occupation where:*
 - (i) that occupation consists of the establishment and conduct of a business/office or consulting room, provided that the Council shall not grant approval to any uses of retail sale, hiring or display of goods of any nature, manufacturing or production of goods, where adverse amenity impacts are likely to occur;*
 - (ii) it does not entail more than one (1) customer or client at any one time other than those members of the immediate family to travel to and from the premises in relation to the business. The Council may grant approval for a home occupation where it does not entail more than three (3) customers. The Council may permit greater than three (3) customers under an absolute majority decision provided that it is satisfied the increase will have no detrimental effect on the locality.*
 - (iii) It does not create injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;*
 - (iv) It does not entail the employment of any person not a member of the occupier family, unless the Council grants special approval;*
 - (v) It does not occupy an area greater than thirty eight (38) square metres;*

**P111/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 –
DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME
OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)**

- (vi) It does not require the provision of any essential service of a greater capacity than normally required for the permitted use of the lot;*
- (vii) It is restricted in advertisement to signs in accordance with Clause 5.10; and*
- (viii) It requires the provision of one on-site parking bay for the client/customer in addition to the domestic requirements on site, such parking bay to be accommodated to the satisfaction of the Council and not disrupting the access of domestic vehicles.*
- (f) Notwithstanding any other provisions of this clause 5.6, approval is not required from the Council where:*
 - (i) the home occupation comprises a business office no greater than 38 square metres;*
 - (ii) no clients, customers or staff other than the occupier family travel to the premises;*
 - (iii) there is no advertising sign on site larger than 0.2 square metres; and*
 - (iv) the home occupation does not prejudicially affect the amenity of the neighbourhood.*

PUBLIC CONSULTATION/COMMUNICATION

Amendment No. 61 was advertised via an advertisement in the Melville Times for public comment for a period of 42 days concluding 26 August 2011. No submissions were received.

REFERRALS TO GOVERNMENT AGENCIES

In accordance with the Council resolution, a copy of Scheme Amendment No. 61 was sent to the Department for Planning and the Environmental Protection Authority and both Agencies supported the advertising of the Amendment.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The 2011/2012 fee schedule sets out a \$209 home occupation application fee and a \$69 annual renewal fee. The \$209 application fee will not change as a result of the proposed scheme amendment however there will no longer be a requirement for an annual renewal. The reduction in income as a result of this change is expected to be \$8,004 per annum however this will be offset by savings in Officers time and general administrative efficiencies.

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

This amendment to CPS5 brings the City of Melville in line with the Department of Planning's Model Scheme Text and is therefore consistent with the proposed Local Planning Scheme No. 6.

POLICY IMPLICATIONS

There are no policy implications as a result of the proposed amendment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose not to adopt the Amendment; however it is recommended that the Amendment be adopted as other measures are available under CPS5 to mitigate the potential adverse effects of the operation of home occupations. Furthermore, the proposed Amendment will reduce the large amount of officer time currently required for the monitoring, reminder and assessment of the annual renewals.

COMMENTS

As outlined above, Home Occupations are not presently granted planning approval under Clause 7.1 of CPS5, but are instead granted licenses under Clause 5.6 as they require annual renewals.

The requirement to obtain an annual renewal is considered to be onerous, as the majority of home occupations involve low impact activities, which have a negligible impact on the amenity of occupiers of neighbouring properties.

The administrative burden associated with the 12 month renewals process is however considerable and the benefits that accrue from having the 12 month renewal regime in place are questionable given the very low key nature of the actual Home Occupation activities.

At present, staff within the Planning and Building Team administer and monitor the expiry period of each of the 116 home occupation approvals that exist across the City. Prior to the expiry of the 12 month approval, a letter is sent to remind the Applicant of the expiry of their Home Occupation licence, and advising that an application for renewal should be submitted.

If the renewal application is submitted prior to the expiry date, the Home Occupation approval is reviewed and a renewal letter is sent out to the Applicant. If the renewal application is not submitted prior to the expiry date, which is often the case, a second letter is sent informing the Applicant that their home occupation has expired, and advising that if the Home Occupation activity is proposed to continue, a new application for it should be submitted to the City for its consideration and approval. If there is no response to that letter, it is assumed that the Home Occupation activity has ceased, and a visit to the premises is necessary to confirm that is the case. If the visit confirms that the activities associated with the Home Occupation continue without the benefit of Home Occupation approval, compliance action can be initiated.

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

As is evident, the whole process regarding the renewal process is time consuming and burdensome, and it delivers limited benefit to the City.

The current renewal application fee for a Home Occupation (restricted by the Department of Planning) is \$69. This is modest, and not reflective of the time and effort that is spent by the City in administering the renewal process associated with it. For this reason, and given the negligible impacts generally associated with Home Occupation activities per se, approval of the Council is sought to adopt a Scheme Amendment to the provisions of CPS5 to delete Clause 5.6: Home Occupations, and introduce the Home Business, Home Occupation and Home Office land uses within CPS5. In doing so, home based businesses will require planning approval pursuant to Clause 7.1 of CPS5, as opposed to a Licence approval, as is the case at present.

The administration, management, and policing of home based businesses will continue to take place to the same extent as it is at present. Controls will not be weakened in any way, as the ability to impose limitations on the longevity of planning approvals in individual cases is assured via the imposition of standard planning conditions. These can be applied by the City to any planning approval issued.

The proposed changes to CPS5 are as follows:

- (1) Inclusion of 'Home Office', 'Home Occupation' and 'Home Business' within Table 1: Use Class Table as follows:

	<i>Living Areas</i>	<i>City Centre</i>	<i>District Centres</i>	<i>Community Centres</i>	<i>Commercial Centre Frames</i>	<i>Mixed Business</i>	<i>Mixed Business Fame</i>	<i>Industry</i>	<i>Leeming Development Precinct</i>	<i>Heathcote Heritage Precinct</i>
<i>Home Business</i>	S	S	S	S	S	X	S	X	X	S
<i>Home Occupation</i>	D	D	D	D	D	X	D	X	X	D
<i>Home Office</i>	P	P	P	P	P	P	P	P	P	P

**P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 –
DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME
OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)**

- (2) Inclusion of definitions of 'Home Business', 'Home Occupation' and 'Home Office' within Schedule 1: Interpretations, as follows:

Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than two people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (g) does not consist of the establishment and conduction of a Sexual Service Business.

Home Occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than two tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (h) does not consist of the establishment and conduction of a Sexual Service Business.

Home office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –

- (a) entail clients, customers or staff travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling; and
- (d) does not consist of the establishment and conduction of a Sexual Service Business.

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

(3) Include 'Home Office' within Clause 7.3: Exclusions of CPS5 as follows:

(k) a 'Home Office'

The above proposed changes to CPS5 will mean that applications for home based businesses, including Home Businesses and Home Occupations will require development approval. Under the proposed Clause 7.3(k), Home Offices will still not require planning approval as per the existing Clause 5.6(f) of CPS5.

The proposed changes to CPS5 will not alter the assessment and control of the effects of home based businesses. Where Council grants approval for the establishment of a Home Occupation or a Home Business, conditions of approval can still be imposed to mitigate the potential impact of these businesses upon the surrounding properties. The standard conditions of Planning Approval the City could impose include:

- *Planning approval for Home Occupation/Home Business is issued only to the Applicant to which the approval is granted and is not transferable to another person or property.*
- *The Home Occupation/Home Business is to be undertaken in accordance with the provisions and definition set out within the City of Melville's Community Planning Scheme No. 5 to the satisfaction of the Manager Planning and Development Services.*
- *The Home Business is not to employ more than two people not members of the occupier's household.*
- *The Home Occupation is not to occupy an area of greater than 20m².*
- *The Home Business is not to occupy an area of greater than 50m².*
- *The Home Business/Home Occupation is not to involve the retail sale, display or hire of goods of any nature.*
- *The Home Occupation is not to employ any person not a member of the occupier's household.*
- *No sign of greater than 0.2m² is to be displayed at the premises.*
- *A maximum of (insert number here) clients per day are permitted to visit the property in accordance with the Applicants submission. A record book of the number of clients visiting the property is to be kept on-site at any time available for inspection.*
- *All materials and/or equipment used in relation to the Home Occupation/Home Business being stored within the residence, shed or rear yard screened from view of adjoining properties and the street.*

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

Whilst annual renewals would no longer be required under the proposed changes to CPS5, Council could, for applications where the potential impacts are uncertain, grant approval for a temporary period only under the existing Clause 7.12(c). At the end of this period a further application for planning approval would be required. The temporary period referred to need not be as long as 12 months. Depending on the level of uncertainty surrounding any given proposal, approval could be granted for a matter of months, as opposed to one year. In this way it could be argued that the changes proposed to be introduced by the Scheme Amendment now proposed, will actually provide the City with a greater level of control in its efforts to manage the impacts of competing land use activities. Furthermore, planning approvals for Home Occupations, Home Businesses and Home Offices are only granted to the Applicant. These planning approvals are not transferable to future tenants or owners of the property.

The above proposed changes to CPS5 will supersede the previously adopted Amendment 55 which sought to amend Clause 5.6 of CPS5 to exclude the establishment and operation of Sexual Service businesses as Home Occupations. Amendment 61 proposes to delete Clause 5.6 of CPS5 in its entirety; however the proposed definitions of Home Business, Home Occupation and Home Office now expressly state that Sexual Services Businesses cannot be approved as a Home Business, Home Occupation or Home Office. Amendment 61 is therefore consistent with the intent of Amendment 55 and will still prohibit Sexual Services Businesses being undertaken within the Living Areas Precincts as Home Occupations.

