MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 9 DECEMBER 2014

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

DISTRIBUTED: 12 December 2014

CONTENTS PAGE

	Item Description	Page Number
ITEMS FROM GOVERNANCE COMMITTEE 25 NOVEMBER 2014		
M14/5396	Confidence in Staff	8
M14/5403	Confidence in Staff – Response to Request for Information	16
URBAN PLANNING		
P14/3574	Two Storey (With Undercroft) Single House at Lot 1 (No. 4) Blackwall Reach Parade, Bicton	73
P14/3575	Two Storey (With Undercroft) Single House at Lot 1 (No. 14) Reserve Street, Bicton	81
P14/3576	Three Storey Single House at Lot 2 (No. 496A) Canning Highway, Attadale	95
P14/3577	Retrospective Planning Application for a Change of Use from 'Showroom/Warehouse' to 'Motor Vehicle Repair' and Signage at 5/5-7 Pitt Way, Booragoon	108
P14/3578	Final Adoption of the Names for the Five Laneways within the Riseley Centre	114
TECHNICAL SERVICES		
T14/3573	Supply of Tree Pruning Services within the City of Melville (CO11/14)	124
COMMUNITY DEVELOPMENT		
CD14/8063	Pacific/Australian Safe Communities Designation	129
CD14/8064	Proposed New Library / Cultural Facility – Melville City Centre	139
MANAGEMENT SERVICES		
M14/5402	Adoption of the Proposed Repeal of City of Melville Local Law Relating to Signs, Hoardings & Billpostings	147
M14/5000	Common Seal Register	44
CORPORATE SERVICES		
C14/6077	Review of Council Policy CP-023 Procurement of Products and Services	47
C14/6000	Investment Statements for October 2014	55
C14/6001	Schedule of Accounts Paid for October 2014	62
C14/6002	Statements of Financial Activity for October 2014	66

LATE ITEMS

P14/3579	Five Storey mixed use Development including undercroft (three office Tenancies & 10 Multiple Dwellings) at Lot 278 (No.164) Riseley Street, Booragoon	153
P14/3580	Change of use to Liquor Store (Dan Murphy's) and additions and alterations to the existing Building on Lot 210 (378) Canning Highway, Bicton	27

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1	Reinstating Information on Public Signs where the facility was named after a person	165

City of Melville

10 Almondbury Road Booragoon WA 6154
Postal Address: Locked Bag 1, Booragoon WA 6154
Tel: 08 9364 0666
Fax: 08 9364 0285
Email: melinfo@melville.wa.gov.au
Web: www.melvillecity.com.au

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, 9 DECEMBER 2014.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS	WARD
Cr N Foxton (Deputy Mayor)	University
Cr M Reynolds	University
Cr D Macphail, Cr R Aubrey	City
Cr C Robartson, Cr R Willis	Bull Creek/Leeming
Cr C Schuster, Cr N Pazolli	Applecross/Mount Pleasant
Cr S Taylor-Rees, Cr Barton	Bicton/Attadale
Cr R Hill, Cr P Phelan	Palmyra/Melville/Willagee

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman (until 10.32pm)	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minutes Secretary

There were 13 members from the public and one member from the Press representing the Melville Times in the Public Gallery.

At 6.32pm Cr Reynolds left the meeting and returned at 6.36pm

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

Nil

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

Nil

6. QUESTION TIME

Ms Johnson, Bicton

Question 1

Has consideration been given as to what direction the large trucks will be entering and exiting from the loading bay on Murray Road and how the trucks will turn around? Murray Road is not very wide and traffic continuously flows in both directions along it. This could be a major traffic hazard and impact on the residents close by, as well as being an obstacle for pedestrians. Already the transport trucks have difficulty pulling into Murray Road off the highway and frequently mount the footpath as the turning circle is too small?

Response

Service and delivery vehicles will access the service/delivery facility directly from Murray Road. The proposed manner via which this will be achieved is documented within the Traffic Impact Assessment that was submitted to accompany the application. This Traffic Statement has been assessed by the City's own Traffic Engineers, who raise no objection in principle to the conclusions reached or the recommendations contained within it. Vehicles entering the service area will do so from a northerly direction from Murray Road. Service vehicle movements will be wholly contained on private land outside the road reserve. In view of this, safety for pedestrians using the footpath on the east side of Murray Road adjacent to the application site will be safeguarded.

Question 2

Looking at the plans, there are several trees that are planned for removal. I question whether this is necessary as these are mature trees that offer car park shade and habitat for local birds. I especially draw your attention to the 3 trees closest to Lot 212 that are to be removed to be able to parallel park 4 vehicles. These trees could be retained if the 4 parking spaces were changed to angle parking instead. The car park could be refigured to also save the other mature trees designated for destruction. To lose 6 established trees for the overall gain of just 4 extra parking spaces overall seems unnecessary and is a loss to the local community and wild life?

Response

The City does not exercise control over trees that are located on private land. In the case of the subject development, whilst a number of trees will be lost, additional tree and shrub planting will be provided and this will compensate for the tree loss identified

Ms Johnson, Bicton (continued)

Question 3

As pointed out in the previous Council meeting, the pedestrian path on the Northern side of the Dan Murphy store appears very narrow. Has the safe, unhindered passage of pedestrians, parents with prams, the elderly with walkers and on mobility scooters simultaneously in both directions been taken into account when considering the width of this pathway? This pathway may also be further restricted by the vehicles parallel parked in this area pulling up hard against the kerb. As there is no other pedestrian access from Murray Street this is a priority consideration, especially knowing how many elderly ratepayers access the shopping centre from this point.

Response

The issues raised have been taken into consideration. It is proposed that the footway in question be widened to 2.1m, and this in itself will result in the removal of the car parking bays that were proposed to be located to the immediate north of the building. In addition, it is proposed by way of condition of planning approval that revisions are made to the car parking layout to facilitate improved pedestrian access and safety, particularly for those entering the site from Murray Road. This will include a dedicated pedestrian route from Murray Road, into the car parking area, connecting to the proposed Dan Murphy store and elsewhere to the main Melville Plaza Shopping Centre.

Question 4

As also pointed out previously, the vehicles parallel parked on the North side in this same area against the pedestrian footpath will present a traffic hazard as they need to reverse into the path of all incoming traffic from Murray Road, and all vehicles wishing to exit from the same point. This is going to cause traffic backups on Murray Road and congestion in the car park. It also negates the safe passage of pedestrians around vehicles if their way is block on the narrow pedestrian footpath on the Northern side of the store. This area should ideally be reconfigured to reduce vehicles continually reversing into the path of all incoming and exiting traffic to avoid congestion problems and presenting a traffic hazard at this major entrance?

Response

As noted, this area is proposed to be reconfigured in the interests of pedestrian and vehicle safety and useability

Question 5

Has the safe, unhindered passage of pedestrians, parents with prams, the elderly with walkers and on mobility scooters simultaneously in both directions been taken into account when considering the width of the pathway along the Eastern side of the Dan Murphy store, as this too appears unusually narrow?

Response

As noted previously, the changes to the layout of the car park to the north of the building, coupled with the widening of the footway, will ensure a safer environment for all users.

Ms Johnson, Bicton (continued)

Question 6

Will Council recommend that a 'zebra' style crossing be painted on the car park surface between the walkway truncations between Melville Shopping Centre and the Dan Murphy store to signal to drivers to give way to pedestrians crossing at this point?

Response

This matter will be addressed via a condition of planning approval, which will require the installation of signage, coupled with surface line marking, to calm traffic and make it clear that this is a pedestrian crossing point.

7. AWARDS AND PRESENTATIONS

His Worship the Mayor, Cr R A Aubrey presented to Ms C Young, Director Community Development a “winners” and “commendation” certificate in the Public Health Advocacy Unit of Western Australia presentations of the 2014 Children’s Environment and Health Local Government Report Card Project.
The winning entry was in Children’s Consultation category and the commendation was for the categories of Injury Prevention and Climate Change.
The awards were presented at the Curtin Research Health Campus Shenton Park by Mayor Troy Pickard President of Western Australian Local Government Association and David Malone Executive Director of Healthway.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF THE COUNCIL – 18 NOVEMBER 2014

Minutes_18_November_2014

COUNCIL RESOLUTION

At 6.47pm Cr Aubrey moved, seconded Cr Willis –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 18 November 2014, be confirmed as a true and accurate record.

At 6.47pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 25 NOVEMBER 2014

Notes_25_November_2014

COUNCIL RESOLUTION

At 6.47pm Cr Foxton moved, seconded Cr Schuster –

That the Notes of the Agenda Briefing Forum held on Tuesday, 25 November 2014, be received.

At 6.47pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

8.3 GOVERNANCE COMMITTEE – 25 NOVEMBER 2014

COUNCIL RESOLUTION

At 6.47pm Cr Schuster moved, seconded Cr Robartson –

That the Minutes of the Governance Committee Meeting held on Tuesday 25 November 2014 be noted.

NB:
Minutes to be confirmed at next Governance Committee Meeting

At 6.47pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

P14/3580 – Cr Pazolli – Financial Interest
P14/3580 – Cr Barton – Financial Interest
P14/3580 – Cr Hill – Financial Interest

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.48pm Cr Reynolds moved, seconded Cr Robartson-

That the applications for a new leaves of absence submitted by Cr Willis, Cr Foxton, Cr Taylor-Rees, Cr Barton and Cr Schuster on 9 December 2014, be granted.

At 6.49pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (13/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

12. PETITIONS

Nil

13. DEPUTATIONS

Both deputations relate to item P14/3580 – Change of use to Liquor Store (Dan Murphy's).
Mr S Wallace opposing the development.
Mr S Salam opposing the development.

14. ITEMS FROM THE GOVERNANCE COMMITTEE MEETING 25 NOVEMBER 2014

The following items from the Governance Committee meeting of 25 November 2014 require consideration by the Council.

M14/5396 – CONFIDENCE IN STAFF (REC)

Disclosure of Interest

Item No.	M14/5396
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Cr Schuster prepared and moved the motion at the October Council meeting that is central to this item
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	M14/5396
Member	Cr S Taylor-Rees
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Cr Taylor-Rees is the subject of the report
Decision of Council	Not Applicable

Ward	:	All
Category	:	Policy
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	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

M14/5396 – CONFIDENCE IN STAFF (REC)

AUTHORITY / DISCRETION

		DEFINITION
☒	**Advocacy**	***When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.***
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

KEY ISSUES / SUMMARY

This report is to request the Governance Committee to consider whether any action is required on the issue of the failure of three elected members to express their confidence in staff at last months Council meeting.

BACKGROUND

The Council resolved at the Ordinary Meeting of the Council on 21 October 2014 to support a Motion with Notice from Cr Schuster with a resolution that provided a position supporting the City's planning staff from an "inferred slur" written in an article from the Melville City Herald on 27 September 2014.

Three Elected Members voted against the motion and this report seeks to identify reasons why a motion of support for staff was rejected by three members of the Council.

M14/5396 – CONFIDENCE IN STAFF (REC)

DETAIL

The Motion was debated at the October Meeting of the Council and the Motion was resolved as follows:

"That the Council:

1. Notes the article published on page 2 of the "Melville City Herald" ["the Herald"] edition of Saturday 27 September 2014 titled "Power Push", which deals with the general question of multi unit housing development;

2. Notes that the Herald did not have a representative at the relevant Council meeting (Tuesday 16th September), nor did the Herald make an application to listen to the recording of the meeting and in any event the recording of the meeting in question, dealing with the two issues involving the multi use housing code, contains no allegations of corruption, bribery or any similar offence;

3. Rejects the inferred slur on its planning staff contained in the article and confirms that it has full confidence in the integrity and trust of its staff in discharging their legal and policy responsibilities;

4. Requests His Worship the Mayor to write a letter for publication to the "Melville City Herald" and other relevant media outlets outlining the City's confidence in its staff and the processes and policies of the Council.

At 10.08pm the Mayor submitted the motion, which was declared ***CARRIED (10/3)"***

Three Elected Members voted against the Motion that sought to enunciate confidence in the City's planning staff by the wording at point three of the resolution. The vote against support for staff is concerning as it provides grounds for others to draw a conclusion that three Elected Members have knowledge of, or suspicion of, inappropriate actions by staff.

M14/5396 – CONFIDENCE IN STAFF (REC)

The vote taken on this Motion is listed below:

Vote Result Summary	
Yes	10
No	3

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No
Cr Taylor-Rees	No

Should Elected Members have reason to suspect that any staff dishonesty or possible dishonesty exists, the Code of Conduct at clause 2.2 - Honesty and Integrity, requires that notice must be provided to the Chief Executive Officer. In addition, the Code of Conduct at clause 3.3 (k) provides:

"(k) Elected Members who have concerns regarding management matters should not raise them with any employee other than the Chief Executive Officer, and at all times their dealing should be through the Chief Executive Officer. Should an Elected Member have a concern and not be satisfied with the response of the Chief Executive Officer, other established council process should be used to address the concern. This will ensure Elected Members will be properly informed, particularly if any public explanation or comment is required. Statements that are contentious or may cause conflict should be discussed and clarified first with the Chief Executive Officer to ensure all facts on the matter are known before being raised."

There have been no instances raised with the Chief Executive Officer to date. Elected Members who believe they have such information are invited to immediately advise the Chief Executive Officer. Should there be no matters to raise by Elected Members, then the matter of voting against the motion becomes a serious matter with a number of clauses in the Code of Conduct providing direction.

The Code of Conduct at clause 2.1 (d);

"make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and"

M14/5396 – CONFIDENCE IN STAFF (REC)

It can be inferred that an allegation of possible improper conduct has been supported by not rejecting such an allegation. Consequently, the reputation of staff has been attacked and their professionalism diminished in the eyes of the City's community.

The Code of Conduct at clause 3.1 (b) (i);

"The principles that must be met by additional obligations set out in this Code are as follows –

> ***(i) Integrity of local government***
> *It is vital that the public has confidence in a local government's ability to ensure the good rule and government of its area. Elected Members must conduct themselves in a way that promotes and maintains the public's trust and confidence in the integrity of the local government and the good rule and government of its area."*

Although the Motion was carried, the vote was not unanimous. There is an opportunity for the City's community to feel disquiet and withdraw confidence in the City's "*ability to ensure the good rule and government of its area".* Consequently the image and integrity of the City may have been damaged by this voting outcome.

The Code of Conduct at clause 3.5 (c);

"……No such statements should criticise the conduct of the Council, other Elected Members or employees of the Council, nor should it undermine any existing policy or decision of the Council……"

Had the Motion at point three been supported, there would not be a consideration that the integrity of staff had been criticised.

The tenor of the Code of Conduct is reinforced by the Local Government (Rules of Conduct) Regulations 2007 at clause 10 (3):

"If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means —

> *(a) make a statement that a local government employee is incompetent or dishonest; or……"*

The Motion was not supported unanimously and consequently it may be inferred that this clause of the Rules of Conduct that notes the provision "by any other means", that the level of confidence in the City's staff's honesty is questionable.

A means to address any perception of a lack of confidence in the honesty of the City's staff is to resubmit the Motion for the Council to again consider and vote upon.

M14/5396 – CONFIDENCE IN STAFF (REC)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

There has not been consultation conducted with the Community as this is a matter for the Council to decide.

II. OTHER AGENCIES / CONSULTANTS

There has not been consultation with other agencies or consultants.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government (Rules of Conduct) Regulations 2007* advise that it is a breach of the Regulations for an Elected Member to refer by any means, that a local government employee is incompetent or dishonest.

There is a possible breach of the City's Code of Conduct relating to adverse comments on the City's staff. There is a possible breach of the Rules of Conduct Regulations should Elected Members have knowledge of any breach and not report it to the Chief Executive Officer,

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

There is a risk that the public may assume that a vote that is not unanimous confirms that there is an assumption that dishonesty exists within the staff of the City.

POLICY IMPLICATIONS

The Elected Member Code of Conduct CP-041 has implications for this report relating to identifying and reporting any dishonesty or possible dishonesty on behalf of any other member or employee/s.

M14/5396 – CONFIDENCE IN STAFF (REC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Governance Committee may accept that some Elected Members do not have confidence in the honesty of staff and not seek to address the matter further.

CONCLUSION

The matter of confidence in the honesty and integrity of the City's staff is critical for the reputation of the City and the confidence of many people and organisations that interact with the City. The Code of Conduct at 3.1 (b) (i) relating to "Integrity of local government" emphasises that it is vital that the public have confidence in a local government's ability to ensure the good rule and government of its area. The Council's role is to ensure its actions support public confidence in the government of the City.

OFFICER RECOMMENDATION (5396) **APPROVAL**

At 8.27pm Cr Phelan moved, seconded Cr Foxton –

That the Governance Committee consider this report and determine if any further action should be taken on the matter of three elected members voting against part three of Cr Schuster's motion with notice submitted for consideration at the Ordinary Council Meeting held on 21 October 2014 which stated as follows:

> ***"Rejects the inferred slur on its planning staff contained in the article and confirms that it has full confidence in the integrity and trust of its staff in discharging their legal and policy responsibilities*."**

At 8.31 pm Cr Schuster moved, seconded Cr Robartson –

That Standing Orders clause 9.5 be suspended to allow Elected Members to speak more than once on this matter.

This motion was not voted upon as a procedural motion was moved and took priority.

At 8.32pm Cr Taylor-Rees moved, seconded Cr Robartson, a procedural motion of clause 11.1 (b) of Standing Orders –

1. **That the question be adjourned to a future meeting of the Governance Committee to be held after the Agenda Briefing Forum on 25 November 2014.**
2. **That the Chief Executive Officer seek clarification from the three Elected Members, who voted against Cr Schuster's motion with notice submitted for consideration at the Ordinary Council Meeting held on 21 October 2014, on the reasons for their vote.**

At 8.45pm the Presiding Member submitted the motion, which was declared

CARRIED (6/1)

M14/5396 – CONFIDENCE IN STAFF (REC)

Vote Result Summary	
Yes	6
No	1

Vote Result Detailed	
Cr Aubrey	No
Cr Foxton	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Mayor Aubrey	Yes
Cr Taylor-Rees	Yes

At 10.17pm Cr Phelan with the consent of Cr Foxton withdrew the above motion.

At 10.18pm Cr Schuster moved, seconded Cr Robartson –

That the Governance Committee after considering the report M14/5396 – Confidence in Staff, recommend to the Council that no further action be taken as no evidence of misconduct on behalf of officers has been reported to the Chief Executive Officer.

At 10.43pm the Presiding Member submitted the motion, which was declared

CARRIED UNANIMOUSLY (7/0)

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5396) APPROVAL

At 6.54pm Cr Phelan moved, seconded Cr Aubrey–

That the Council resolve that no further action be taken as no evidence of misconduct on behalf of officers has been reported to the Chief Executive Officer.

At 6.54pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

Ward	:	All
Category	:	Policy
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	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

		DEFINITION
☒	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

KEY ISSUES / SUMMARY

This report is to request the Governance Committee to recommend to the Council, a resolution of confidence in the City's staff for the Council's consideration.

BACKGROUND

The Council resolved at the Ordinary Meeting of the Council on 21 October 2014 to support a Motion with Notice from Cr Schuster with a resolution that provided a position supporting the City's planning staff from an "inferred slur" written in an article from the Melville City Herald on 27 September 2014.

Three Elected Members voted against the motion and at the Governance Committee Meeting on 4 November 2014, debate was adjourned to a Governance Committee Meeting to be held on 25 November 2014. The Chief Executive Officer was requested to seek clarification from the three Elected Members on the reasons for their vote against support for staff.

DETAIL

The Recommendation was debated at the 4 November 2014 Meeting of the Governance Committee and the Motion was resolved as follows:

"At 8.27pm Cr Phelan moved, seconded Cr Foxton –

That the Governance Committee consider this report and determine if any further action should be taken on the matter of three elected members voting against part three of Cr Schuster's motion with notice submitted for consideration at the Ordinary Council Meeting held on 21 October 2014 which stated as follows:

> ***"Rejects the inferred slur on its planning staff contained in the article and confirms that it has full confidence in the integrity and trust of its staff in discharging their legal and policy responsibilities."***

At 8.31 pm Cr Schuster moved, seconded Cr Robartson –

That Standing Orders clause 9.5 be suspended to allow Elected Members to speak more than once on this matter.

This motion was not voted upon as a procedural motion was moved and took priority.

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

At 8.32pm Cr Taylor-Rees moved, seconded Cr Robartson, a procedural motion of clause 11.1 (b) of Standing Orders –

3 ***That the question be adjourned to a future meeting of the Governance Committee to be held after the Agenda Briefing Forum on 25 November 2014.***
4 ***That the Chief Executive Officer seek clarification from the three Elected Members, who voted against Cr Schuster's motion with notice submitted for consideration at the Ordinary Council Meeting held on 21 October 2014, on the reasons for their vote.***

At 8.45pm the Presiding Member submitted the motion, which was declared

CARRIED (6/1)"

The effect of the procedural motion is that the Officer Recommendation has been adjourned to be considered at the Governance Committee Meeting to be held on 25 November 2014. In addition the Chief Executive Officer was requested to enquire from three Elected Members whether the reasons held by each Elected Member included knowledge or an allegation of any misconduct by staff. Should this be the case, the Chief Executive Officer is required to take further action to investigate the allegation. The email sent to Elected Members on 18 November 2014 is quoted below:

"Dear Councillors,

As you're aware the Governance Committee has requested that you provide the reasons for your voting on the Notice of Motion (Item Number 15.1) by Councillor Schuster of 21October. I wrote to you after the Governance Committee meeting outlining the request from the Committee so they could determine what action to take, if any. As the Officers need to finalise the report to Council can I ask that you provide this information by close of business Thursday 20 November, (this Thursday). This will allow time for your comments to be included in the report to go to the Governance Committee Members this Friday evening for deliberation at the Governance Committee forum of the 25th November (next Tuesday).

My request is to allow you, as a responsible member of the Council, to assist me to properly carry out my legislated duties as the administrative employer of the City in both protecting staff and combating misconduct by staff. The rationale for this request was very clearly articulated in the report that was presented at the Governance Committee meeting of which you have a copy.

I await your response.

Shayne Silcox
Chief Executive Officer"

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

A response has been received from Cr Barton, Cr Taylor-Rees and Cr Pazolli and is noted below.

Cr Barton's response with a request that both emails be included in the report is as follows:

"Sent: Wednesday, 19 November 2014 10:29 AM
Subject: RE: Request for Reasons

Dear Shayne

I opposed the motion not to support any suggestion of a slur on the planning staff, but because the appearance of the resolution in the Council Minutes and the Mayor's letter in the media will provide opportunities for adverse publicity

(My first response a week ago to your request is copied below: please present both responses to the Governance Committee.)

Kind regards

June

Sent: Tuesday, 11 November 2014 11:45 AM
Subject: Request for Reasons

Dear Shayne
I believe that a request to an Elected Member to supply reasons for voting in a particular way may be in conflict with the administrative law principle that 'a decision-maker cannot act under dictation or at the behest of another person.
However, you raised the possibility that the voting outcome might have been different if the four parts of the motion had been separated, and the Governance Committee Minutes you attached suggested that 'a means to address any perception of a lack of confidence in the honesty of the City's staff is to resubmit the Motion'. If the original motion can be rescinded at next Tuesday's Meeting and resubmitted in separate parts, with more appropriate wording, I would appreciate the opportunity to put this issue behind us.
Kind regards

June"

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

Cr Taylor-Ree's response is as follows:

"Thu 20/11/2014 4:54 PM
Request for Reasons

Dear Shayne,

With reference to "Request for Reasons", my reasons for opposing the motion at the October Meeting of Council were:

1. The effect of the motion is to draw further unwanted attention to the issue. (I have not listened to the recording of the meeting, but I believe I stated this at the time.)

2. The inference that the article is a slur on planning staff is an extreme interpretation. (In discussing this issue with Senior Staff, in-particular the reference of a slur it was suggested to me that it was an extreme interpretation).

Further stated was that the only concern was the word "flourish".

To provide further comment in the media on this issue I believe will give rise to opportunity for further inflammatory comments.

Kind Regards,

Susanne Taylor-Rees"

Cr Pazolli's response is as follows:

"Sent: Thu 20/11/2014 12:29 PM
RE: Information requested by the Governance Committee of Council

Dear Dr Silcox,

As requested attached is my response to your request.

Regards

Cr Nicholas Pazolli

The reasons for my vote were explained by my two statements in the debate on this motion at the October 21, 2014 Ordinary Meeting of Council. I believe my statements in that debate are the only reasons I need to provide."

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

The statements made by Cr Pazolli at the 21 October 2014 Ordinary Meeting of the Council are:

"Point of Order.
Whether this is the appropriate forum for Cr Schuster to commence this sort of discussion. I would have thought the Governance Committee would have been the appropriate place.

I will say one thing Mr Mayor and I have said it earlier, this is an inappropriate process. It is deliberately aimed at embarrassing me and I am putting the Council on Notice."

There has been no report made to the Chief Executive Officer of any dishonest practice by staff but whether a matter has been reported to the Corruption and Crime Commission is unknown.

To clarify the Council's support and confidence in the integrity and trust of the City's staff, a recommendation has been prepared for the consideration of the Governance Committee.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

There has not been consultation conducted with the Community as this is a matter for the Council to decide.

II. OTHER AGENCIES / CONSULTANTS

There has not been consultation with other agencies or consultants.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* at Clause 5.41 advises that it is the responsibility of the Chief Executive Officer to investigate any allegation of misconduct by the City's employees.

"5.41 (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);"

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

There is a risk that the public may assume that a vote that is not unanimous confirms that there is an assumption that dishonesty exists within the staff of the City.

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

POLICY IMPLICATIONS

The Fraud and Corruption Prevention Policy CP-062 has the following objectives –

- articulate that the City of Melville is intolerant of fraud and corruption;
- prevent fraud or corruption occurring at the City of Melville.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is no alternative recommendation on this matter.