Should the proposed Amendment 61 be adopted by Council, and ultimately adopted by the Minister, a letter will be sent to the Minister requesting that Amendment 61 supersede Amendment 55. In the interim, Council Policy: "Home Occupations Relative to Sexual Services Businesses" provides the City with the ability to control such businesses.

CONCLUSION

It is recommended that Clause 5.6 of CPS5 be deleted and that the Home Business, Home Occupation and Home Office land uses be incorporated into CPS5 for the following reasons:

- The 12 month time limit on the approval of home occupations is considered onerous for the majority of home occupation businesses. Most home occupations are for small scale, low impact businesses which are capable of approval subject to conditions without a need for the approval to be renewed every year;
- The annual renewal of home occupation approvals is a time consuming task which delivers little benefit to the City;
- Where necessary, the City has the ability to include a condition of approval specifying that approval is granted for a temporary period only; and
- The proposed changes will make CPS5 consistent with the Model Scheme Text and proposed Local Planning Scheme No. 6.

P11/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 – DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3250)

APPROVAL

1. That pursuant to Part 5 of the Planning and Development Act 2005, the Council resolve to adopt Amendment No 61 to Community Planning Scheme No 5 by:

A Deleting Clause 5.6: Home Occupations

B Inserting 'Home Business', 'Home Occupation' And 'Home Office' Land Use Classes Into Table 1: Use Class Table As Follows:

	Living Areas	City Centre	District Centres	Community Centres	Commercial Centre Frames	Mixed Business	Mixed Business Fame	Industry	Learning Development Precinct	Heathcote Heritage Precinct
Home Business	S	S	S	S	S	X	S	X	X	S
Home Occupation	D	D	D	D	D	X	D	X	X	D
Home Office	P	P	P	P	P	P	P	P	P	P

C Inserting the definitions of 'Home Business', 'Home Occupation' and 'Home Office' within Schedule 1: Interpretations as follows:

Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than two people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (g) does not consist of the establishment and conduction of a Sexual Service Business.

Home Occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;

**P111/3250 - AMENDMENT NO 61 TO COMMUNITY PLANNING SCHEME NO 5 –
DELETION OF CLAUSE 5.6: HOME OCCUPATIONS AND INCLUSION OF HOME
OFFICE, HOME OCCUPATION AND HOME BUSINESS AS LAND USE CLASSES (REC)**

- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than two tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;*
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone; and*
- (h) does not consist of the establishment and conduction of a Sexual Service Business.*

Home office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –

- (a) entail clients, customers or staff travelling to and from the dwelling;*
- (b) involve any advertising signs on the premises; or*
- (c) require any external change to the appearance of the dwelling; and*
- (d) does not consist of the establishment and conduction of a Sexual Service Business.*

D Inserting sub-clause (k) into Clause 7.3: Exclusions as follows:

- (k) a 'Home Office'*
- 2. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.**
 - 3. That the Amendment documentation, including the comments received from the Environmental Protection Authority, be forwarded to the Minister for Planning for final approval.**

At 7.43pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**T11/3238 - ROADS TO RECOVERY GRANT PROGRAMME FUNDING – CONTINUANCE
BEYOND JUNE 2014 (REC)**

Ward : All
 Category : Strategic
 Subject Index : Construction and Maintenance Programs
 Customer Index : Australian Local Government Association - ALGA
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : 2014/15 and beyond.
 Funding : Roads to Recovery current grant (2011/12) \$536,736
 Responsible Officer : John Cameron
 Executive Engineer Design

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 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 review decisions made by Officers.</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>

**T11/3238 - ROADS TO RECOVERY GRANT PROGRAMME FUNDING – CONTINUANCE
BEYOND JUNE 2014 (REC)****KEY ISSUES / SUMMARY**

- The current Federal Governments Roads to Recovery Grants Program to Local Government is scheduled to terminate in June 2014.
- Research indicates that the National shortfall in the level of funding on local roads amounts to \$1.2 billion annually.
- The Australian Local Government Association plans to advocate for the continuance of the Roads to Recovery Program beyond 2014 and is seeking Council's support.

BACKGROUND

The Roads to Recovery (R2R) Program is an Australian Government initiative that has operated throughout Australia since 2000 with road funding grants to Local Government.

There have been two extensions to the program since its inception and a funding increase to \$350 million per annum in 2009. By the time the current programme ends in 2014, more than \$4.5 billion in additional road funding would have been provided to Local Government.

The R2R Program operates uniformly across Australia. Under current arrangements, each Local Government is guaranteed a share of the total available funding under simple administrative procedures, whereby spending decisions are made locally and reported to the Government; money is paid directly from the Australian Government to each Council.

Money provided under the R2R Program is not intended to replace Council spending on roads or State and Territory Government assistance to the Local Governments for local road construction or maintenance.

Local Governments nominate the projects to be funded. Across Australia, Local Governments have used the money to repair and upgrade approximately 34,000 road sites.

For the City of Melville, the R2R funding is currently \$536,747 per annum. For the life of the current program, for the period 2009 to 2014, \$2,683,733 in grants for local roads construction and maintenance would be received by the City.

A requirement of R2R funding is that it be directed to construction and maintenance of local roads and is conditional on the City spending an equal or greater amount on local roads from within its own funding sources e.g. municipal rate revenues.

Other requirements include specific signage and grant funding expenditure acquittals in the form of annual financial report and audited statements.

R2R funding is additional to the competitive road grants administered by Main Roads WA, such as the Metropolitan Region Road Grants (MRRG) and the untied Direct Grants which the City is eligible for annually.

**T11/3238 - ROADS TO RECOVERY GRANT PROGRAMME FUNDING – CONTINUANCE
BEYOND JUNE 2014 (REC)****DETAIL**

The Australian Local Government Association (ALGA) has written to the City of Melville, seeking its support in mounting a national campaign for increased and ongoing R2R program funding beyond the current program's ceasing date of June 2014.

ALGA points out that it considers it is time for Local Government to again mount a campaign for increased and ongoing R2R funding beyond 2014.

ALGA commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury indicated that the national shortfall in the level of funding for local roads amounts to \$1.2 billion annually.

ALGA's 2011 campaign seeks the support of every Local Government and calls for the R2R program to be made permanent at the rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful R2R arrangements. These arrangements provide the City with certainty of funding and control over the works to be funded within the R2R program.

The City usually directs its R2R grants to the local roads resurfacing programme as a contribution to the kerbing replacement and other accommodation and maintenance works associated with the resurfacing works.

ALGA further advise;

"You will notice that the motion does not link the ongoing Roads to Recovery Program to any source of funding such as fuel excise. I have discussed the suggested wording for the motion with all state associations and we have agreed not to link the campaign to a funding source at this time because of uncertainty arising from the announcements to review fuel excise by the Productivity Commission, the review of the Financial Assistance Grants and the Henry Taxation Review recommendations on the road user charging. You may be assured that ALGA will be making the strongest possible representations to these reviews to protect and improve local government's financial position.

As part of our campaign, it is important to ensure that national political leaders are left in no doubt about local government views. I am therefore asking that you write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and your local Federal Member of Parliament, to advise them of councils' support for a new Roads to Recovery Program."

PUBLIC CONSULTATION/COMMUNICATION

Not Applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not Applicable.

**T11/3238 - ROADS TO RECOVERY GRANT PROGRAMME FUNDING – CONTINUANCE
BEYOND JUNE 2014 (REC)****STATUTORY AND LEGAL IMPLICATIONS**

R2R funding is subject to the Australian Government's "Roads to Recovery Program Funding Conditions 2009 – 2014". The City of Melville must be compliant within these conditions and is subject to annual audit.

FINANCIAL IMPLICATIONS

The R2R funding amount of \$536,747 has been provided in the 2011/2012 budget for the resurfacing of local roads.

Over the last five years alone, the City has received \$2,548,617 in R2R grants. Without the R2R grants, the City of Melville would need to reassess its commitment to the maintenance of its local roads and within a more limited funding base.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Local Government's analysis shows that the backlog of needs on local roads remains high and is now about \$1.2 billion annually. The size of this backlog means that there is no possibility of local government being able to address the road needs with their limited funding base.

Local Governments throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters. Without the R2R funding, access to the basic local government services would begin to decline for their communities.

POLICY IMPLICATIONS

Not Applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose to not support the ALGA campaign. However, ALGA's advocacy on this issue would be strengthened by a unity of support from Local Government for the extension of the R2R funding program.

CONCLUSION

The R2R Program is an important and popular Federal Program that provides funding directly to Local Government to address the road infrastructure backlog on local roads and has been very gratefully received by Local Governments and their communities.

**T11/3238 - ROADS TO RECOVERY GRANT PROGRAMME FUNDING – CONTINUANCE
BEYOND JUNE 2014 (REC)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3238)****APPROVAL**

That the Council instruct the Chief Executive Officer to write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the Western Australian Federal Members of Parliament requesting they:

- A** Recognise the successful delivery of the Roads to Recovery Program by Local Government since 2000.
- B** Continue the Roads to Recovery Program on a permanent basis to assist Local Government meet its responsibilities of providing access for its communities.
- C** Continue the Roads to Recovery Program with the current administrative arrangements; and
- D** Provide an increased level of funding to \$1.2 billion annually under a future Roads to Recovery Program that recognises the shortfall of funding on local roads.