CONCLUSION

The responses received from three Elected Members do not contain any information that suggests staff are dishonest or open to influence by other parties. A recommendation has been prepared to clarify the Committee's support for staff and that the recommendation be made to the Council for consideration.

OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (5403) APPROVAL

At 10.50pm Cr Aubrey moved, seconded Cr Robartson -

That the Governance Committee recommend to the Council, that the Council confirms it has full confidence in the integrity and trust of the City's staff in discharging their legal and policy responsibilities.

At 10.50pm the Presiding Member submitted the motion which was declared

CARRIED UNANIMOUSLY (7/0)

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5403) APPROVAL

At 6.55pm Cr Schuster moved, seconded Cr Macphail –

That the Council confirms it has full confidence in the integrity and trust of the City's staff in discharging their legal and policy responsibilities.

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

Motion of Dissent with the Presiding Member's Ruling

At 7.13pm Cr Pazolli moved, seconded Cr Barton, the following Procedural Motion in accordance with Clause 11.1(f) of Standing Orders Local Law 2003 -

That the ruling of the Presiding Member relating to a statement by Cr Macphail be disagreed with.

At 7.14pm the Mayor submitted the Procedural Motion which was declared

LOST (3/10)

Vote Result Summary	
Yes	3
No	10

Vote Result Detailed	
Cr Barton	Yes
Cr Pazolli	Yes
Cr Taylor-Rees	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Hill	No
Cr Macphail	No
Cr Phelan	No
Cr Reynolds	No
Cr Robartson	No
Cr Schuster	No
Cr Willis	No
Mayor Aubrey	No

Motion of Dissent with the Presiding Member's Ruling

At 7.24pm Cr Pazolli moved, seconded Cr Barton, the following Procedural Motion in accordance with Clause 11.1(f) of Standing Orders Local Law 2003 -

That the ruling of the Presiding Member relating to a statement by Cr Reynolds be disagreed with.

At 7.25pm the Mayor submitted the Procedural Motion which was declared

LOST (3/10)

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

Vote Result Summary	
Yes	3
No	10

Vote Result Detailed	
Cr Barton	Yes
Cr Pazolli	Yes
Cr Taylor-Rees	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Hill	No
Cr Macphail	No
Cr Phelan	No
Cr Reynolds	No
Cr Robartson	No
Cr Schuster	No
Cr Willis	No
Mayor Aubrey	No

Cr Robartson moved a procedural motion in accordance with Standing Orders Clause 11.1(d) that the question be now put.

At 7.25pm moved Cr Robartson, seconded Cr Aubrey –

That the question be now put.

At 7.26pm the Mayor submitted the motion which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Taylor-Rees	No

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

COUNCIL RESOLUTION (5403) **APPROVAL**

That the Council confirms it has full confidence in the integrity and trust of the City's staff in discharging their legal and policy responsibilities.

At 7.34pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Taylor-Rees	No

At 7.34pm the Mayor requested that Late Item P14/3580 – be brought forward for discussion.

At 7.36pm Cr Pazolli, Cr Hill and Cr Barton left the meeting.
At 7.37pm Chief Executive Officer left the meeting and returned at 7.38pm.

At 7.35pm Cr Macphail moved, seconded Cr Willis –

That Cr Barton be allowed to stay and discuss Item P14/3580.

At 7.48pm the Mayor submitted the motion, which was declared

CARRIED (6/4)

M14/5403 – CONFIDENCE IN STAFF – RESPONSE TO REQUEST FOR INFORMATION (REC)

Vote Result Summary	
Yes	6
No	4

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Reynolds	No
Cr Robartson	No

At 7.48pm Cr Barton returned to the meeting.

From 7.48 pm until 7.57pm a deputation was heard from Mr Salman.
From 7.58pm until 8.04pm a deputation was heard from Mr Wallace.

At 8.11pm Mr Prendergast left the meeting and returned at 8.13pm.
At 9.00pm Cr Schuster left the meeting and returned at 9.02pm.
At 9.02pm Cr Barton left the meeting and returned at 9.06pm.
At 9.24pm Ms Young left the meeting and returned at 9.26pm.
At 9.26pm Cr Barton left the meeting.

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.

LATE ITEM; P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-1063
Property	:	Lot 210 (378) Canning Highway, Bicton
Proposal	:	Change of Use to Liquor Store and Additions and Alterations to Existing Building
Applicant	:	MGA Town Planning Consultants
Owner	:	Matax Pty Ltd and Birmingham Pty Ltd
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P09/3106: Ordinary Meeting of Council 15 December 2009 SAT Matter DR 501 of 2009 P12/3348: Ordinary Meeting of Council 20 November 2012
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

Disclosure of Interest

Item No.	P14/3580
Member	Cr R Hill
Type of Interest	Financial Interest
Nature of Interest	Currently Director and Secretary of RICCOM Pty Ltd which has ordinary shares in WOOLWORTHS LIMITED
Decision of Council	To leave

Disclosure of Interest

Item No.	P14/3580
Member	Cr J Barton
Type of Interest	Financial Interest
Nature of Interest	Hold Woolworth's shares
Decision of Council	To Stay and Discuss

Disclosure of Interest

Item No.	P14/3580
Member	Cr R Hill
Type of Interest	Financial Interest
Nature of Interest	Hold Woolworth's shares
Decision of Council	To Leave

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☒	**Quasi-Judicial**	***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.***
☐	Information	*For the Council/Committee to note.*

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council on 15 December 2009, Council refused an application for a change of use to Liquor Store at 378 Canning Highway on the basis of traffic and amenity concerns, contrary to the officer recommendation.
- This refusal of planning consent was subsequently appealed by the Applicant to the State Administrative Tribunal (SAT). Consideration of the appeal by the SAT resulted in a full hearing taking place.
- After due consideration, the Council's decision to refuse planning approval was overturned by the SAT on 22 October 2010.
- The applicant was however unsuccessful in obtaining a Liquor Licence and the protracted process that then ensued in respect of the grant of that Liquor Licence meant that the planning approval granted by the SAT l expired on 22 October 2012.
- At the Ordinary Meeting of Council on 20 November 2012, Council approved a renewal application for a change of use to Liquor Store and additions and alterations at 378 Canning Highway.
- Since that time, the Applicant has been successful in obtaining the necessary Liquor Licence from the Department of Racing, Gaming and Liquor, which was granted on 11 June 2014.
- Consent is now sought to renew the planning approval for a second time, as the previous renewal consent expired on 29 November 2014.
- The application has been advertised for public comment and eight submissions have been received. These submissions cite resident concerns relating to anti-social behaviour, traffic increase, and oversupply of liquor.
- Since the last grant of approval in November 2012, the planning policy framework (against which both earlier decisions were assessed and determined) has not altered. In addition the details of the application are broadly similar to both previous planning approvals. In view of this there is a presumption in planning terms that approval be granted once again.

LATE: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

BACKGROUND

At the Ordinary Meeting of Council in December 2009, Council refused an application for a change of use to Liquor Store at 378 Canning Highway on the basis of traffic and amenity concerns.

Council's refusal was subsequently appealed by the Applicant to the State Administrative Tribunal (SAT). A number of mediation sessions were held, however as no resolution could be reached, the application proceeded to a full hearing at the SAT. The Council's decision to refuse planning approval was subsequently overturned by the SAT on 22 October 2010. The SAT approval expired on 22 October 2012 due to the applicant's failure to obtain a liquor licence.

At the Ordinary Meeting of Council on 20 November 2012, Council approved an application for a change of use to Liquor Store and additions and alterations to the existing building at 378 Canning Highway. Since this time, the Applicant has been granted a liquor licence on 11 June 2014 from the Department of Racing, Gaming and Liquor.

The Applicant has been unable to substantially commence the most recent planning approval within the required two year time period and this approval subsequently expired on 29 November 2014.

Consent is now sought therefore to secure a new approval for a change of use to liquor store and additions and alterations to the existing building on site.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	District Centre
R-Code	:	R60
Use Type	:	Liquor Store
Use Class	:	'S' Use – use is not permitted unless Council grants approval following advertising

Site Details

Lot Area	:	7,445 sqm
Retention of Existing Vegetation	:	No, new vegetation is proposed in place
Street Tree(s)	:	Retained
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	See aerial photo above

3580_Additions and Alterations to the Existing Building on Lot 210

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

DETAIL

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes – The proposal was advertised in accordance with Clause 7.5 (d) of CPS5 via sign on site, advert in the Melville Times and letters to adjacent property owners and occupiers. In addition all those who made formal submissions in respect of the previously approved application DA-2012-542 were consulted. All such correspondence from the City is undertaken via the use of registered mail.

Neighbour's Comment Supplied: Yes

Reason: 'S' use as per Table 1 of CPS5.

Support/Object: Eight objections were received during the advertising period.

Submission (Issue)	Summary of Submission	Support/ Objection	Officer's Comment	Action Uphold / Not Uphold
1.	Anti-social behaviour Local surrounding residents have expressed concerns for their safety and the potential increase in antisocial behaviour such as public drunkenness; crime and a higher level of underage drinking as result of the proposed use.	Objection	As outlined in the SAT decision, it is not uncommon for liquor-related developments to receive objections based upon apprehension or fear of what may happen if the development is approved, however in the present case, the SAT was not satisfied that the proposed store would directly lead to an increase in anti-social behaviour. Refer to comments section below for further discussion.	Not Uphold

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

2.	Traffic Concerns The proposal will result in a significant increase in traffic in the locality and have an impact on traffic and pedestrian safety.	Objection	The application was accompanied by an updated Traffic Impact Assessment which in the course of the current assessment has been reviewed by officers of the City's Technical Service Directorate. In response it is noted that no objections are raised in principle in respect of vehicle access, egress, traffic generation or safety.t subject to the imposition of relevant and appropriate conditions of planning approval.	Not Uphold
3.	Oversupply There will be an oversupply of liquor outlets in the locality.	Objection	Market competition and product availability are not material planing considerations. These matters are appropriately dealt with by the process follwed in obtaining a Liquor Licence.	Not Uphold

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

REFERRAL RESPONSES

The application was referred to the City's Technical Services Department for comment who raised no objection to the proposed development in principle subject to the imposition of conditions of planning approval to require:

- The extension of the existing footpath at the junction of Kanimbla Street with Murray Road including the provision of a pedestrian crossing apron
- An increase in the width of the proposed internal footpath directly north of proposed building to a minimum of 2.1m.
- The provision of a pedestrian crossing sign with surface line marking to be installed at the proposed pedestrian crossing hump located internally within the car parking area between the western side entry into the Melville Plaza Centre, and the proposed Dan Murphy store.
- A detailed design to be submitted showing the loading area and the access to the loading area from Murray Road, including the provision of a new crossover designed for the dedicated use of service/delivery vehicles.
- All store deliveries to be undertaken via the dedicated delivery area located off Murray Road, and no delivery vehicle to exceed a length of 12.5m (long rigid truck). Variations to the proposed retained access point to the car park from Fifth Street.

It is considered that subject to the imposition of these conditions, that the development as proposed is acceptable in terms of traffic generation, management (including vehicle and pedestrian safety), and capacity.

STATUTORY AND LEGAL IMPLICATIONS

As stated, the current application is essentially identical to that previously considered and approved by the SAT on 22 October 2010 with the exception of some changes to the parking layout and the retention of an existing access/egress point into the car park from Fifth Street, required by virtue of an existing easement over the application site in favour of the adjoining lot as occupied by Melville Plaza.

There have been no amendments to Community Planning Scheme No5 (CPS5) since this date, nor have there been any changes to any applicable Council Policy. This means that the planning framework against which the two previous planning applications for this development were assessed and determined has not been changed, and there is therefore an assumption in favour of approval for the current planning application. On that basis, should the Council resolve to refuse to grant planning approval for the development now sought, the applicant would likely be successful on appeal to the SAT, at which time an order could be sought to retrieve any costs incurred in doing so, from the City.

A similar matter has previously been considered by the SAT in *Tran and Town of Vincent* (WASAT 123) in 2009, where the Town of Vincent refused an application for planning approval which was identical to an application previously approved by the SAT in 2006. In this case, the SAT upheld the Applicant's appeal and conditionally approved the application. The SAT also awarded costs against the Town of Vincent.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

Should the Council resolve to refuse the application, the Applicant will have a right of appeal to the SAT. If this matter does progress to the SAT, the City will be required to engage the services of Planning Consultants to defend its decision and represent its interests. The possibility of costs being awarded against the City cannot be discounted. It is not possible to quantify the potential costs associated with such a process at this stage.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications associated with this proposal.

POLICY IMPLICATIONS

The application has been assessed against the relevant Council policies and is consistent with all of the relevant provisions.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could refuse to grant consent, however, as outlined above, this course of action is not recommended as it would be inconsistent with SAT's previous determination and therefore not in accordance with proper and orderly planning. As stated a subsequent appeal to the SAT, may lead to costs being awarded against the City.

COMMENTS

As stated, the current application is essentially similar to that previously considered and approved by the SAT on 22 October 2010, and subsequently renewed by the City in November 2012. There are however some changes to the layout of the car parking area, which have been brought about by virtue of the existence of an easement in favour of the adjoining lot (as occupied by Melville Plaza Shopping Centre). The existence of this easement was not considered as part of the two previous decisions taken, it being brought to the City's attention in the context of discharging conditions of the previous, and now expired, 2012 approval. The existence of the easement effectively means that the existing access into and out of the car park off Fifth Street, which was previously proposed to be closed off to general traffic, has to be retained.

The easement in question runs along the eastern boundary of the lot and dog legs west towards the entrance of the proposed development. The applicant and adjoining landowner of Melville Plaza have entered into a reciprocal lease which gives the owner of the Melville Plaza a lease over the easement area, and gives the owners of the Dan Murphy's site access to car parking adjacent to the existing building.

The submitted site plan retains the existing crossover on Fifth Street on the northeast boundary of the site with an amended car parking layout to accommodate 145 parking spaces in total. This represents a surplus of 56 car parking bays when assessed under the current Car Parking and Access Policy (CP-079) and represents an increase of 13 bays from the previous approval.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

SAT published its reasons for the decision made 22 October 2010 (included as an Attachment to this report) including the following summary:

> *The two issues that fell to be determined in the matter were:*
> *1) Amenity; and*
> *2) Orderly and proper planning.*
>
> *In respect of amenity, the City of Melville raised concerns that undesirable behaviour in the area might get worse if the development was allowed. However, the Tribunal found that there was no evidence to support such a contention.*
>
> *In respect of orderly and proper planning, the City of Melville suggested that a different use may be more appropriate, and that the size of the proposed use was too big. The Tribunal, however, was not satisfied that there were good planning reasons to refuse the application and the application for review was allowed, subject to conditions.*

The application has been assessed against the relevant provisions of CPS5 and the Council's policy framework. The only amendment to this assessment framework since the date of SAT's determination in October 2010 has been the adoption of the Car Parking and Access policy which was adopted by the Council at its Ordinary Meeting on 19 August 2014. It is noted that this revised policy has little or no bearing on the acceptability of the proposed Liquor Store use in land use terms. The revised policy is however relevant in car parking terms, and as stated previously, the proposed development is considered acceptable in the context of car parking and access given 145 bays are provided. This level of provision constitutes an over provision of 56 bays when judged against the updated policy provisions.

In addition to the current planning framework, no significant changes have occurred within the surrounding area since this time that would have a bearing on the assessment of, and ultimately the final decision taken in respect of the current application. As such, the application is recommended for approval subject to conditions.

CONCLUSION

The proposal currently being considered is essentially similar to that previously considered by the SAT in 2010, and subsequently by the City in 2012. As no fundamental changes to the assessment framework or site context have occurred since this date, it is recommended that planning approval be granted.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3580) **APPROVAL**

At 8.20pm Cr Macphail moved, seconded Cr Robartson –

That the Council Approve the application for a Change of Use to Liquor Store and Additions and Alterations to the Existing Building on Lot 210 (378) Canning Highway, Bicton subject to the following Conditions:

1. **Prior to the initial occupation of the building, the internal footpath directly north of the subject site from Murray Road to the entrance of Melville Plaza is to be upgraded with concrete kerbing and widened to a minimum width of 2.1m to the satisfaction of the Manager Statutory Planning.**

2. **Prior to initial occupation of the building, traffic calming measures shall be provided in the form of a pedestrian crossing sign and surface line marking, to be installed at the proposed pedestrian crossover within the northern car park area. These measures shall be implemented in accordance with Australian Standards in the location marked by an arrow on the attached approved site plan. All works shall be provided to the satisfaction of the Manager Statutory Planning.**

3. **Prior to the commencement of the development, amended plans are to be submitted detailing the following:**

   a) **The improved delineation of the loading area where it abutts Murray Road.**

   b) **A new crossover off Murray Road to enable delivery vehicles entering the loading/service area of sufficient width to accommodate the swept path of a delivery vehicle approaching from Preston Point Road.**

   c) **Improvements to the eastern access/egress to the car park from Fifth Street to ensure the crossover and its future use is appropriately aligned with the Coles Store service/delivery area located further to the east off Fifth Street.**

   The amended plans shall be approved in writing to the satisfaction of the Manager Statutory Planning and the development constructed in accordance with those approved plans.

4. **Prior to the initial occupation of the development, the parking bay/s (including, loading bay, disabled bays, & 10 motorcycle / scooter bays), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained in perpetuity. Prior to the initial occupation of the development, bicycle parking facilities for 18 bicycles shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.**

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

5. The loading bay shall be set aside and marked for the exclusive use of service, delivery and courier vehicles. No service delivery vehicles are to visit the site outside the hours of 7am to 7pm Monday to Saturday, and 9am to 7pm Sunday and Public Holidays. The loading bay shall be serviced by delivery vehicles up to a maximum length of 12.5m. All deliveries shall take place to the development via the dedicated loading bay located to the western side of the building off Murray Road.

6. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):

a) The location of existing trees which are to be retained;

b) Three additional trees to those shown on the approved Site Plan within the car park area;

c) Planting around the perimeter of the car park on Fifth Street and Murray Road.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

7. External lighting is to be designed, installed and maintained to the satisfaction of the Manager Statutory Planning as follows:

(a) Lighting to all pedestrian paths and crossing within the site in accordance with AS1158 'Lighting for Roads and Public Spaces'.

(b) Lighting to all car parking areas within the site, and the exterior entrance to all buildings in accordance with AS1158.3.1 (Cat P); and

(c) All external lighing is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences in accordance with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

8. All stormwater generated on site is to be retained on site.

9. Prior to the initial occupation of the development, the existing crossover point to the car park from Murray Road shall be re-sited in accordance with the approved site plan. All works associated with this requirement shall be undertaken in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

10. Prior to the initial occupation of the development, the developer is to extend the existing footpath on the western side of Murray Road (from the North Western corner of the intersection of Murray Road and Kanimbla Street) by 10 metres to allow pedestrians to cross Murray Road north of the proposed crossover, without conflict from turning vehicles. These works are to be undertaken to the satisfaction of the Manager Statutory Planning.

11. Prior to the initial occupation of the development, the footpath on Murray Road (Eastern side) is to be reinstated at the point where the existing crossover is removed to the satisfaction of the Manager Statutory Planning.

12. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.

13. Prior to the commencement of development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the Public Art shall be provided in accordance with Council Policy – 085: Provision of Art in Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

14. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- **public safety and site security;**
- **hours of operation,**
- **noise and vibration controls;**
- **air and dust management;**
- **stormwater, groundwater and sediment control;**
- **waste and material disposal;**
- **traffic management plans for the various phases of the construction, including any proposed road closures;**
- **the parking arrangements for contractors and sub-contractors;**
- **on-site delivery times and access arrangements;**
- **the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and**
- **any other matters likely to impact upon the surrounding properties or road reserve.**

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the Manager Statutory Planning.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

15. Prior to the commencement of the development, a detailed plan shall be submitted to and approved in writing by the Manager Statutory Planning to demonstrate the provision of shopping trolley collection bays. These bays shall be located throughout the car parking area, and be made available for use prior to the initial occupation of the premises as a Liquor Store.

The mover and the seconder agreed to incorporate the following amendment into the recommendation.

Amendment

That the following additional conditions be inserted after condition 15.

"16. Prior to the initial occupation of the premises as a Liquor Store, the existing vehicle crossover closest to Kanimbla Road located to the western side of the building shall be removed and the footway and kerbing reinstated to the satisfaction of the Manager Statutory Planning.

17. Prior to the commencement of the development, details of the proposed boundary treatments to the western side of the service/delivery area shall be submitted to and approved in writing by the Manager Statutory Planning. The agreed details shall be implemented prior to the initial occupation of the use, and retained thereafter in perpetuity to the satisfaction of the Manager Statutory Planning.

18. Prior to the commencement of the development, a revised car parking and access layout plan, designed to facilitate safe and improved pedestrian and vehicular accessibility, shall be submitted to and approved in writing by the Manager Statutory Planning."

REASONS:

To ensure that access/egress to and from the site is safe for both pedestrians and vehicles.

Deferral motion

At 9.24pm Cr Taylor-Rees moved –

That this item be deferred to the February 2015 Council Meeting.

The Motion lapsed for want of a seconder.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

COUNCIL RESOLUTION (3580) **APPROVAL**

That the Council Approve the application for a Change of Use to Liquor Store and Additions and Alterations to the Existing Building on Lot 210 (378) Canning Highway, Bicton subject to the following Conditions:

1. **Prior to the initial occupation of the building, the internal footpath directly north of the subject site from Murray Road to the entrance of Melville Plaza is to be upgraded with concrete kerbing and widened to a minimum width of 2.1m to the satisfaction of the Manager Statutory Planning.**

2. **Prior to initial occupation of the building, traffic calming measures shall be provided in the form of a pedestrian crossing sign and surface line marking, to be installed at the proposed pedestrian crossover within the northern car park area. These measures shall be implemented in accordance with Australian Standards in the location marked by an arrow on the attached approved site plan. All works shall be provided to the satisfaction of the Manager Statutory Planning.**

3. **Prior to the commencement of the development, amended plans are to be submitted detailing the following:**

   d) **The improved delineation of the loading area where it abutts Murray Road.**

   e) **A new crossover off Murray Road to enable delivery vehicles entering the loading/service area of sufficient width to accommodate the swept path of a delivery vehicle approaching from Preston Point Road.**

   f) **Improvements to the eastern access/egress to the car park from Fifth Street to ensure the crossover and its future use is appropriately aligned with the Coles Store service/delivery area located further to the east off Fifth Street.**

   The amended plans shall be approved in writing to the satisfaction of the Manager Statutory Planning and the development constructed in accordance with those approved plans.

4. **Prior to the initial occupation of the development, the parking bay/s (including, loading bay, disabled bays, & 10 motorcycle / scooter bays), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained in perpetuity. Prior to the initial occupation of the development, bicycle parking facilities for 18 bicycles shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.**

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

5. The loading bay shall be set aside and marked for the exclusive use of service, delivery and courier vehicles. No service delivery vehicles are to visit the site outside the hours of 7am to 7pm Monday to Saturday, and 9am to 7pm Sunday and Public Holidays. The loading bay shall be serviced by delivery vehicles up to a maximum length of 12.5m. All deliveries shall take place to the development via the dedicated loading bay located to the western side of the building off Murray Road.

6. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):

d) The location of existing trees which are to be retained;

e) Three additional trees to those shown on the approved Site Plan within the car park area;

f) Planting around the perimeter of the car park on Fifth Street and Murray Road.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

7. External lighting is to be designed, installed and maintained to the satisfaction of the Manager Statutory Planning as follows:

(d) Lighting to all pedestrian paths and crossing within the site in accordance with AS1158 'Lighting for Roads and Public Spaces'.

(e) Lighting to all car parking areas within the site, and the exterior entrance to all buildings in accordance with AS1158.3.1 (Cat P); and

(f) All external lighing is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences in accordance with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

8. All stormwater generated on site is to be retained on site.

9. Prior to the initial occupation of the development, the existing crossover point to the car park from Murray Road shall be re-sited in accordance with the approved site plan. All works associated with this requirement shall be undertaken in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

10. Prior to the initial occupation of the development, the developer is to extend the existing footpath on the western side of Murray Road (from the North Western corner of the intersection of Murray Road and Kanimbla Street) by 10 metres to allow pedestrians to cross Murray Road north of the proposed crossover, without conflict from turning vehicles. These works are to be undertaken to the satisfaction of the Manager Statutory Planning.

11. Prior to the initial occupation of the development, the footpath on Murray Road (Eastern side) is to be reinstated at the point where the existing crossover is removed to the satisfaction of the Manager Statutory Planning.

12. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.

13. Prior to the commencement of development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the Public Art shall be provided in accordance with Council Policy – 085: Provision of Art in Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

14. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- **public safety and site security;**
- **hours of operation,**
- **noise and vibration controls;**
- **air and dust management;**
- **stormwater, groundwater and sediment control;**
- **waste and material disposal;**
- **traffic management plans for the various phases of the construction, including any proposed road closures;**
- **the parking arrangements for contractors and sub-contractors;**
- **on-site delivery times and access arrangements;**
- **the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and**
- **any other matters likely to impact upon the surrounding properties or road reserve.**

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the Manager Statutory Planning.

LATE ITEM: P14/3580 – CHANGE OF USE TO LIQUOR STORE (DAN MURPHY'S) AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

15. Prior to the commencement of the development, a detailed plan shall be submitted to and approved in writing by the Manager Statutory Planning to demonstrate the provision of shopping trolley collection bays. These bays shall be located throughout the car parking area, and be made available for use prior to the initial occupation of the premises as a Liquor Store.

16. Prior to the initial occupation of the premises as a Liquor Store, the existing vehicle crossover closest to Kanimbla Road located to the north western side of the building shall be removed and the footway and kerbing reinstated to the satisfaction of the Manager Statutory Planning.