At 7.43pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Roe Highway
 Customer Index : South Metro Connect
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T10/3173 Infrastructure Management Implications – Murdoch Activity Centre. Ordinary Meeting of Council of 21 December 2010.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : John Cameron
 Executive Engineer Design

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 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 review decisions made by Officers.</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>

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Traffic congestion within Melville is already a significant problem, with current road networks expected to be inadequate to support population and development growth in the region to 2031.
- Currently east/west freight traffic has no option other than to use Kwinana Freeway and Leach Highway and South Street in order to reach Fremantle Inner Harbour. High congestion levels and stop-start traffic flows create significant issues in terms of efficiency, emission levels, traffic safety, noise and general amenity issues for Melville residents.
- The State Government initiative to commit funding for the necessary research, consultative, concept and design works for a possible westwards extension of Roe Highway has provided the opportunity to assess the merits of a “Melville Bypass” and the suitability of a preferred concept design for this route.
- South Metro Connect were commissioned to prepare a draft preferred concept design for this section of Roe Highway and have now completed their work, developed with extensive collaboration with community and all relevant stakeholders.
- Council’s endorsement and comments of the preferred concept design are now being sought.

BACKGROUND

The State Government had made a commitment to extend Roe Highway westwards from its current termination at Kwinana Freeway to Stock Road. The extension was expected to largely utilise the existing Metropolitan Region Scheme (MRS) reservation, established in the 1960’s for that purpose. In order to deliver this commitment, Main Roads Western Australia (MRWA) implemented an Integrated Project Development (IPD) arrangement for the concept design of the extension. The IPD is being managed and resourced by a project team named South Metro Connect (SMC), which is comprised of both MRWA and AECOM staff.

The concept design project was commenced in late 2009 with completion in 2011. During that time, a preferred concept design has been prepared, and environmental approval sought from the Environmental Protection Authority (EPA) for that design.

SMC have provided the City of Melville with their completed draft preferred Concept design, for the proposed extension of Roe Highway from Kwinana Freeway in Jandakot to Stock Road in Coolbellup, a length of approximately six kilometres. Essentially the road alignments envisaged could be referred to as the “Melville Bypass”.
[3239 Preferred Concept Design](#)

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

The preferred concept design was developed in collaboration with community and stakeholders (including the City of Melville). The design forms the basis of the project environmental impacts assessment, which has been documented in the Public Environmental Review (PER), released for a 12 week public comment period on 20 June 2011, closing 12 September 2011.

SMC's intention is that all design land requirements, environmental and ethnographic issues and approvals would be progressed to the point where the project could be construction ready during 2012. Funding for the works, being a separate matter is dependant on State and Federal Government budgetary considerations.

SMC is now seeking Council's endorsement of the preferred concept design, specifically with regards to impacts and proposed treatments of the local road and shared use path networks. Comments on other aspects of the preferred concept design can also be made.

In relation to traffic and transportation issues surrounding the new Fiona Stanley Hospital, at its meeting of 21 December 2010, the Council resolved (inter alia);

"Requests the State Government to:

To commit funding for the construction of the extension of Roe Highway to Stock Road, with particular urgency focused on providing a free flowing, unrestricted intersection at the southern extension of Murdoch Drive prior to the opening of Fiona Stanley Hospital to improve overall vehicular movement efficiency within the Murdoch Activity Centre."

In addition to this, the City has long held the position that the Roe Highway extension should be constructed. In particular, at the meeting of 19 April 2005 (Item T05/1008) Council established its position which included:

" 1 B) The extension of Roe Highway to Stock Road on a Hope Road alignment is supported to provide an appropriate and efficient link to residential properties and industrial areas in the south-western suburbs..."

DETAIL

The concept design has been based on input from the following advisory groups and design input criteria:

- Forecast traffic needs;
- Defined scope;
- Community and stakeholder consultation;
- Safe Systems Working Group input; and
- Environmental Study input

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

In addition to the various consultative and community engagement forums which have been held to develop the preferred concept, the components of the proposed highway works within Melville have also been discussed and developed jointly with regular meetings between SMC and the City's technical design staff. Whilst the future extension of Roe Highway would have significant positive benefits to the City's road network from a safety and congestion point of view, the specific construction works within the City of Melville include: [3239 City of Melville Works - Detailed Map](#)

- Realignment of the portion of Murdoch Drive, south of Bramanti Road, through the Murdoch University to align with a new signalised intersection on Farrington Road, west of the current Murdoch and Farrington Road intersection roundabout.
- A new dual lane roundabout to be constructed at the new intersection of a realigned Murdoch Drive and Bramanti Road.
- The existing section of dual carriageway of Murdoch Road, south of Bramanti Road to be down graded to a single carriageway, terminating at a cul de sac in the vicinity of the Western Power sub station site. The existing roundabout at the current Farrington/Murdoch intersection to remain.
- A new shared path to be constructed on the western side of the realigned Murdoch Drive northwards from Farrington Road.
- The formation of a swale/drainage basin and associated drainage structures in the triangular area of land (currently Murdoch University) between the realigned section and the existing section of Murdoch Drive.

These works and the proposed extension of Murdoch Drive to the full movement intersection with the planned Roe Highway extension are seen as critical elements of the entire preferred concept design. Without this connection, the ultimate viability of the Murdoch Activity Centre functioning as a true "strategic specialised centre" would be seriously compromised.

PUBLIC CONSULTATION/COMMUNICATION

SMC has arranged a thorough consultative and collaborative process in developing the preferred design including:

- Website and extensive direct mail information.
- Three design workshops.
- Two multi-criteria analysis and option selection workshops.
- Three community information days.
- Additional July 2011 information day to communicate the details of the preferred concept design.
- Public Environment Review process concluding on 12 September 2011.

Above all, the entire consultation and communication framework has set a best practice benchmark process for highway projects of this type.

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

Importantly this collaboration has resulted in significant design refinements throughout the process of developing the preferred design concept including:

- Alignment and cross section treatments to the wetlands section.
- Full movement intersection with Murdoch Drive for linkages into the Murdoch Activity Centre.
- Connectivity of Bibra Drive.
- Progress Drive treatment.
- Modifications to the Briere Green overpass, treatment to Forrest Road (west of Stock Road).

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

SMC has engaged in extensive consultation with a complete range of State agencies and Local Governments and other agencies, including Aboriginal heritage, environment and cyclist user groups.

STATUTORY AND LEGAL IMPLICATIONS

From the City of Melville perspective, there are no specific statutory or legal implications. Road closure and land acquisition matters within the City will be fully addressed by SMC. Officers raise no issues in relation to these proposals.

FINANCIAL IMPLICATIONS

There are no upfront or long term financial implications for the City in terms of it being required to assist in funding the project. Should the project be proceeded with, costs of all works would be borne by the project and funded within Government (State/Federal).

Direct cost implications to the City would relate more to the economic costs associated with the traffic congestion, ongoing disruption, increased pollution and general loss of amenity of Melville residents, should the Roe extension be not proceeded with.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City acknowledges that the preferred concept design alignment and construction methodologies incorporate important safeguards and that the route selected would have the least environmental impact compared to alternative routes within the existing reserve.

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

These features include:

- Minimising environmental impact to Roe Swamp.
- “Top Down” construction planned for the wetlands bridges.

3239 Top down Bridge Construction

- Route selection utilising existing Western Power transmission lines and existing clearings and Hope Road.
- Maintenance of natural drainage and fauna crossings.

3239 Drainage and Fauna Crossing

- Minimisation of embankment intrusion by using retaining walls where appropriate.

3239 Use of Retaining Structures

- Appropriate cross sections to minimise median widths and reduce highway footprint.
- Rehabilitation works to existing degraded areas.
- Avoidance of Carnaby’s Black Cockatoo nesting sites.
- Relocation of Bibra Drive.
- Provision of ecological linkages by the retention of existing vegetation.
- Comprehensive environmental offsets package.

It is important to note that there are minimal environmental consequences in relation to the actual project works located within the City of Melville. However, for completeness, the following points are made with reference to the Public Environmental Review which has been released for a 12 week public comment period.

As part of the formal comment period for the Roe Highway Extension – Public Environmental Review (PER), the City recommends that the following management steps be implemented to ensure best environmental outcomes are achieved and that the Extension Offsets are environmentally adequate:

- 4.2 Areas cleared for construction will be rehabilitated, with a timeline of ongoing monitoring for five years following completion of construction, the City recommends monitoring (and subsequent remediation action if required) be undertaken for a minimum of seven years, ideally ten years.
- It is anticipated that the majority of these areas to be rehabilitated will contain vegetation complexes that support the endangered Carnaby’s Black Cockatoo and Forest Red-tailed Black Cockatoos.
- The typical vegetation and species identified as foraging habitat for these bird species can take up to ten years to develop to a stage where they provide viable food sources (Lee et al, 2010) therefore a longer period of monitoring and assurance of successful viability of vegetation should be implemented.
- Similarly for commitment 12.2 and 12.3, regarding annual compliance reporting and performance reporting, this time commitment should be extended to a minimum of seven years and preferably ten years.

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

- Offsets identified in Section 10 are acceptable. However, it is noted that Offset Proposal 1 does not clearly identify the location and details of the proposed land to be purchased. Offset Proposal 1 identifies the purchase 470 hectares of existing intact native vegetation of habitat for Carnaby's Black Cockatoo from the Swan Coastal Plain.

The City acknowledges that this purchased land will then be given greater protection into the future; however, the net loss at a regional scale may not be fully offset.

In addition to the 470 hectare purchase of intact vegetation, the City requests that an area of land (at least equal to that being cleared, preferably greater) that is currently in a degraded condition also be purchased and rehabilitated to a condition capable of supporting foraging habitat for Carnaby's and Forest Red-tailed Black Cockatoos. This rehabilitation should take into account and implement relevant and recent research findings throughout the ten year period and adapt as necessary following any further significant findings.