17. Prior to the commencement of the development, details of the proposed boundary treatments to the western side of the service/delivery area shall be submitted to and approved in writing by the Manager Statutory Planning. The agreed details shall be implemented prior to the initial occupation of the use, and retained thereafter in perpetuity to the satisfaction of the Manager Statutory Planning.

18. Prior to the commencement of the development, a revised car parking and access layout plan, designed to facilitate safe and improved pedestrian and vehicular accessibility, shall be submitted to and approved in writing by the Manager Statutory Planning.

At 9.26pm the Mayor submitted the motion, which was declared

CARRIED (9/1)

Vote Result Summary	
Yes	9
No	1

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Taylor-Rees	No

At 9.27pm Cr Hill, Cr Barton and Cr Pazolli returned to the meeting.
At 9.27pm Cr Willis, Cr Schuster and Cr Foxton left the meeting and returned at 9.28pm.

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

M14/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 24 October 2014 up to an including 10 November 2014 and recommends that the information be noted and endorsed.

M14/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	ECM Reference
987	The City of Melville and Amalgamated Melville Homing Club	Amalgamated Melville Homing Club - deed of extension of lease commencing 1 January 2015 to 30 June 2017	3390325
989	The City of Melville and McLeod's Barristers and Solicitors	Request for Consent to Surrender of Easement - 8 & 8A Pickering Way Booragoon	3417666
991	The City of Melville and Western Power	Underground Power Program Ardross East Major Residential Project October 2014	3388141

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995 states:
The local government is a body corporate with perpetual succession and a common seal.

M14/5000 – COMMON SEAL REGISTER (REC)

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

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

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

FINANCIAL IMPLICATIONS

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 AND COUNCIL RESOLUTION (5000) NOTING

That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 24 October 2014 up to and including 10 November 2014, be noted.

At 9.28pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Subject Index	:	BMS – Council Policies
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 C13/5341 – Policy Review – Governance and Corporate Services Ordinary Meeting of Council held 10 December 2013.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Bruce Taylor Manager Financial Services

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	**Legislative**	***Includes adopting local laws, town planning schemes & policies.***
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The complexity of the Procurement/Tender process is identified as a Strategic Risk (Risk R4.7) and as an operational risk listed by the Finance team. Both risks are rated as High.
- Council Policy CP-023 Procurement of Products and Services states the City's approach to the procurement of products and services.
- The *Local Government Act 1995* (the Act) Section 3.57 requires that if the value of a purchase is or is expected to be $100,000 or greater (exclusive of GST) then public tenders must be called – exemptions apply such as for the use of State Government Common Use Agreement (CUA) or Western Australian Local Government Association (WALGA) Preferred Supplier Panels.
- The Regulations do not provide the requirements for purchases that are less than $100,000. Therefore, Under Section 11A of the *Local Government (Functions and General) Regulations 1996* the City must have a written Purchasing Policy.
- CP-023 in its current form, extends the provisions of the Act in that the current Policy requires purchases of between $50,000 and $99,999 to be conducted by a "*formal invitation to quote process similar to a* ***public tender process***" which "*will be undertaken and coordinated by the Purchasing Team."*
- This report and recommendation proposes a change to the Policy to be aligned to the requirements and limits set by the Act and to seek to ensure an appropriate balance between the statutory requirements of probity and effectiveness and efficiency requirements.

BACKGROUND

The City's purchasing quotation/tender thresholds are set by CP-023. The value of each purchase of a product or service over the full contract period determines the purchasing requirement in each instance. Different requirements as set in the policy exist for purchases between the following ranges -

$1 - $2,000
$2,001 - $14,999
$15,000 to $49,999
$50,000 - $99,999
$100,000 and above

The Act requires that if the value of a purchase is over or expected to be over $100,000 then, unless otherwise exempted, public tenders must be called. CP-023 requires that for purchases above $50,000 a specification is developed, evaluation criteria developed, quotes are submitted via the tender box, quotes are assessed against the criteria and that the Purchasing Team undertake and coordinate this process.

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

With Local Government Reform and the City's operations, budgets and procurement requirements increasing accordingly, it is suggested that the provisions of the Act now be applied so that only purchases or contracts, $100,000 and above are subject to the tender process. Procurements below $100,000 will then, unless classified as high risk, be coordinated by the responsible Service Area and not the Finance Procurement Team. A risk assessment will be undertaken for each purchase which will then determine the level of Purchasing Team involvement, if required.

DETAIL

The current policy requires that purchases between $50,000 and $99,999 are coordinated by the Purchasing Team, with formal invitations to quote required similar to the public tender process.

The major changes to the policy that are presented is that purchases between $50,000 and $99,999 will be conducted by the Service Areas, within procedures and guidelines. Service Areas will be required to -

> *"Establish detailed written specification and evaluation criteria and then obtain at least three (3) written quotations (e.g. email, fax or original copy) from suppliers containing price and specification of goods or services to be provided. The procurement decision is to be based on the pre-set evaluation criteria.*
>
> *OR*
>
> *Establish written specification and evaluation criteria and obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts or State Government Common Use Agreements (CUA). It is recommended that wherever possible multiple competitive quotations are sourced from at least three Preferred Suppliers using a formal Request for Quotation process either through the WALGA eQuotes system or directly in writing."*

Training in the procurement procedures is available to all staff involved in purchasing products and services and the Purchasing and Contracts Coordinator and Executive Manager Legal services are available to assist staff with any review or preparation of contracts. A review of the City's Standard Terms and Conditions will also be undertaken so that these may be used for minor contracts.

A new Clause 6 has also been added to the Policy titled Encouraging Small Business. Whilst a small business may not have the resources to undertake large scale works there is opportunity to include them where a panel tender is conducted and where the range of work includes small scale works. This new Clause has therefore been proposed so that sole traders or small businesses that generally have low operational overheads but can still deliver value for money products and services to the required standard, are not unfairly disadvantaged in the procurement process.

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

Clause 6 reads as follows:
"As far as practicable, the procurement process shall:

- *ensure that buying practices, procedures and specifications do not unfairly disadvantage small businesses;*
- *ensure that procurement plans address small business capability;*
- *explore the capability of small businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of small businesses;"*

Other less significant changes have been made to terminology and to reinforce the principle of achieving value for money procurement outcomes conducted in a manner that whilst being efficient, meets integrity, transparency and probity requirements and results in products or services being procured being fit for use.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No community engagement or consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external engagement or consultation has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

The Act Section 3.57 requires that public tenders, or use of State Government or WALGA Preferred Suppliers Panel, are used if the value of a purchase is or is expected to be $100,000 or greater (exclusive of GST).

The *Local Government (Functions and General) Regulations 1996* Regulation 11A requires the City to have a written Purchasing Policy.

The *Local Government (Financial Management) Regulations 1996* Regulation 5(1) requires *"Efficient systems and procedures to be established by the CEO…*

(e) to ensure proper authorisation for the incurring of liabilities and the making of payments and
(2) The CEO is to –
(a) ensure that the resources of the local government are effectively and efficiently managed."

FINANCIAL IMPLICATIONS

There are no direct financial impacts on existing budget if the change to the Policy is supported. The change to the Policy will streamline the procurement process by reducing complexity and the requirement for Purchasing to coordinate all purchases between $50,000 and $99,999 and run the process like a tender.

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no environmental management implications with regard to this matter.

The complexity of internal process specifically the procurement process is identified as a Strategic Risk (Risk R4.7) and is rated as High

Risk Statement	Level of Risk	Risk Mitigation Strategy
Strategic Risk R4.7 – Complexity and length of internal processes (i.e. tenders, acquisition and / or disposal of property) results in inefficient operations of the City, missed opportunities and / or customer dissatisfaction	Risk rating of **High**	A Continuous Improvement Team (CIT) has been meeting to review the procurement procedures and processes. The CIT recommendations are to be presented to EMT/OMT prior to implementation; however the review of the Policy to reduce the complexity of the process needs to be actioned as a matter of urgency. A work Plan has been developed that recommends a number of other process improvements that should further reduce the level of risk.

The Finance Team has identified the following as an operational risk, which is also rated High.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Finance Team has an identified operational risk of "Delays in tendering and procurement process result in delays in products and services" and in some cases rework. Other results of this risk are staff and supplier frustration, impact on ability to expend funds and completed scheduled works and internal staff inefficiencies.	Moderate consequences which are likely, resulting in a **High** level of risk	Review Purchasing Policy and Procedure to reduce complexity of process. Continue Procurement Planning meetings. Implement Continuous Improvement Team recommendations.

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

Other risks identified with this change in Policy are -

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of Procurement Policy and Procedures not being applied or implemented by Service Areas resulting in value for money purchasing not being achieved, fraud and corruption or poor contract development.	Moderate consequences which are likely, resulting in a **High** level of risk	Deliver training to staff in legislative requirements and application of City of Melville Procurement Policy and Procedure. Quality control signoff by Manager and Director. Risk assessment to be undertaken on purchases between $50,000 and $99,999 to determine level of Purchasing Team involvement. Standard Terms and Conditions to be reviewed and used. Initial monitoring and reporting to EMT/OMT on compliance with policy and procedure. Periodic internal audits be undertaken in regards to purchases being undertaken to ensure they meet the necessary standards.

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

POLICY IMPLICATIONS

The main implication of the policy change is that, subject to a risk assessment being undertaken Service Areas will be more accountable and responsible for complying with the purchasing procedures for purchases up to $99,999. To ensure quality assurance it is intended that the Service Areas will "sign off" on each purchase confirming that the Policy and Procedures have been observed The Finance Purchasing Team will monitor and report on compliance to the Executive Management Team for a period of time after the change to ensure the Policy is implemented correctly and to identify any training needs or non compliance issues. The Internal Auditor will undertake periodic audits to ensure that appropriate standards are being met on an ongoing basis.

Should the Council resolve to adopt the revised policy as presented in this report, then this will replace the previous policy. The Purchasing Procedures will then be updated and the new Policy and Procedure applied in early 2015 after training is conducted.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could elect not to adopt the revised Policy and to continue to call tender like quotations for the procurement of products and services over $50,000. Should this be the case then the staff levels in the Finance Procurement Team will need to be reviewed with the likelihood that an additional staff member would need to be appointed to the Team in order to improve the time frames associated with the procurement of those products or services which time frames are currently unacceptable.

CONCLUSION

The current Policy showing the proposed "doc track changes" to CP-023 is attached. The proposed change to the Policy will streamline the purchasing process but will increase the level of accountability and responsibility for Directors and Operational Managers. Training of responsible officers in the application of the procurement procedures, the use of Standard Terms and Conditions and Contract development will be required.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6077) APPROVAL

At 9.28pm Cr Schuster moved, seconded Cr Aubrey –

That the Council adopt revised Council Policy CP-023 Procurement of Products and Services as attached 6077_CP-023_Procurement_of_Goods_and_Services_Review

C14/6077 - REVIEW OF COUNCIL POLICY CP-023 PROCUREMENT OF PRODUCTS AND SERVICES (REC) (ATTACHMENT)

Amendment to Policy Statement

That the following additional words highlighted in red be added to point six of the policy statement.

6 ENCOURAGING SMALL BUSINESS

As far as practicable, the procurement process shall:
Ensure that buying practices, procedures and specifications do not unfairly disadvantage small businesses:
ensure that procurement plans address small business capability; where practicable
explore the capability of small businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to reasonably accommodate the capabilities of small businesses;

The mover and seconder agreed to include the amendment in the motion.

That the Council adopt revised Council Policy CP-023 Procurement of Products and Services as attached 6077 CP-023 Procurement of Goods and Services Review as amended.

At 9.30pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Pazolli	No

REASONS:

The change gives effect to the intent of the policy that the City uses its best endeavours to encourage the advancement of small business, without the City being forced to compromise standards in order to achieve its intended purpose.

C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☒	**Information**	***For the Council/Committee to note.***

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 October 2014 for the Council's information and noting.

C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held as at 31 October 2014 are shown in the tables below.

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 OCTOBER 2014

SUMMARY BY FUND	AMOUNT $
MUNICIPAL	$ 57,052,899
RESERVE	$ 77,370,240
TRUST	$ 272,939
CITIZEN RELIEF	$ 204,517
	$ 134,900,595

SUMMARY BY INVESTMENT TYPE	AMOUNT $
11AM	$ 3,110,229
TERM DEPOSIT	$ 126,559,721
BOND	$ 2,000,000
FRTD	$ 3,000,000
UNITS (Local Govt Hse)	$ 230,645
	$ 134,900,595

SUMMARY BY CREDIT RATING	AMOUNT $
AA	$ 9,000,000
AA-	$ 74,469,950
A+	$ 14,000,000
A	$ 3,900,000
A-	$ 33,300,000
BBB+	$ -
UNITS (Local Govt Hse)	$ 230,645
	$ 134,900,595

C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

The following statements detail the investments held by the City for the period ending 31 October 2014.

STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 OCTOBER 2014

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT $	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	#N/A	AA-	$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	$1,300,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	$303,716	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	$1,506,513	On call
					$3,110,229	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	$5,000,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	$8,000,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	$21,968,937	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	$10,000,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	$20,300,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	$26,290,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	$7,000,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	$4,100,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	$4,000,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	$9,000,000	Various
					$126,559,721	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	$3,000,000	Various
					$3,000,000	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.72%	AA	$2,000,000	20-Dec-15
					$2,000,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	$230,645	NA
TOTAL FUNDS INVESTED					**$134,900,595**	

CREDIT RISK COMPARISON

CREDIT RISK		AMOUNT $	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA		$9,000,000	7%	80%	
AA-		$74,469,950	55%	80%	
A+		$14,000,000	10%	50%	
A		$3,900,000	3%	50%	
A-		$33,300,000	25%	50%	
BBB+		$0	0%	20%	
UNITS IN LOCAL GOVT: HOUSE		$230,645	0%	0.1%	**Council Decision**
TOTAL		**134,900,595**	**100%**		

DIVERSIFICATION RISK

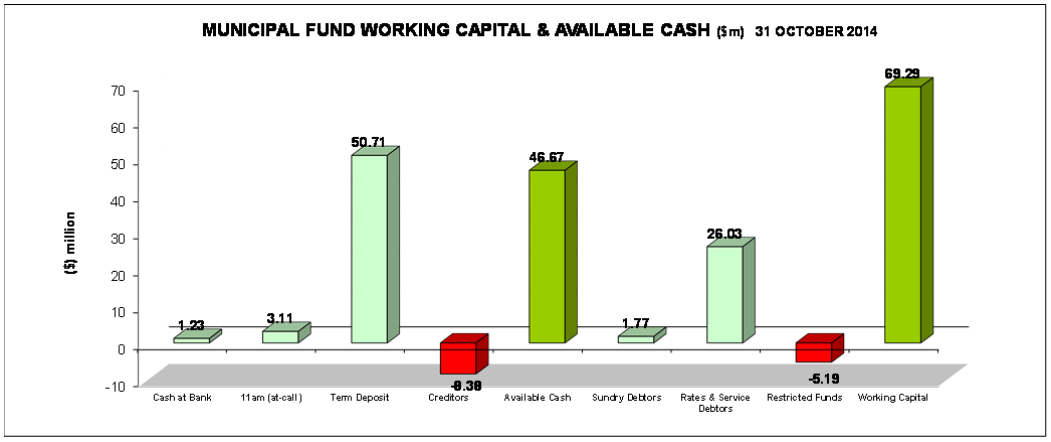
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT $	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	5,000,000	3.71%	3.71%	20%	
AMP BANK (TERM)	TERM	A+	10,000,000	7.41%	7.41%	15%	
BANKWEST (11AM)	11AM	AA-	-	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	2,000,000	1.48%	1.48%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	5,000,000	3.71%	3.71%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	8,000,000	5.93%	5.93%	15%	
CITIBANK (TERM)	TERM	AA-	21,968,937	16.29%	16.29%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.48%	1.48%	20%	
ING BANK (TERM)	TERM	A-	20,300,000	15.05%	15.05%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	2.89%	2.89%	15%	
NAB (TERM)	TERM	AA-	26,290,784	19.49%	19.49%	20%	
RABODIRECT (TERM)	TERM	AA	7,000,000	5.19%	5.19%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	4,100,000	3.04%	3.04%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	4,000,000	2.97%	2.97%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	303,716	0.23%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,506,513	1.12%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,300,000	0.96%		20%	
WESTPAC (FRTD)	FRTD	AA-	3,000,000	2.22%		20%	
WESTPAC (TERM)	TERM	AA-	9,000,000	6.67%	11.20%	20%	
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.17%	0.17%		
			134,900,595	**100%**	**100%**		

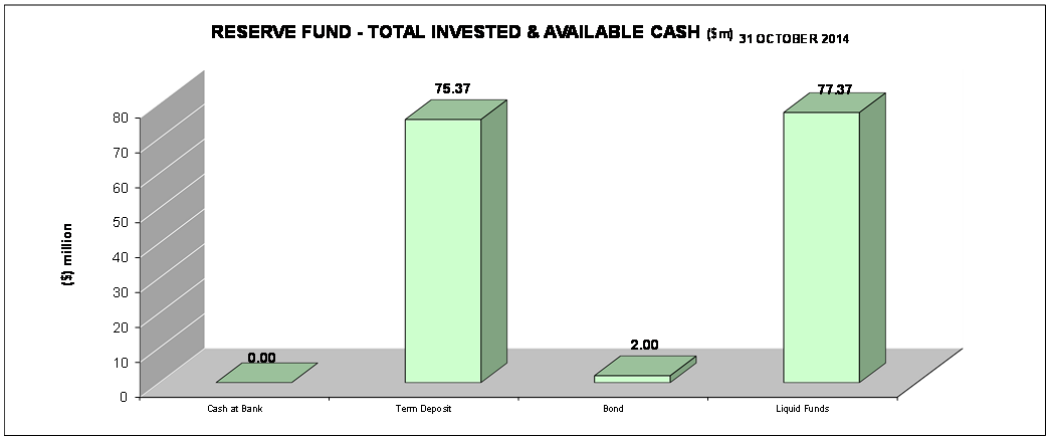
C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

MATURITY COMPARISON					
TERM to MATURITY	**AMOUNT $**	**ACTUAL PROPORTION**	**MAX. % IN ANY ONE YEAR**	**Comments**	
MUNICIPAL & TRUST FUNDS					
< 1 year	57,095,193	100%	100%		
	57,095,193	**100%**			
RESERVE FUNDS					
< 1 year	75,370,240	97%	100%		
< 2 years	2,000,000	3%	80%	**Purchased Prior To Policy**	
	77,370,240	**100%**			

Net Funds Held

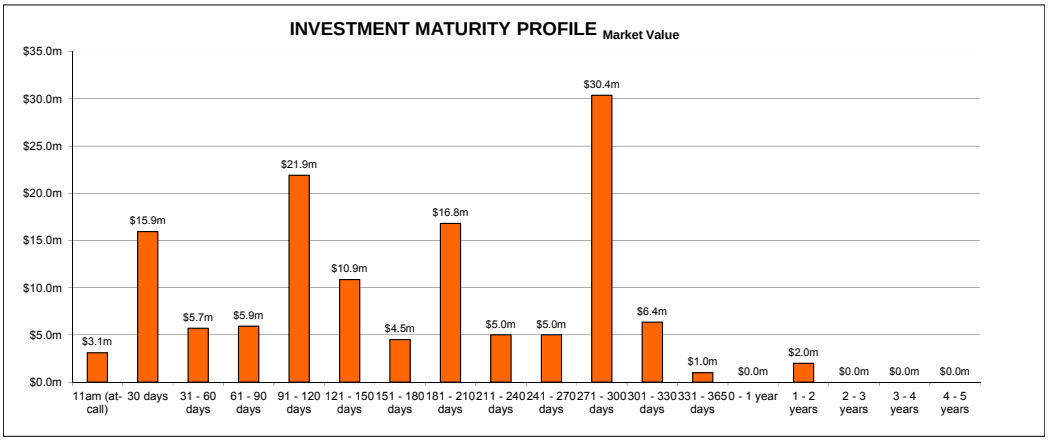
The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 31 October 2014.





C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 31 October 2014.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

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)

In conjunction with approximately 71 local government authorities, charities and other entities, (The Applicants) the City of Melville engaged litigation funder IMF (Australia) Ltd. to seek recovery of losses arising out of the CDO investments from Lehman Brothers Australia (LBA) in the Supreme Court of Australia.

On 21 September 2012, Federal Court of Australia Justice Rares delivered his findings. In summary, "His Honour found that LBA, in selling and advising on sales of certain investment products to the Applicants, acted in breach of contracts it had with the Applicants, engaged in misleading or deceptive conduct, was negligent and was in breach of its fiduciary duties as a financial adviser to the Applicants". For these reasons, LBA was found to be liable to compensate the Applicants for their losses incurred as a result of their investments.

C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

On 3 and 21 December 2012 and 25 March 2013, Justice Rares made the Common Issues Orders (which determine a number of common questions and answers binding on the Applicants, LBA and Group Members). On 25 March 2013, Justice Rares granted the Declaratory Relief declaring, amongst other things, the amounts for which the Applicants are entitled to be admitted to prove in the liquidation of LBA.

Whilst the decisions taken by the various courts have been positive for the litigants, the legal process is lengthy.

Piper Alderman has prepared the City of Melville's final Proof of Debt claim which was lodged with the liquidators in February 2014. No accurate estimates of the distribution amounts that will eventually be made to the City can be made at this time.

The City's last remaining Collateralised Debt Obligation (CDO) investment (MAS Parkes 1A Face Value of $1.05m), which had a final maturity date of 20 June 2015, has suffered its final Credit Event and was written off in September 2014.

The City has earned approximately $5.12 million from CDO investments since 1 July 2007.

FINANCIAL IMPLICATIONS

For the period ending 31 October 2014:

- Investment earnings on Municipal and Trust Funds were $458,342 against a budget of $490,000 representing a $31,658 negative variance.
- Investment earnings on Reserve accounts were $1,048,362 against a budget of $833,333 representing $215,029 positive variance.

Due to the continued low 'Cash' rate and the legislative restrictions that have been placed by State Government, the City's revenue earned from investment earnings is expected to remain at current levels in the foreseeable future.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

The interest rate risk is high due to the short-term nature of the City's investments and the inability, due to legislative restrictions, to lock into longer dated investments which attract higher interest rates and help reduce exposure to reductions in interest rates.

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

C14/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2014 (REC)

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The City's investment portfolio is invested in highly secure investments that are returning low, but market competitive investment returns. These returns are commensurate with the low level of risk of the portfolio.

Future investment earnings are expected to continue to remain lower when compared to previous years as interest rates continue to be low, new restrictions put on banks by the regulators and the legislative restrictions that have been implemented by the State Government limiting term deposits to a maximum term of 12 months, resulting in the City being able to invest in term deposits with the higher interest rates that are available on longer term investments.

At 9.29pm Cr Macphail,Cr willis , phelan and foxton returned to the meeting.

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

That the Investment Report for the month of October 2014 be noted.

At 9.31pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2014 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statement and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not Applicable
Funding	:	2013/2014 Budget
Responsible Officer		Bruce Taylor – Manager Financial Services

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☒	**Information**	***For the Council/Committee to note.***

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of October 2014 and recommends that the Schedule of Accounts Paid be noted.

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2014 (REC) (ATTACHMENT)

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for the month ending 31 October 2014 (**6001_October_2014**), including Payment Registers numbers, Cheques 428 to 432 and Electronic Funds Transfers batches 348 to 351 was distributed to the Elected Members of Council on 21 November 2014.

Payments in excess of $25,000 for the month of October 2014 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Asphaltech Pty Ltd	E041035 & E041237	Road resurfacing at Foss Street	$87,793.20
Australia Post Perth	E040873, E040959 & E041167	Mail charges for July – Sept 14 & postage	$76,288.38
Auto Classic (WA) Pty Ltd	Chq 059636	Purchase BMW F30 320D	$68,000.00
AV Truck Services Pty Ltd	E040874	Dennis Eagle loading truck	$371,555.45
Beacon Equipment	E041068 & E041259	Garden & engine suppliers	$94,823.70
City of Cockburn	E040882	Tip fees for September 2014	$102,286.56
Complete Tyre Solution	E040978 & E041187	Tyres	$43,720.60
Crabclaw Holdings	E040957 & E041164	Various building maintenance	$44,543.74
Dickies Tree Service	E040885 & E041104	Tree removal, pruning & chipping	$46,981.26
Digital Mapping Solutions	E041063	Intramaps subscription & consulting	$48,548.50
Downer EDI Works	E041006 & E041212	Road resurfacing & kerbing	$46,764.65
Dowsing Concrete	E041090 & E041284	Concrete works	$44,800.17
Elexacom	E040974 & E041183	Installation of flood light at Alan Edwards Park	$139,350.32
Fire & Emergency Services		ESL remittance for July, Aug & Sept 2014	$8,222,689.83
Flexi Staff	E040918 & E041128	Temporary employment	$51,712.12
Forpark Australia	E041106	Playground equipment at Gairloch & Geo Thompson Reserve	$49,470.30
Hays Specialised Recruitment	E041034 & E041236	Temporary employment	$29,035.79
Hydroquips Pumps	E040925 & E041139	Reticulation, service & repair pumps	$44,033.00
JMG Air Conditioning & Electrical Services	E041027 & E041226	Air conditioning services & repairs at various places	$58,507.36
Landscape Elements Pty Ltd	E041125	Progress Claim for Carrawatha Park Stg 3	$365,699.80
Lightbase Pty Ltd	Chq 059810	Supply & install floodlight at Len Shearer Reserve	$25,960.00
Major Motors	E040893 & E041109	Purchase Isuzu NQR450 Truck	$110,083.12
Melville Toyota	E040950	Purchase Toyota Kluger	$58,594.93
Miracle Recreation Equip	E041144	Play equipment at Geo Lithgo Reserve	$32,862.50
Pearmans Electrical & Mechanical Services	E041010 & E041217	Power upgrade at Winthrop Park, Alan Edwards Reserve & Winnacott Reserve	$66,198.20

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2014 (REC) (ATTACHMENT)

Playmaster Pty Ltd	E040961	Replace playground at Robert Smith Park	$31,625.00
Rhysco Electrical Services	E040998 & E041205	Electrical services at various places	$52,854.53
Robinson Buildtech	E040900 & E041112	Building maintenance at various places	$95,162.30
Southern Metropolitan Regional Council	E040972 & E041181	MSW Gate Fees for Oct & Sept 2014, Greenwaste & Recyclable Gate Fees for Sept 2014	$1,093,489.64
Synergy	E040917 & E041127	Electricity billing	$266,411.10
TJS Cleaning Services Perth	E041149 & E041057	Cleaning Leisure Fit Booragoon & Melville	$25,199.99
Tree Amigos Tree Surgeon	E041203	Tree pruning	$53,659.10
West Coast Turf	E040930 E041143	Turf laying, kikuyu turf	$49,504.95

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the adopted Budget as amended by any subsequent Budget reviews.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure 019 Purchasing and Procurement.

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2014 (REC) (ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

That the Council note the Schedule of Accounts paid for the month ending 31 October 2014 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment 6001_October_2014

At 9.31pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

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

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	***The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.***
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 31 October 2014 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 October 2014 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of October 2014 and recommends that they be noted by the Council.

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

BACKGROUND

The Statements of Financial Activity for the period ending 31 October 2014 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

For the period ending 31 October 2014, net operating positive variances of $5.588m and net capital positive variances of $1.079m were recorded.

Variances

A summary of variances and comments are provided in attachment **6002H_October 2014**.

CITY OF MELVILLE
RATE SETTING STATEMENT
FOR THE PERIOD ENDED 31 OCTOBER 2014

	September Actual $	YTD Rev. Budget $	YTD Actual $	Variance $	Variance %	Annual Budget $	Annual Rev. Budget $
Revenues							
Governance	495,497	573,208	848,044	274,836	48%	6,495,230	6,513,579
General Purpose Funding	556,144	6,630,970	7,044,969	413,999	6%	12,112,400	12,112,400
Education & Welfare	48,641	129,165	182,282	53,118	41%	355,526	355,826
Recreation and Culture	1,034,409	3,400,385	3,458,406	58,021	2%	10,147,119	10,147,119
Transport	94,177	2,943,457	2,424,740	(518,717)	-18%	4,231,564	5,477,478
	2,359,485	17,345,533	17,666,844	321,311	2%	37,998,637	39,275,502
Expenses							
Governance	(632,642)	(4,197,606)	(3,530,779)	666,827	-16%	(16,642,685)	(16,412,682)
General Purpose Funding	(730,899)	(1,135,624)	(1,009,916)	125,708	-11%	(4,501,714)	(4,501,714)
Law, Order, Public Safety	(309,187)	(1,313,787)	(1,169,807)	143,980	-11%	(4,105,440)	(4,103,940)
Education & Welfare	(425,041)	(1,836,611)	(1,579,135)	257,476	-14%	(5,637,590)	(5,647,562)
Community Amenities	(1,541,988)	(7,358,788)	(6,410,773)	948,015	-13%	(21,193,172)	(21,613,671)
Recreation and Culture	(2,561,706)	(9,950,083)	(9,108,561)	841,522	-8%	(29,964,882)	(30,135,016)
Transport	(859,159)	(3,635,372)	(3,045,453)	589,919	-16%	(11,348,408)	(11,361,985)
Other Property and Services	(505,512)	(3,090,771)	(2,503,263)	587,509	-19%	(8,524,746)	(8,658,765)
	(7,651,894)	(32,895,415)	(28,762,068)	4,133,347	-13%	(103,021,227)	(103,537,925)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	85,352	0	(62,576)	(62,576)	0%	-	-
Depreciation on Assets	1,214,250	4,840,929	4,857,001	16,072	0%	14,256,544	14,256,544
Plant Capital Charge	23,984	95,937	95,937	-	0%	287,811	287,811
Movement in Deferred Rates	16,795		33,164	33,164	0%	-	-
	1,340,382	4,936,866	4,923,526	2,731	0%	14,544,355	14,544,355
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(57,192)	(744,215)	(127,135)	617,080	-83%	(1,593,524)	(2,023,585)
Purchase of Plant & Equipment	(666,285)	(3,816,606)	(3,458,048)	358,559	-9%	(4,702,747)	(8,016,944)
Purchase of Land & Buildings	(134,234)	(653,568)	(504,784)	148,784	-23%	(2,034,000)	(3,898,632)
Purchase of Infrastructure Assets	(1,020,593)	(3,683,128)	(3,031,380)	651,748	-18%	(16,125,081)	(21,330,059)

Revenue

$77.640m in Rates was raised to 31 October 2014. This is compared with a year to date budget of $76.801m, resulting in a positive variance of $839K.

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for October 2014

Budget Amendments

The City has a Kerb Security Deposit (KSD) process where a deposit is taken prior to development and returned at the end of building works, if the path and kerb are in good condition. If the kerb or path is damaged the applicant can either repair the damage themselves to the City's satisfaction or the deposit can be used for the repairs. Any funds that are unclaimed from the Kerb Security Deposit Account are transferred to the Infrastructure Reserve Account.

Investigations have identified a number of verge repair works that need to be completed that:

- cannot be attributed directly to the applicant
- the cost to complete these works cannot be claimed from the developers as they were not identified in time to be recouped
- the actual perpetrators could not be found

The City is currently working on improving this process to ensure these repair works are captured at the time of returning the deposit.

It is recommended that $100,000 be transferred from the Infrastructure Reserve Account to be used to complete the verge repair works that cannot be recouped from owners or builders. A budget amendment is presented seeking approval to use $100,000 from the Infrastructure Reserve Account to complete these repairs works.

Details of the above and other Budget Amendments requested for the month of October 2014 are shown in attachment **6002J October 2014**. These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling $9.82m were collected over the course of the month. Rates collection progress for the month of October was 0.2% above target. As at 31 October 2014, 74.2% of 2014/2015 rates had been collected. This was equal to that collected for the same time last year.

Total sundry debtor balances increased by $419K over the course of the month. The 90+ day's debtor balance decreased by $865.

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

Granting of concession or writing off debts owed to the City

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

Two bad debts totalling $205.00 was written off under delegated authority in the month of October 2014, as all debt collection actions have been exhausted and is uneconomical to pursue further.

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

DESCRIPTION	LINK
Rate Setting Statement October 2014	6002A_October 2014
Statement of Financial Activity – October 2014	6002B_October 2014
Representation of Net Working Capital – October 2014	6002E_October 2014
Reconciliation of Net Working Capital – October 2014	6002F_October 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – October 2014	6002H_October 2014
Details of Budget Amendments requested – October 2014	6002J_October_2014
Summary of Rates Debtors – October 2014	6002L_October 2014
Graph Showing Rates Collections – October 2014	6002M_October 2014
Summary of General Debtors aged 90 Days Old or Greater – October 2014	6002N_October 2014

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

34. *Financial activity statement report — s. 6.4*

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

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

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

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

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

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

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

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

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

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

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

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment **6002H October 2014** (Notes on Rate Setting Statement reporting on variances of 10% or greater).

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 October 2014.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)
ABSOLUTE MAJORITY

At 9.31pm Cr Schuster moved, seconded Cr Willis –

That the Council:

1. **Note the Rate Setting Statement and Statements of Financial Activity for the month ending 31 October 2014 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement October 2014	6002A_October 2014
Statement of Financial Activity – October 2014	6002B_October 2014
Representation of Net Working Capital – October 2014	6002E_October 2014
Reconciliation of Net Working Capital – October 2014	6002F_October 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – October 2014	6002H_October 2014
Details of Budget Amendments requested – October 2014	6002J_October_2014
Summary of Rates Debtors – October 2014	6002L_October 2014
Graph Showing Rates Collections – October 2014	6002M_October 2014
Summary of General Debtors aged 90 Days Old or Greater – October 2014	6002N_October 2014

C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2014 (AMREC) (ATTACHMENTS)

2. By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for October 2014, as detailed in attachment 6002J_October_2014.

At 9.31pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

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.

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-978
Property	:	Lot 1 (No. 4) Blackwall Reach Parade, Bicton
Proposal	:	Two Storey Single House with Undercroft Garage
Applicant	:	Giorgi Exclusive Homes
Owner	:	G P & LA Cribb
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 Statutory Planning

AUTHORITY / DISCRETION

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

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a two storey single house with undercroft garage at No 4 Blackwall Reach Parade, Bicton.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies with the exception of building height and boundary setbacks.
- In accordance with CPS5 and the R-Codes, the application was advertised via a sign on site, a press notice and letters sent to adjoining property owners. One submission has been received which raises a concern in relation to the front setback.
- The application has been assessed against the relevant Design Principles of the R-Codes and is considered to meet those objectives.
- The approval of the proposed development requires an Absolute Majority decision of Council due to the proposed building height.
- It is recommended that conditional approval be granted.

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

There is no previous relevant planning history in respect of the subject site.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R12.5/17.5
Use Type	:	Residential
Use Class	:	'P'- Permitted Use

Site Details

Lot Area	:	838m²
Street Tree(s)	:	None applicable
Street Furniture (drainage pits etc.)	:	Sewerage Manhole (Water Corporation)
Site Details	:	Refer to aerial photo above

3574_Site_and-Elevation_Plans_4_Blackwall_Reach_Parade

DETAIL

Planning approval is sought for the construction of a two storey single house with undercroft garage at 4 Blackwall Reach Parade, Bicton.

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed to Comply provisions of the R-Codes and the applicable Council Policies. Assessment under the design principles of the R Codes and the amenity provisions of CPS5 has been undertaken in respect of the matters tabled below.

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	8m to eaves	8.46m maximum	Requires assessment against R-Codes Design Principles and the amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Side Boundary Setbacks – Southern Boundary	Ground floor Bar / Kitchen – 1.6m – 2m	1.5m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
	First floor Balcony / Den – 4m	3.45m		
	First floor Bedroom 2 / En suite 2 – 1.3m-1.4m	1.2m		

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: In accordance with Clause 7.5 of CPS5 and Part 4 of the R-Codes
Support/Object: One submission in both support and objection

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	No objection to the proposed height.	Support	Noted	Uphold
	No objection in respect of privacy as adequate provision has been made to safeguard visual privacy.	Support	Noted	Uphold
	Object to the averaging the 6m front setback as it will impact the submitter's privacy and amenity.	Object	The proposed front setback satisfies Deemed-to-Comply 5.1.2: Street Setback of the R-Codes.	Not Uphold

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

Required: Yes
Reason: Abuts Swan River Trust Development Control Area
Support/Object: Conditional Support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Swan River Trust (SRT)	The SRT has advised that they have no objection subject to the imposition of conditions of approval and an advice note.	Comment	The recommended conditions and advice note are included within the Officer recommendation below.	Uphold

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal is considered to satisfy all of the relevant provisions of Council's policies with the exception of the building height specified in CP-066: Height of Buildings. This is detailed below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

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

COMMENT

Building Height

As outlined above, the proposed eave height exceeds the CPS5 development requirement of 8m as it is a maximum of 8.46m. This height is considered to satisfy Design Principle 5.1.6 P6 of the R-Codes and the amenity provisions of Clause 7.8 of CPS5 for the following reasons:

- The portion of the building that exceeds the 8 metre eave height requirement is confined predominantly to the first floor level balcony. Due to the balcony being open sided, the dwelling maintains an open feel at the lot frontage, which minimises bulk within the streetscape and to neighbouring properties.

- The open sided balcony maintains views to the river for the adjoining properties either side.

- The overall height of the dwelling complies with the 10.5 metre maximum building height requirement. This, coupled with the sloping topography of the adjoining land to the east ensures that visual amenity levels are safeguarded.

- The proposed development satisfies the Deemed-to-Comply provisions of the R-Codes in relation to overshadowing, therefore adequate access to direct sun is provided.

- In addition to the above, the application was the subject of consultation in respect to its height, and no objections were received in response.

Boundary Setbacks

As stated the proposed setbacks from the southern boundary relating to the ground floor Bar / Kitchen, first floor level Balcony / Den and first floor level Bedroom 2 / En suite require assessment against Design Principle 5.1.3 P3.1 of the R-Codes. The proposed development is considered to be acceptable in that context for the following reasons:

- The impact of the proposed setback is mitigated due to its position adjacent to the driveway of the adjoining property to the south. This serves to reduce any adverse building bulk impacts. The design of the proposed dwelling minimises the extent of overlooking of the adjoining property to the south and satisfies the Deemed-to-Comply provisions of the R-Codes in relation to visual privacy.

- The proposed development satisfies the Deemed-to-Comply provisions of the R-Codes in relation to overshadowing, therefore adequate access to direct sun to major openings and outdoor living areas is maintained.