- General acceptance of Environmental Management Commitments as outlined in Table 9.1-1, addressing construction impacts and residual impacts.

Overall, it is clear that extensive work has been conducted in ensuring the most appropriate design has been selected thus limiting environmental impacts. The City is satisfied that the proposed remediation will, in the long term, negate many of the possible environmental implications caused by the Roe Highway Extension.

Reference: Lee, J., Finn, H. and Calver, M. 2010. Mine-site revegetation monitoring detects feeding by threatened black-cockatoos within 8 years. *Ecological Management and Restoration* 11: 141-3.

Risk Statement	Level of Risk	Risk Mitigation Strategy
For the proposed widening, there is a potential increase of runoff and pollutants into wetlands, which unless treated could lead to degradation of the bushland and diminished biodiversity value.	Moderate consequences which are likely, resulting in a Medium level of risk	Ensure best practice pollutant treatment system is incorporated into design, including mitigation works within bushland and wetlands to manage increased runoff.

Best practice water sensitive design principles have been incorporated into the preferred concept design. In addition a range of environmental initiatives and controls form part of the concept design works, are detailed and form part of the PER.

POLICY IMPLICATIONS

There are no specific policy implications in relation to the proposed extension of Roe Highway.

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could choose to not endorse the preferred concept design of the Roe Highway extension – the “Melville Bypass”. However, this would be at the expense of significant traffic and road safety implications for Melville residents, particularly if that opposition resulted in a delay or change in priorities or cancellation of the works into the future.

CONCLUSION

Traffic congestion within our region is already a significant problem, with the current road transport network expected to be inadequate to support the expected strong population growth and industrial, commercial and residential developments in the area to 2031.

Without a Melville Bypass route, freight traffic would have no option other than to use Kwinana Freeway and Leach Highway and South Street in order to reach Fremantle Harbour or to proceed to the south along Stock Road. High congestion and stop start conditions at multiple intersections on both South Street and Leach Highway is sub optimal in terms of transport efficiency, travel time, fuel consumption, emission levels, traffic safety, reliability, noise and general amenity for Melville residents.

The Roe Highway extension westwards from the Kwinana Freeway would enable freight traffic to bypass South Street and Leach Highway and travel on a high quality grade separated road, unimpeded by the intersection interruption. As a result, this route is likely to be very effective in attracting truck traffic from existing parallel routes.

Traffic modelling carried out as part of the preferred concept design works indicate that with Roe Highway extension in place, truck volumes on Leach Highway would reduce by up to 20% and on South Street by up to 50%. An extended Roe Highway would carry an estimated 60,000 vehicles per day of which 6,000 would be trucks.

Historically the City’s position with respect to the creation of a Melville Bypass by the extension of Roe Highway westwards from the Freeway to Stock Road was fully supported, provided that the various environmental issues on the selected route could be adequately addressed.

The reductions in stop start truck movements along this route would in turn result in associated reductions in environmental emissions and noise.

In addition, the extensive design modifications alignment selection and environmental safeguards that have been taken into consideration by SMC would ensure that these issues have now been comprehensively addressed.

The Murdoch Activity Centre is classified as a strategic specialised centre in the State Governments Directions 2031. Details provided to Council at its meeting of 21 December 2010. (Item T10/3173 – Infrastructure Management Implications – Murdoch Activity Centre) indicated that planned development of the Precinct with the predicted land uses would cause significant increases in traffic volumes on the adjacent road network.

It was indicated that if the existing road network remained unchanged, then the road networks servicing the Precinct would exceed capacity by 2021 and at gridlock by 2031.

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)

The southern extension of Murdoch Drive to an extended Roe Highway west of the Freeway is a critical component of the overall development of this important area into the future.

Traffic modelling indicates that if Roe Highway is not extended beyond Kwinana Freeway, severe congestion and restricted traffic flow will be widespread on major routes throughout Melville by 2031. It is clear that this congestion will have flow on effects into the City's other local road networks. This will come with higher transport operating costs, greater road safety problems and worse noise and pollution levels for Melville residents.

Comprehensive modelling, analysis, consultation and design review by SMC has now produced an environmentally sustainable preferred concept design for the extension of Roe Highway, westwards from the Kwinana Freeway.

The Council's full endorsement of this preferred concept design is recommended.

OFFICER RECOMMENDATION (3239)**APPROVAL**

At 7.44pm Cr Robartson moved, seconded Cr Wieland -

1. **That the Council instruct the Chief Executive Officer to write to the Honourable Colin Barnett, Premier and Minister for State Development, the Honourable Christian Porter MLA, Attorney General and Treasurer, the Honourable Troy Buswell MLA, Minister for Transport; Housing and South Metro Connect and advise that:**
 - a) **the City of Melville fully endorses the preferred Roe Highway concept design, developed by South Metro Connect in collaboration with the community and stakeholders, for the proposed highway extension from Kwinana Freeway in Jandakot to Stock Road in Coolbellup, including all associated works planned within the City of Melville, including the connection with the proposed southern extension of Murdoch Drive.**
 - b) **should funding become available for the staged construction of the Roe Highway extension, that the Kwinana Freeway interchange and the critical full movement intersection with the proposed southern extension of Murdoch Drive be constructed as stage one of the project, in order to service the Fiona Stanley Hospital and the development of the Murdoch Activity Centre**
2. **That the City formally respond to the project environmental impacts assessment prepared in connection with the preferred concept design for the Roe Highway extension which has been documented for the Public Environmental Review and as detailed in this report.**
3. **That the Council acknowledge the thoroughness and professionalism of the South Metro Connect team in the development of the draft preferred concept design for the extension of Roe Highway west from Kwinana Freeway to Stock Road.**

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)Amendment

At 7.46pm Cr Ceniviva moved, seconded Cr Subramaniam

That Part 2 of the Officer Recommendation be amended by inserting the words “and as shown in the attachment 3239 Draft Submission on Roe Highway Extension – Public Environmental Review” after the words “in this report”.

At 7.47pm the Mayor submitted the amendment, which was declared **CARRIED (10/1)**

Reasons for Amendment

Following questions received at the Agenda Briefing Forum on Tuesday, 6 September 2011, it is considered appropriate that Council endorse the actual submission made by the City.

COUNCIL RESOLUTION (3239)**APPROVAL**

The Presiding Member advised the meeting that he would put Part 1 of the resolution to the vote so it could be voted on separately.

At 7.48pm Cr Robartson moved seconded Cr Wieland -

- 1. That the Council instruct the Chief Executive Officer to write to the Honourable Colin Barnett, Premier and Minister for State Development, the Honourable Christian Porter MLA, Attorney General and Treasurer, the Honourable Troy Buswell MLA, Minister for Transport; Housing and South Metro Connect and advise that:**
 - a) the City of Melville fully endorses the preferred Roe Highway concept design, developed by South Metro Connect in collaboration with the community and stakeholders, for the proposed highway extension from Kwinana Freeway in Jandakot to Stock Road in Coolbellup, including all associated works planned within the City of Melville, including the connection with the proposed southern extension of Murdoch Drive.**
 - b) should funding become available for the staged construction of the Roe Highway extension, that the Kwinana Freeway interchange and the critical full movement intersection with the proposed southern extension of Murdoch Drive be constructed as stage one of the project, in order to service the Fiona Stanley Hospital and the development of the Murdoch Activity Centre**

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

CARRIED (9/2)

His Worship the Mayor requested that the votes be recorded.

For: His Worship the Mayor R A Aubrey, Cr Barton, Cr Ceniviva, Cr Foxton, Cr Halton, Cr Reidy, Cr Robartson, Cr Subramaniam, Cr Wieland

Against: Cr Nicholson Cr Pazolli

T11/3239 - ROE HIGHWAY EXTENSION: PREFERRED CONCEPT DESIGN FOR THE MELVILLE BYPASS (REC) (ATTACHMENT)**COUNCIL RESOLUTION (3239)****APPROVAL**

The Presiding Member then put the amended Part 2 and Part 3 to the vote.

At 8.15pm the Mayor submitted the substantive motion as amended -

2. That the City formally respond to the project environmental impacts assessment prepared in connection with the preferred concept design for the Roe Highway extension which has been documented for the Public Environmental Review and as detailed in this report *and as shown in the attachment [3239 Draft Submission on Roe Highway Extension – Public Environmental Review](#)*.
3. That the Council acknowledge the thoroughness and professionalism of the South Metro Connect team in the development of the draft preferred concept design for the extension of Roe Highway west from Kwinana Freeway to Stock Road.

At 8.15pm the Mayor declared the motion

CARRIED (11/0)

C11/5000 – 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	:	Bruce Taylor - Manager Information, Technology & Support

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>
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<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>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 20 July 2011 up to and including 16 August 2011 and recommends that the information be noted.

C11/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
531	City of Melville and Applecross Junior Football Club	Management Lease - Portion of Gairloch Reserve Applecross	2420252
546	City of Melville	New Lease Agreement - Community First International	2507039
563	City of Melville	Management Licence - Canning Bridge Senior Citizens	2525336
564	City of Melville & Mr and Mrs Green	Easement of Lot 2 (67A) Warragoon Cres Attadale	2525336
566	City of Melville	Final Adoption of Amendment No 60 to Community Planning Scheme No 5 deletion of the precinct development provisions for two storey (or more) developments on battle axe lots	P11/3224
571	City of Melville & Swan River Crabs Pty Ltd	Agreement Requiring the Amalgamation of Lots 71 & 72 Marr Street Myaree	2537508

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C11/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

Section 9.49. Documents, how authenticated.

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

FINANCIAL IMPLICATIONS

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 action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 19 July 2011 up to and including 16 August 2011, be noted.

At 8.16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

At 8.16pm Mr P Kellick left the meeting.

C11/6000 - INVESTMENT STATEMENTS (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	:	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 review decisions made by Officers.</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>

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of July 2011 and recommends that the information detailed in the report be noted.
- No credit events were recorded in relation to the Council's Collateralised Debt Obligation (CDO) investments in July 2011.
- When compared to the valuations used as at 30 June 2010, valuations obtained from Denison Financial Advisory as at 31 July 2011 show that:
 - Authorised Deposit-taking Institutions (ADIs) have increased in value by \$88K.
 - CDOs have increased in value by \$5.72m.

C11/6000 - INVESTMENT STATEMENTS (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 the Council's Investment of Funds Policy CP-009, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held at 31 July 2011 are shown in the table below.

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 JULY 2011

SUMMARY BY FUND	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 45,338,218	\$ 45,338,218	\$ 45,338,218	\$ -	0.00%
RESERVE	\$ 36,814,465	\$ 18,678,558	\$ 24,482,359	\$ 5,803,801	15.77%
TRUST	\$ 504,947	\$ 504,947	\$ 504,947	\$ -	0.00%
CRF	\$ 178,313	\$ 178,313	\$ 178,313	\$ -	0.00%
	\$ 82,835,944	\$ 64,700,037	\$ 70,503,838	\$ 5,803,801	7.01%

SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 3,500,000	\$ 3,376,255	\$ 3,464,230	\$ 87,975	2.51%
CDO	\$ 19,720,000	\$ 1,707,838	\$ 7,423,664	\$ 5,715,826	28.98%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRTD	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
TERM DEPOSIT	\$ 51,164,868	\$ 51,164,868	\$ 51,164,868	\$ -	0.00%
11AM	\$ 4,220,431	\$ 4,220,431	\$ 4,220,431	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 82,835,944	\$ 64,700,037	\$ 70,503,838	\$ 5,803,801	7.01%

SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 17,278,313	\$ 17,278,313	\$ 17,278,313	\$ -	0.00%
AA-	\$ 31,806,986	\$ 31,789,256	\$ 31,802,266	\$ 13,010	0.04%
A+	\$ 5,300,000	\$ 5,300,000	\$ 5,300,000	\$ -	0.00%
A	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
A-	\$ 2,500,000	\$ 2,393,985	\$ 2,468,950	\$ 74,965	3.00%
BBB+	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
CCC	\$ 1,500,000	\$ 76,950	\$ 510,600	\$ 433,650	28.91%
CCC-	\$ 3,600,000	\$ 376,140	\$ 938,160	\$ 562,020	15.61%
NR	\$ 14,620,000	\$ 1,254,748	\$ 5,974,904	\$ 4,720,156	32.29%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 82,835,944	\$ 64,700,037	\$ 70,503,838	\$ 5,803,801	7.01%

C11/6000 - INVESTMENT STATEMENTS (REC)

The following statements detail the investments held by the City. Marketable investments are shown at their estimated market value (Estimated Market Value).

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 JULY 2011**

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest		S & P RATING	PROPORTION	MAX. PER INSTITUTION	FACE VALUE \$	BOOK VALUE AT 30/6/2010 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/10 \$
			Rate %								
BANKWEST (11AM)		11AM	4.70%		AA	1%	20%	\$1,013,445		\$1,013,445	\$1,013,445
WESTPAC (MAXI DIRECT)		11AM	4.80%		AA-	2%	20%	\$2,000,000		\$2,000,000	\$2,000,000
WESTPAC (MAXI BONUS 1)		11AM	5.20%		AA-	1%	20%	\$1,206,986		\$1,206,986	\$1,206,986
WESTPAC (MAXI BONUS 2)		11AM	5.20%		AA-	0%	20%	\$0		\$0	\$0
								\$4,220,431		\$4,220,431	\$4,220,431
BANKWEST (TERM)		TERM	5.90%		AA	8%	20%	\$6,564,868		\$6,564,868	\$6,564,868
COMMONWEALTH BANK (TERM)		TERM	5.78%		AA	9%	20%	\$7,700,000		\$7,700,000	\$7,700,000
SUNCORP METWAY LTD (TERM)		TERM	6.17%		A+	6%	20%	\$5,300,000		\$5,300,000	\$5,300,000
ING BANK		TERM	6.21%		A	4%	20%	\$3,000,000		\$3,000,000	\$3,000,000
IMB LTD	Govt Gua.	TERM	6.10%		A	1%	75%	\$1,000,000		\$1,000,000	\$1,000,000
NAB		TERM	5.74%		AA	12%	20%	\$9,800,000		\$9,800,000	\$9,800,000
ST GEORGE BANK (TERM)		TERM	5.89%		AA-	14%	20%	\$11,200,000		\$11,200,000	\$11,200,000
WESTPAC (TERM)		TERM	5.85%		AA-	8%	20%	\$6,600,000		\$6,600,000	\$6,600,000
								\$51,164,868		\$51,164,868	\$51,164,868
COMMONWEALTH BANK (BOND)		BOND	5.90%		AA	2%	20%	\$2,000,000		\$2,000,000	\$2,000,000
								\$2,000,000		\$2,000,000	\$2,000,000
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	6.42%		BBB+	2%	20%	\$2,000,000		\$2,000,000	\$2,000,000
								\$2,000,000		\$2,000,000	\$2,000,000
ADELAIDE BANK	Very Low	ADI	5.35%		A-	1%	10%	\$1,000,000	\$983,880	\$996,760	\$12,880
MACQUARIE BANK	Very Low	ADI	5.37%		A-	2%	15%	\$1,500,000	\$1,410,105	\$1,472,190	\$62,085
WESTPAC BANK	Very Low	ADI	5.23%		AA-	1%	20%	\$1,000,000	\$982,270	\$995,280	\$13,010
APHEX (GLENELG)	High	CDO	6.68%		NR	2%	0%	\$2,000,000	\$125,600	\$681,200	\$555,600
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%		NR	2%	0%	\$2,000,000	\$1	\$1,200,000	\$1,199,999
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%		NR	1%	0%	\$450,000	\$1	\$270,000	\$269,999
CORSAIR (CAYMAN) KAKADU	High	CDO	6.39%		CCC	2%	0%	\$1,500,000	\$76,950	\$510,600	\$433,650
CORSAIR (CAYMAN) TORQUAY	Very High	CDO	6.64%		NR	2%	0%	\$1,885,000	\$23,000	\$196,606	\$173,606
ETHICAL LIMITED GREEN	High	CDO	5.99%		NR	1%	0%	\$1,000,000	\$11,000	\$253,500	\$242,500
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.69%		CCC-	2%	0%	\$1,800,000	\$355,140	\$908,560	\$453,420
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	6.83%		CCC-	2%	0%	\$1,800,000	\$21,000	\$129,600	\$108,600
MAGNOLIA FLINDERS	Moderate	CDO	6.49%		NR	2%	20%	\$2,000,000	\$988,139	\$1,840,600	\$852,461
MANAGED ACES CLASS 11A PARKES	Very High	CDO	8.29%		NR	1%	0%	\$1,000,000	\$3,000	\$8,000	\$5,000
MANAGED ACES CLASS 1A PARKES	High	CDO	6.62%		NR	1%	0%	\$1,050,000	\$10,500	\$110,250	\$99,750
OMEGA CAPITAL CLASS A HENLEY	Moderate	CDO	5.78%		NR	0%	0%	\$385,000	\$82,506	\$324,748	\$242,242
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%		NR	2%	0%	\$1,500,000	\$9,300	\$600,000	\$590,700
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%		NR	1%	0%	\$500,000	\$1,700	\$150,000	\$148,300
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%		NR	1%	0%	\$850,000	\$1	\$340,000	\$339,999
								\$23,220,000	\$5,084,093	\$10,887,894	\$5,803,801
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%					\$230,645	\$230,645	\$230,645	\$0
TOTAL FUNDS INVESTED						100%		\$82,835,944	\$5,314,738	\$70,503,838	\$65,189,100

DIVERSIFICATION / CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$27,078,313	\$27,078,313	38%	80%	
AA-	\$22,006,986	\$22,002,266	31%	80%	
A+	\$5,300,000	\$5,300,000	8%	50%	
A	\$4,000,000	\$4,000,000	6%	50%	
A-	\$2,500,000	\$2,468,950	4%	50%	
BBB+	\$2,000,000	\$2,000,000	3%	20%	
CCC	\$1,500,000	\$510,600	1%	0%	Purchased Prior To Policy Change
CCC-	\$3,600,000	\$938,160	1%	0%	
NR	\$14,620,000	\$5,974,904	8%		
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	\$82,835,944	\$70,503,838	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ADELAIDE BANK	ADI	A-	996,760	1.41%	1.41%	10%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.84%	2.84%	20%	
BANKWEST (11AM)	11AM	AA	1,013,445	1.44%		20%	
BANKWEST (TERM)	TERM	AA	6,564,868	9.31%	10.75%	20%	
COMMONWEALTH BANK (TERM)	TERM	AA	7,700,000	10.92%		20%	
COMMONWEALTH BANK (BOND)	BOND	AA	2,000,000	2.84%	13.76%	20%	
IMB LTD	TERM	A	1,000,000	1.42%	1.42%	25%	
ING BANK	TERM	A	3,000,000	4.26%	4.26%	20%	
MACQUARIE BANK	ADI	A-	1,472,190	2.09%	2.09%	15%	
NAB	TERM	AA	9,800,000	13.90%	13.90%	20%	
ST GEORGE BANK (TERM)	TERM	AA-	11,200,000	15.89%	15.89%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	5,300,000	7.52%		15%	
SUNCORP METWAY LTD	ADI	A-	-	0.00%	7.52%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,206,986	1.71%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	-	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	2,000,000	2.84%		20%	
WESTPAC (TERM)	TERM	AA-	6,600,000	9.36%		20%	
WESTPAC BANK	ADI	AA-	995,280	1.41%	15.32%	20%	
CDO - Various	CDO		7,423,664	10.53%	10.53%	0%	Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.33%	0.33%	N/A	
			70,503,838	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	45,612,520	100%	100%	
< 2 years	-	0%	10%	
< 3 years	-	0%	10%	
< 4 years	-	0%	0%	
< 5 years	-	0%	0%	
> 5 years	-	0%	0%	
	45,612,520	100%		
RESERVE FUNDS				
< 1 year	12,756,573	52%	100%	
< 2 years	1,155,166	5%	80%	
< 3 years	2,893,700	12%	80%	
< 4 years	2,869,450	12%	40%	
< 5 years	2,000,000	8%	40%	
> 5 years	2,807,470	11%	20%	
	24,482,359	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)

The values ascribed to Authorised Deposit Taking Institutions (ADIs) by Council's independent financial advisers are based on current market evidence. Positive improvements in the market since 30 June 2010 are evident by an increase in market valuations. These valuations assume that the City will be required to sell these investments prior to maturity. The City is however a holder to maturity of these investments as there is no need to sell ADIs. There is therefore no reason to expect that any losses will be incurred. Recent repurchases by the issuing banks at their full value supports this view.

Since 30 June 2009 \$14,000,000 worth of ADIs has been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$13,743,550. A book profit of \$256,450 has therefore been realised. The City expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next nine months.

Due to the absence of an active market for CDOs and the ongoing uncertainty in financial markets, the City adopted a very conservative approach when valuing its CDOs for year end reporting purposes.

Monthly valuations shown for 31 July 2011 were provided by the Council's independent financial adviser Denison Financial Advisory. When compared to the valuations used as at 30 June 2010, valuations obtained from Denison as at 31 July 2011 show that:

- ADIs have increased in value by \$87,975.
- CDOs have increased in value by \$5.72 million.

Lehman Brothers arranged CDOs have experienced a substantial increase, as heightened investor expectations of a favourable ruling in the courts grew which will result in an early termination and Council gaining access to the collateral representing the Council's original investments which are held by the Trustees.

All other non Lehman Brothers arranged CDOs continue to pay coupon payments (albeit some at reduced levels due to the erosion of credit support and therefore underlying principal) and this is expected to continue. Based on independent advice from a number of sources, the City's policy has been to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date.

It should be noted that CDOs are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDOs before there is loss of value at maturity of the CDOs themselves.

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

C11/6000 - INVESTMENT STATEMENTS (REC)**Credit Ratings and Credit Events**

There were no credit events or defaults in July that affected the Council's CDO investments.

Twenty credit events impacting the Council's CDO investments have now been recorded to date. The Companies involved are 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. This has resulted in a loss of \$3.486m to date, as detailed below:

- The total loss (\$1.5m) of the Starts Cayman Blue Gum CDO with a face value of \$1.5m.
- The partial loss (\$0.924m) of the Corsair Cayman Torquay CDO with a face value of \$1.885m.
- The partial loss (\$0.592m) of the Helium Capital Scarborough CDO with a face value of \$1.8m.
- The partial loss (\$0.47m) of the Managed Aces Class Parkes IIA CDO with a face value of \$1.0m.

A portion (approximately \$1.5m as at 30 June 2010) of the Risk Management Reserve was created to fund losses arising from Council's investment activities. \$1.5m has since been applied against this Reserve, from the total loss of the Starts Cayman Blue Gum CDO.

Where losses exceed the available funds, these will be prorated and deducted across the Council's other Reserve Funds excluding the Leave Entitlement and the remainder of the Risk Management Reserve. These Reserve funds are restricted to the payment of employee entitlements and contingent Workers Compensation Insurance Claims.

The impact of these credit events on each of the Council's CDOs is shown below.

C11/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Aphex Glenelg Arranger: Nomura International \$2.0m	6 credit events: Takefuji, AIFUL, Tribune, Thomson, Lehman's, Landsbanki & CIT Group.	3	3.8	
Beryl Finance Global Bank Note Arranger: Lehman Brothers \$2.45m	Nil credit events:	1	N/A	Being terminated due to trustee taking control of underlying security.
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5m	9 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing & CIT Group.	3	5	
Corsair Cayman Torquay Arranger: J.P. Morgan Australia \$1.885m	8.5 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Freddie Mac, Lehman, WaMu, Glitnir, Kaupthing & CIT Group.	0 (-0.39)	1	Partial loss (49%) of principal has occurred. Very high likelihood of total default.
Ethical Limited Green Arranger: J.P. Morgan Australia \$1.0m	7.5 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Lehman's, WaMu, Glitnir, Kaupthing & CIT Group.	0.6	1.9	High likelihood of total default.
Helium Capital Esperance Arranger: Merrill Lynch International \$1.80m	2.5 credit events: Idearc, Tribune, Thomson, Lehman's & CIT Group.	1.5	3.2	

C11/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Helium Capital Scarborough Arranger: Merrill Lynch \$1.8m	7.0 credit events: AMBAC Financial, AIFUL, Idearc, Freddie Mac, Fannie Mae, Tribune, Lehman's, Kaupthing & Landsbanki.	-0.5	1	Partial loss (32.9%) of principal has occurred. Very High likelihood of total default.
Magnolia Flinders Arranger: Credit Suisse First Boston \$2.0m	Nil CDO defaults:	N/A	N/A	A "CDO-squared" of four individual standard CDOs.
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05m	8.0 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group.	1	3	High likelihood of total default.
Managed Aces Class Parkes 11A Arranger: Morgan Stanley \$1.0m	9.0 credit events: AMBAC Assurance, AIFUL, FGIC, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group.	0 (-0.5)	1	Partial loss (47%) of principal has occurred. Very high likelihood of total default.
Omega Capital Class A Henley Arranger: BNP Paribas \$0.385m	6.0 credit events: AMBAC Assurance, Freddie Mac, Fannie Mae, Thomson, Lehman's & CIT Group.	5	5.9	
Starts Cayman Blue Gum Arranger: HSBC Bank USA \$1.50m	10.0 credit events: AMBAC Financial, Bank TuranAlem, Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing, Landsbanki & CIT Group.	Defaulted	Defaulted	Total loss of principal and investment CDO has defaulted.

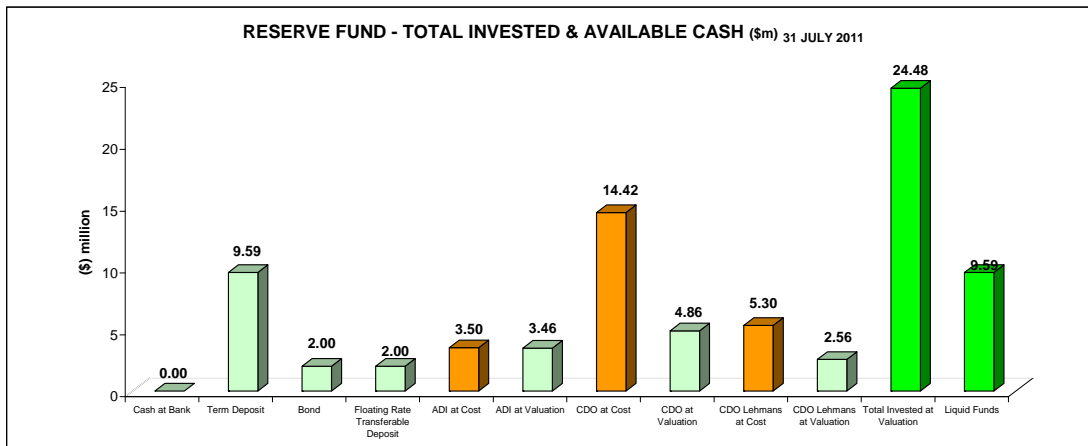
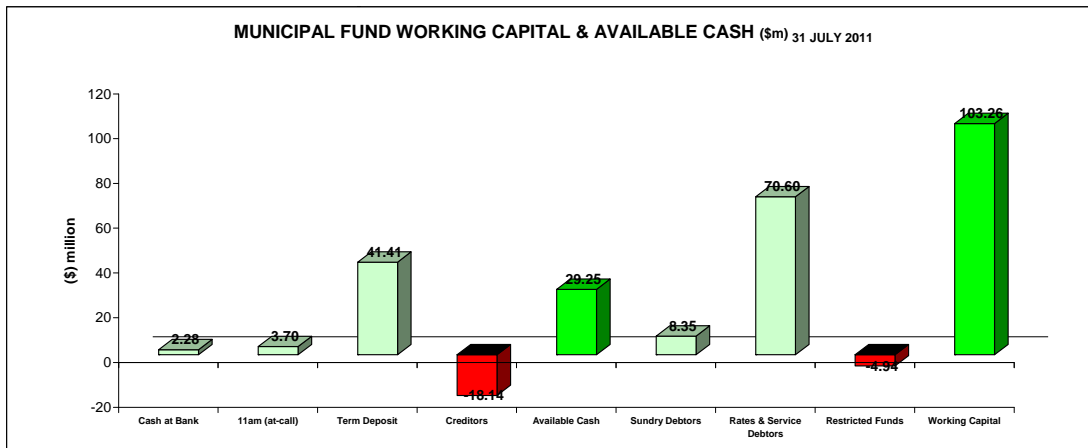
C11/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Zircon Finance Coolangatta Arranger: Lehman Brothers \$1.50m	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	Being terminated due to trustee taking control of underlying security.
Zircon Finance Merimbula A Arranger: Lehman Brothers \$0.50m	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	2.9	3.7	Being terminated due to trustee taking control of underlying security.
Zircon Finance Miami Arranger: Lehman Brothers \$0.85m	7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	Being terminated due to trustee taking control of underlying security.

C11/6000 - INVESTMENT STATEMENTS (REC)

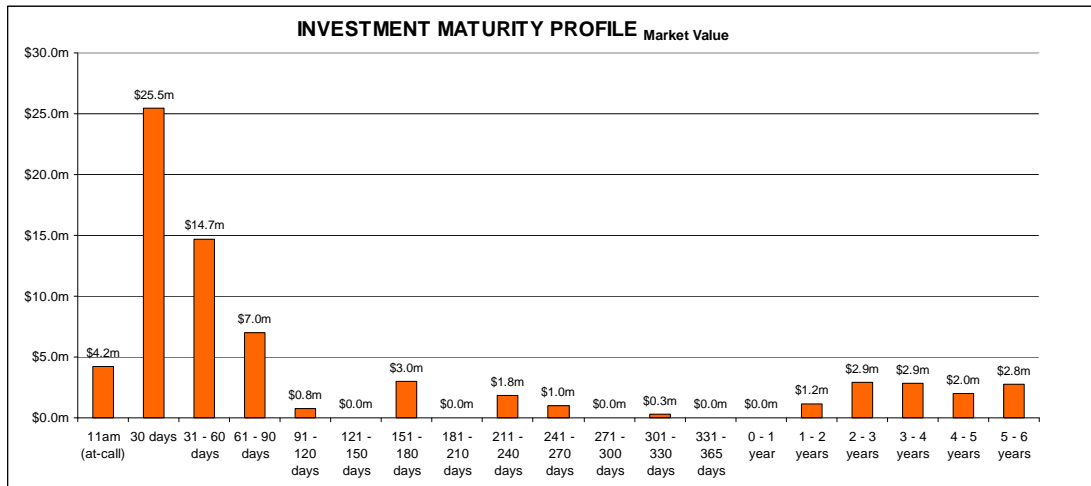
Net Funds Held

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, for July 2011.



C11/6000 - INVESTMENT STATEMENTS (REC)

The graph below summarise the maturity profile of the Council's investments at market value as at 31 July 2011.



PUBLIC CONSULTATION/COMMUNICATION

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

In addition the Council'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

Denison Financial Advisory, the City's current investment Advisor, continues to review the current investment portfolio and we will continue to work with them to review the City's investment strategy going forward.

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

The Department of Local Government and Regional Development issued Investment Policy Guidelines during 2008, well after the global financial crisis, and the Council's investment policy has been amended in December 2009 to give effect to the guidelines.

C11/6000 - INVESTMENT STATEMENTS (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

- Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments.
- Trustee Act 1962 (Part 3)

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

In conjunction with approximately 72 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved.

Legal actions are taking place between the United Kingdom (UK) and United States (US) courts as to whose laws should be applied in respect of the Lehman Brothers arranged CDOs, which is subject of an early termination. Lehman Brothers was successful in gaining the right to appeal the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court whose decision will bring finality to the legal process in the UK. It is therefore likely that the legal process will continue for at least another year as the US court has not yet issued its first judgement, which is almost certain to be appealed.

As previously mentioned, the likelihood of this happening can be demonstrated by the recent upward valuations in these CDOs over the past months.

FINANCIAL IMPLICATIONS

For the period ending 31 July 2011, interest earned on:

- Municipal and Trust Funds was \$200,262 against a year to date budget of \$103,857. This represents a \$96,405 positive variance.
- Reserve Funds was \$84,575 against a year to date budget of \$68,530. This represents a \$16,046 positive variance.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$4.28m and \$2.81m in respect to ADIs.

In accordance with the Council's Investment Policy, any surplus investment returns derived as a result of investing in ADIs, CDOs, Bonds, Floating Rate Notes and Term Deposits when compared to the average 90 day Bank Bill rate, will be transferred to the Risk Management Reserve.

C11/6000 - INVESTMENT STATEMENTS (REC)

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification. The policy also incorporates mechanisms that protect the Council's investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

No other identifiable strategic, risk and environmental management implications.

Due to the continuing credit market concerns overseas, the risks associated with the Council's investment portfolio in CDOs also increased to levels which are of concern. Whilst the Council continues to earn and be paid interest from its non Lehman arranged CDOs, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that do not meet the Council's investment policy.

Due however to the lack of an active market for CDOs, these investments must continue to be held unless opportunities to sell at realistic values are presented.

The risk of loss due to the default of some of the CDOs is very high whilst the risk of loss due to the default of deposits with banks or ADIs is considered extremely low.

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

The Investment Policy was reviewed and readopted at the Ordinary Meeting of Council held on 15 December 2009 and is considered to represent a low risk approach to investing.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C11/6000 - INVESTMENT STATEMENTS (REC)**CONCLUSION**

Whilst the situation regarding the CDO investments remains tenuous with the loss of one and the partial default/loss of three other CDO investments, the full impact of the book value devaluation of these investments was accounted for in the previous financial years. No further material devaluations are expected over the course of the current and future financial years.

Council officers in conjunction with Council investment advisors will continue to monitor the situation regarding CDO investments and report this on a monthly basis. Based on independent advice received from various sources, the City's policy is to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date.

The City also expects that the remaining three ADIs with a total face value of \$3.5m, will be repurchased by the issuing banks as they reach their call dates over the next 9 months.

As a result of improved book values of previously written down investments, continuing cost savings/efficiencies, alternative revenue generation projects and the strong investment returns that have been realised over the past years, the value of Council's Reserve funds have been restored to in excess of pre global financial crisis levels.

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

That the Investment Report for the month of July 2011 be noted.

At 8.16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Creditor – Payments
 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 : 2010/2011 & 2011/2012 Budget
 Responsible Officer : 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 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 review decisions made by Officers.</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>

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

This report presents details of the payments made to suppliers for the provision of goods and services for the month of July 2011 and recommends that the Schedule of Accounts be noted.

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

DETAIL

The Schedule of Accounts for the period ending 31 July 2011, [6001 July 2011](#) including Payment Registers numbers Cheques **230 to 233** and Electronic Funds Transfers **203 to 206** were distributed to the Members of Council on the 16 August 2011.

Payments in excess of \$25,000 in the month are as follows:-

Supplier Name	Remittance Number	Remittance Details	Amount
Advanced Traffic Management	E024973, E024770 & E024571	Traffic Management	\$42,984.90
Alinta Gas	Chqs 043848, 044097 & 044236	Gas Supplies	\$40,080.05
Badge Construction	E024613	Melville Aquatic Centre Redevelopment	\$148,274.50
Belgravia Leisure	E024555, Chqs 044246 & 044112	Point Walter Green Fees for May 2011	\$38,592.59
Boral Construction	E024676 & E024860	Road Resurfacing	\$814,325.41
BSP Construction Consultants	E024611	Asbestos Inspections	\$33,177.00
CA Technology	E024852	Software Licence Fee	\$25,914.57
Catalyse	E024656 & E025062	Community Wellbeing Survey	\$28,600.00
City of Cockburn	E024865	Tip Fees for May & June 2011	\$533,664.11
Complete Tyre Solutions	E024573 & E024976	Tyres	\$37,216.40
Dickies Tree Service	E024471, E024867 & E024682	Tree Lopping Services	\$302,910.90
Downer EDI Works	E025015, E024799, E024855 & E024608	Road Works	\$1,086,467.84
Dowsing Concrete	E025066, E024857 & E024663	Concrete Works	\$107,196.54
Earthcare Australia Pty Ltd	E024580	Progress Claim 2 for Slide Embankment	\$64,811.30
Ellenby Tree Farm Pty Ltd	E024504	Trees	\$42,113.50

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Finesse Flooring	E024728 & E024922	Replace Carpet at Melville Recreation Centre & Melville Civic Centre Lift. Removal of Asbestos at Melville Civic Centre	\$39,926.70
Fire & Emergency Services Authority WA	E025026 & E024619	ESL Remittance for May & June 2011	\$187,348.71
Flexi Staff	E024498, E024712 & E024898	Staff Hire	\$101,391.27
Forpark Australia	E024474 & E024869	Playground Equipment	\$137,679.50
Jako Industries	E025027, E024807 & E024622	Service Air Conditioning	\$26,526.01
Landgate	E024933, E024739 & E024534	GRV General Valuations	\$410,701.05
Landmark Engineering & Design	E024886 & E024703	Park Furniture	\$51,968.40
MacDonald Johnston Engineering	E024478, E024873 & E024692	Engineering Equipment	\$26,131.42
Miracle Recreation Equipment	E024512	Replace Playground Equipment at Tompkins Park	\$38,500.00
Natural Area Management & Services	E025057, E024654 & E024836	Environmental Weed Control	\$25,487.55
OCE-Australia Ltd	Chq 044277	Printer & Scanner	\$65,615.00
Optus Billing Service Pty Ltd	Chqs 044183, 044046 & 043792	Phone Billing	\$41,591.64
Pearmans Electrical & Mechanical Service	Chqs 043872, 044267 & 044124	Electrical Supply	\$28,615.87
Perth Engineering & Maintenance WA Pty Ltd	E024960 & E024559	Waste Recycling Gate Fees for May & June 2011	\$187,987.90
Play Right Australia Pty Ltd	Chqs 044218, 043830 & 044062	Playground Equipment	\$41,519.48
Programmed Maintenance Service	E024897 & E024711	Exterior Restoration at Heathcote & Building Works to Shirley Strickland Reserve Changerooms	\$48,502.97
Rhysco Electrical Services	E024600, E024794 & E025004	Electrical Services	\$100,847.92
Robinson Buildtech	E024483, E024698 & E024880	Various Building Maintenance Jobs	\$244,907.97
Sinclair Knight Merz	Chqs 044123 & 043870	Consultancy for Environmental Assessment at John Connell Reserve	\$29,491.06
Southern Metropolitan Regional Council	E024969, E024565 & E024766	MSW Disposal Gate Fees Fees for May & June 2011 & RRRC Loan Repayment for June 2011	\$1,525,582.50
Synergy	Chqs 044186, 044050 & 043794	Electricity Supply	\$366,413.84
Technology One Ltd	E024664, E025067 & E024844	Software Annual Support & Maintenance Fee	\$64,469.23
Titan Ford	E024927, E024730 & E024525	Ford SZ Territory TS Wagon	\$52,717.84

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Tree Amigos Tree Surgeons	E024594, E025000 & E024789	Various Street Tree Pruning Jobs	\$183,523.89
Western Australian Local Government Association	E024971 & E024767	Advertisements	\$38,596.83
Western Power	Chq 044049	Attadale Project Cash Call 6	\$800,000.00

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 2010/2011 & 2011/2012 Budgets.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No other identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

Not Applicable

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)****NOTING**

That the Schedule of Accounts for the period ended July 2011 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 July 2011](#) be noted.

At 8.16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C11/6002 – FINANCIAL STATEMENTS FOR JULY 2011 (AMREC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Financial Reporting - Financial Statements
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Khris Yeoh - 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 review decisions made by Officers.</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>

KEY ISSUES / SUMMARY

- This report presents the financial statements for the period ending 31 July 2011 and recommends that they be noted by the Council.
- This report presents budget amendments for the period ending 31 July 2011 and recommends that they be adopted by Absolute Majority.
- Money expended in an emergency:
 - As a result of a recent fire at the Civic Centre, unbudgeted expenditure of \$202,688 has been expended since the day of the fire from Municipal funds.

C11/6002 – FINANCIAL STATEMENTS FOR JULY 2011 (AMREC) (ATTACHMENT)

BACKGROUND

The Financial Statements for the period ending 31 July 2011 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

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

To 31 July 2011, a net operating positive variance of \$4.73m was recorded. A net positive variance of \$6.42m was recorded against capital. The majority of these variances are a result of early phasing issues and this is expected to be rectified over the coming months.

Variances

An analysis of the significant variances is included below.

	July Actual \$	YTD Budget \$	YTD Actual \$	Current Commitments \$	Variance \$	Variance %	Annual Budget \$
Revenues							
General Purpose Funding	297,253	184,553	297,253	-	112,700	61%	8,068,771
Law, Order, Public Safety	2,227,611	196,116	2,227,611	(727)	2,030,767	1036%	2,383,915
Health	90,851	15,765	90,851	-	75,086	476%	189,000
Recreation and Culture	820,388	875,292	820,388	(1,364)	(56,268)	-6%	7,897,263
Transport	1,428,875	1,837,141	1,428,875	(355)	(408,620)	-22%	4,379,770
Other Property and Services	4,094,374	121,269	4,085,787	-	3,964,518	3269%	491,281
	23,956,572	18,296,321	23,947,985	(2,445)	5,649,218	31%	41,010,932
Expenses							
Governance	(2,214,272)	(1,514,352)	(2,214,272)	(1,280,149)	(1,980,069)	46%	(15,632,267)
General Purpose Funding	(13,537)	(124,768)	(13,537)	(39,551)	71,680	-89%	(2,903,840)
Education & Welfare	(298,886)	(482,559)	(298,886)	(72,734)	110,940	-38%	(5,460,056)
Community Amenities	(688,724)	(1,491,007)	(688,724)	(419,139)	383,144	-54%	(18,233,961)
Recreation and Culture	(1,151,715)	(2,064,342)	(1,151,715)	(806,492)	106,134	-44%	(25,508,929)
Transport	(522,886)	(792,725)	(522,886)	(333,756)	(63,918)	-34%	(9,924,356)
Other Property and Services	(79,721)	(210,092)	(29,591)	(241,796)	(61,295)	-86%	(3,109,231)
	(5,219,881)	(7,057,749)	(5,169,751)	(3,288,348)	(1,400,350)	-27%	(85,495,791)

Revenue

\$51.45m in Rates has been raised to 31 July 2011. This is compared with a year to date budget of \$51.28m, resulting in a positive variance of \$0.17m.

- General Purpose Funding: 61% positive variance, due to higher investment earnings.

Money Expended in an Emergency

As a result of a recent fire at the Civic Centre, unbudgeted expenditure of \$202,688 has been expended since the day of the fire to date from Council's Municipal funds. It is anticipated that the costs incurred, less the City's \$10,000 insurance excess and any betterment, will be recouped from our insurers in the 2011/12 financial year. Officers will continue to report to Council, on the progress of expenditures.

C11/6002 – FINANCIAL STATEMENTS FOR JULY 2011 (AMREC) (ATTACHMENT)

Some of the major expenditure items include:

- The removal of fire damaged items : \$29K
- Fire damage repairs to date : \$43K
- Purchase of a new scanner/printer : \$60K

Quotations for the balance of works to be undertaken have been received and forwarded to the City's insurers for acceptance with the works expected to be undertaken over September/October 2011.

Budget Amendments

Details of Budget Amendments requested during the month of July 2011 are shown in attachment [6002J July 2011](#). Some of these amendments have been carried out to reflect the appropriate responsible officers, correction of account numbers and the creation of new budgets for new grant funding.

Rates Collections and Debtors

Details of Rates and Sundry debtors are shown in attachment 6002L, 6002M and 6002N.

Rates, Refuse & FESA payments totalling \$11million, were collected over the course of the month. Rate collection progress for the month of July was 0.7% below target, and 11.3% of the 2011/12 rates was collected as at 31 July 2011 which compares favourably to the 0% collected at the same time last year due to the earlier issue of rate notices this year.

The total sundry debtors balance decreased by \$1.74million over the course of the month. The 90+ day's debtor balance decreased from \$46K to \$41K.

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

DESCRIPTION	LINK
Statement of Financial Activity – July 2011	6002A July 2011
Operating Statements by Program – July 2011	6002B July 2011
Representation of Working Capital – July 2011	6002E July 2011
Reconciliation of Net Working Capital – July 2011	6002F July 2011
Notes on Operating Statements reporting on variances of 10% or greater – July 2011	6002H July 2011
Details of Budget Amendments requested – July 2011	6002J July 2011
Summary of Rates debtors – July 2011	6002L July 2011
Graph showing Rates collections – July 2011	6002M July 2011
Summary of general debtors aged 90 days old or greater – July 2011	6002N July 2011
Detail of Debts Written Off for the Month – July 2011	Not Applicable

C11/6002 – FINANCIAL STATEMENTS FOR JULY 2011 (AMREC) (ATTACHMENT)**Granting Of Concession Or Writing Off Debts Owed To The Council**

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and rates 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. The delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to the Council.

No debts were written off, for the month of July 2011.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

C11/6002 – FINANCIAL STATEMENTS FOR JULY 2011 (AMREC) (ATTACHMENT)

- (3) The information in a statement of financial activity may be shown-
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be-
- (a) presented to the Council-
 - (i) at the next ordinary meeting of Council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of Council after that meeting;
 - and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council at its meeting held on 28 June 2011, which also adopted the 2011/12 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

A \$1.86m surplus is anticipated once the accounts for 2010/11 are finalised, to help fund the 2011/12 budget.

The majority of variances identified for the period ending 31 July 2011 are a result of phasing and this will be rectified over the coming months.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

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

C11/6002 – FINANCIAL STATEMENTS FOR JULY 2011 (AMREC) (ATTACHMENT)

CONCLUSION

The attached reports reflect a positive financial position of the City of Melville for 31 July 2011.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 8.17pm Cr Ceniviva moved, seconded Cr Subramaniam -

1. That the Statements of Financial Activity and the Operating Statements for the financial year to date ending 31 July 2011 as detailed in the following attachments be noted:

DESCRIPTION	LINK
Statement Of Financial Activity – July 2011	6002A July 2011
Operating Statements By Program – July 2011	6002B July 2011
Representation Of Working Capital – July 2011	6002E July 2011
Reconciliation Of Net Working Capital – July 2011	6002F July 2011
Notes On Operating Statements Reporting On Variances Of 10% Or Greater – July 2011	6002H July 2011
Details of Budget Amendments requested – July 2011	6002J July 2011
Summary Of Rates Debtors – July 2011	6002L July 2011
Graph Showing Rates Collections – July 2011	6002M July 2011
Summary Of General Debtors Aged 90 Days Old Or Greater – July 2011	6002N July 2011
Detail of Debts Written Off – July 2011	<u>Not Applicable</u>

2. That by Absolute Majority Decision the budget amendments, as listed in the Budget Amendment Reports for July 2011, as detailed in attachment [6002J July 2011](#), be adopted.

At 8.17pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. EN BLOC ITEMS

At 8.17pm Cr Reidy moved, seconded Cr Robartson -

That the recommendations for items P11/3244, P11/3246, P11/3247, P11/3248, P11/3250, T11/3238, C11/5000 C11/6000 and C11/6001 be carried En Bloc.

At 8.17 pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 8.17pm.