No objections have been raised in respect of the proposed side setbacks.

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

CONCLUSION

Based on the above, the application is considered to satisfy the objectives of CPS5, the R-Codes and Council planning policies. It is considered that the proposed development can be accommodated without detriment to residential or visual amenity. It is therefore recommended that conditional planning approval be granted via Absolute Majority decision.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3574)
ABSOLUTE MAJORITY APPROVAL

At 9.33pm Cr Foxton moved, seconded Cr Barton –

That the Council by Absolute Majority Decision approve the planning application for the construction of a two storey (with undercroft) single house at Lot 1 (No. 4) Blackwall Reach Parade, Bicton subject to the following conditions:

1. **All stormwater generated on site is to be retained on site. Appropriate on-site measures are to be implemented during construction to prevent sediment from entering the stormwater system and river during demolition and construction to the satisfaction of the Manager Statutory Planning.**

2. **The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the City's specifications and to the satisfaction of the Manager Statutory Planning.**

3. **Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.**

4. **No wastewater/backwash from the swimming pool or water feature is to be discharged onto the land, into the river or the local government drainage system to the satisfaction of the Manager Statutory Planning.**

Advice Notes

1. **The applicant is advised that the Swan River Trust has dewatering effluent discharge standards. If dewatering is necessary, these standards will be required to be met. The Swan River Trust should be contacted for further advice.**

P14/3574 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 4) BLACKWALL REACH PARADE, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

2. **The crossover location will require consultation with the Water Corporation as it intersects an existing sewer and water main within the verge. All works associated with the crossover and main are to be borne by the Applicant.**

At 9.33pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-879
Property	:	Lot 1 (No. 14) Reserve Street, Bicton
Proposal	:	Two Storey Single House with Undercroft
Applicant	:	R A & C A L Bone
Owner	:	R A & C A L Bone
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None Applicable
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

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

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a two storey single house with undercroft on Lot 1 (No. 14) Reserve Street, Bicton.
- The proposed development requires assessment under the design principles of the R Codes in respect of setbacks, site works and visual privacy, and against the amenity provisions of Clause 7.8 of CPS5 in respect of building height. Having assessed the details of the proposed development on that basis, it is considered that the development can be accommodated without any adverse impact on levels of residential or visual amenity.
- In accordance with CPS5 and the R-Codes, the application was advertised via a sign on site, a press notice and letters to six surrounding property owners. Three submissions have been received outlining concerns in relation to building height, site works and setbacks.
- The approval of the proposed development requires an Absolute Majority decision of Council due to the proposed building height.
- It is recommended that approval be granted subject to conditions.

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

There is no previous relevant planning history in respect of the subject site.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area - River Foreshore Precinct
R-Code	:	R12.5
Use Type	:	Residential
Use Class	:	'P'- Permitted Use

Site Details

Lot Area	:	605sqm
Street Tree(s)	:	None Applicable
Street Furniture (drainage pits etc.)	:	Western Power power pole
Site Details	:	Refer to aerial photo above

3575_Site_and_Elevation_Plans_4_Reserve_Street

DETAIL

Planning approval is sought for the construction of a two storey single house with undercroft at 14 Reserve Street, Bicton.

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed to Comply provisions of the R-Codes and applicable Council Policies. The proposal requires the exercise of judgement in respect of those matters outlined below.

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	8m eave height	8.9m maximum eave height	Eave height requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council
	10.5m maximum (to top of ridge)	10.5m	Maximum height complies.	N/A

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Street Setback	Average 7.5m	Ground floor 6.7m First floor 6m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
Lot Boundary Setback – Western Boundary	First Floor En Suite – 2.8m	2.55m	Requires assessment using Design Principles	MSP
Lot Boundary Setback – Eastern Boundary	Ground Floor Balcony – 2.2m	1.5m– 2.142m	Requires assessment using Design Principles	MSP
	Ground Floor Lift/Stairs – 1.8m	1.67m		
	Eastern First Floor Balcony/ Sitting – 2.9m	1.5m - 2.14m		
	Eastern Upper Floor Lift/Stairs – 2.1m	1.67m		
Site Works and Retaining Walls	Fill within 1m of the lot boundary not to exceed 0.6m in height.	1.1m of fill along the western boundary	Requires assessment using Design Principles	MSP
		2.27m fill along the eastern boundary		
Visual Privacy	Outdoor living areas raised more than 0.5m above natural ground level to be setback 7.5m from the boundary.	Ground floor and First floor balconies setback 2.2m from the eastern boundary	Requires assessment using Design Principles	MSP
		Ground floor and First floor balconies setback 3m from the western boundary	Requires assessment using Design Principles	MSP

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	In accordance with Clause 7.5 of CPS5 and Part 4 of the R-Codes
Support/Object:	Three submissions containing comments, objections and some support

The proposed development has been the subject of public consultation, however since this time the Applicant has provided a series of amended plans to address the concerns raised by the submitters and the City's Planning Officers. As a result, the submitters have been given the opportunity to provide further comment and in many instances the original concerns raised have been withdrawn. There do remain some concerns, and these are outlined below.

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	The front setback and height of the house will restrict light flow into the submitter's first floor level rooms. Westerly views down the street will be restricted from front rooms of the submitter's property. A setback that aligns with the front setback of 14A Reserve Street would degrade the overall streetscape.	Object	The proposed front setback is similar with that of 14A Reserve Street which contributes to a consistent streetscape and therefore satisfies the relevant Design Principles of the R-Codes.	Not Uphold

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

	Any excavation and compaction work on the boundary would create a high risk of structural damage. The submitter therefore requests a number of conditions of planning approval be applied relating to the requirement for a building condition report of the submitter's property both prior to development and upon completion and where any damage has occurred, remedial works are to be undertaken.	Comment	These are not relevant planning matters, however it is noted that as part of the building licence process a dilapidation report may be requested.	Not Uphold
	The rear balconies extend overlooking to the submitter's backyard and pool area however the submitter is willing to undertake further measures to improve the privacy screening of their property.	Comment	Noted	Noted
	The height of the 1.6m screening along the side of the proposed balconies will allow overlooking of the submitter's major openings.	Object	The proposed screening along the sides of the ground and first floor balconies satisfies the Deemed-to-Comply requirements of the R–Codes.	Not Uphold
2	The proposed dwelling will overshadow the submitter's eastern aspect interfering with morning sunlight.	Object	Overshadowing levels are compliant with the Deemed-to-Comply requirements of the R-Codes.	Not Uphold

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

	The western wall will tower over the submitter's property and be an eyesore.	Object	The subject site is set at a higher level than its neighbour. This relationship is exacerbated further by the fact that excavation (cut) took place in the development of the adjoining lot, and the dwelling on the lot is of single storey design. In recognition of these differences, the proposed dwelling has been designed to minimise bulk impact through the use of varied setbacks, openings and mid-level roofing.	Not Uphold
	No objection to the proposed setback and retaining wall supporting the proposed fill provided adequately engineered retaining walls are constructed.	Conditional support	The matter raised will be satisfactorily dealt with at the Building Licence stage.	Not Uphold
	Concerned that the proposed excavation and demolition works may interfere with the submitter's foundations and retaining walls given the age of their dwelling.	Comment	The matter raised will be satisfactorily dealt with at the Building Licence stage.	Not Uphold
	Construction will have an impact on lifestyle and quality of life.	Objection	It is considered that the proposed development represents proper and orderly planning.	Not Uphold

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

3.	The proposed height and front setback will partially obscure north westerly views from the submitter's property.	Objection	There are no views of significance that will be lost by the development as proposed.	Not Uphold
	A front setback more aligned to other residences in the street should be followed.	Objection	The proposed front setback is similar with that of 14A Reserve Street which contributes to a consistent streetscape and therefore satisfies the relevant Design Principles of the R-Codes.	Not Uphold
	Significant excavation will be taking place which may cause structural damage to adjoining properties.	Comment	The matter raised will be satisfactorily dealt with at the Building Licence stage.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required in this instance.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this proposal.

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal is considered to satisfy all of the relevant provisions of Council's policies with the exception of the building height specified in CP-066: Height of Buildings and CP-078: Residential Development in relation to the front setback. These are detailed below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Building Height

As outlined above, the proposed eave height exceeds the CPS5 development requirement of 8m as it is a maximum of 8.9m. This difference in the maximum eave height has been considered taking into account Design Principle 5.1.6 P6 of the R-Codes, as well as the amenity provisions of Clause 7.8 of CPS5, and it is recommended that the development be supported in that context on the grounds that:

- There is a substantial slope across the subject site of approximately 8m falling from front to rear. This slope presents a substantial design constraint. However, it should be noted that the proposed finished floor level of the ground floor is to be 9.497, whilst that of the ground floor of the adjoining property at 14A Reserve Street, Bicton is approximately 9.58.

- The area of the dwelling which exceeds the 8m eave height is restricted to the rear portion of the dwelling only. The front portion of the dwelling complies with the 8m eave height requirement and presents as a two storey dwelling within the street consistent with the existing dwelling on the property and numerous others within the street and the wider locality. As such it is considered that the proposed height will not create an adverse impact within the streetscape.

- The maximum height of the dwelling to top of roof ridge is 10.5m which accords with the maximum applicable building height requirement of CPS5.

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

- The properties across Reserve Street to the south are all significantly elevated (a minimum of 5m higher) compared to the subject site due to the topography of the area. Consequently, the proposed height of the dwelling will not impact upon any views of significance.

  The additional wall height that is evident towards the rear of the proposed building results by virtue of the significant slope across the lot from front to rear. The over height wall portion is not overlooked by the existing dwellings that will flank it, and a consistent rear building line will ensure that the relationship of all three properties remain aligned with one another.

- The proposed dwelling satisfies the Deemed-to-Comply requirements of the R-Codes in relation to overshadowing.

Street Setback

The primary street setback is proposed at between 6.6m and 6.8m on the ground floor with a 6m setback provided to the upper floor. As stated, the proposed building does not meet the Deemed-to-comply requirements of Council Policy CP-078: Residential Development, specifically in relation to the front setback. However, Design Principles P2.1 and P2.2 of Clause 5.1.2 of the R-Codes are considered to be satisfied for the following reasons:

- The subject site was created via subdivision of the original duplex site under Planning Scheme No. 3. The resultant lot is slightly undersized for its current R12.5 zoning being 605m² in lieu of the current R-Code minimum site requirement of 700m². This, combined with the existing restrictive covenant on the Certificate of Title which restricts building within the rear portion of the property constrains the development potential of the site.

- The adjoining dwelling at 14A Reserve Street is setback at 6m from Reserve Street. The proposed setback is therefore similar to the setback of this adjoining property. It is also noted that there are existing structures (predominantly carports) which are also located within the 7.5m front setback along Reserve Street which adds to the varied rhythm of the streetscape in this locality.

- The proposed setback will still provide for adequate open space, parking and landscaping to the front of the site which will positively contribute of the prevailing development context and streetscape.

Lot Boundary Setbacks

As outlined above, the proposed setback of the first floor level en suite from the western boundary requires assessment against Design Principle 5.1.3 P3.1 of the R-Codes. This portion of wall is considered to satisfy these provisions for the following reasons:

- The subject portion of wall is setback 2.55m and provides relief from two other portions of wall which are setback 1.75m from the boundary. This wall is well articulated through the use of the varied setbacks, openings and mid-level roofing which collectively combine to minimise the impacts of building bulk.

- The adjoining dwelling to the west contains no major openings.

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

- The proposed development satisfies the Deemed-to-Comply requirements of the R-Codes in relation to overshadowing.

The proposed setbacks of the ground floor balcony, ground floor stairs, upper floor balcony and upper floor stairs also require assessment against Design Principle 5.1.3 P3.1 of the R-Codes. These portions of wall are considered to satisfy these provisions for the following reasons:

The adjoining dwelling at 14A Reserve Street has a two storey boundary wall or sections of wall with no major openings.

- The proposed development satisfies the Deemed-to-Comply requirements of the R-Codes in relation to overshadowing.

Site Works and Retaining Walls

The proposed development requires consideration against Design Principle 5.3.7 P7.1 and P7.2 and 5.3.8 P8 of the R-Codes in relation to the site works and retaining. The proposed development is considered to comply with these criteria for the following reasons:

- The proposed levels of fill and retaining along the eastern boundary (abutting 14A Reserve) which exceeds 0.6m in height is setback 12m from the front boundary. Consequently, the majority of the fill and retaining will be adjacent to the existing two storey boundary wall on the adjoining property. The portion which will be located in front of the boundary wall has a maximum height of 1.5m as a result of the steep drop to the north. This section of retaining is adjacent to the ground floor laundry and garage of 14A Reserve Street, neither of which are active or habitable rooms.

- The proposed fill and retaining along the western boundary which exceeds 0.6m in height is directly adjacent to the driveway and garage of 12 Reserve Street and as such any adverse impact is avoided.

- The dwelling has been designed to reflect the natural topography of the land by proposing brick build up and a series of steps within the side setback areas to minimise the need for fill and retaining walls on the boundary where possible.

- The proposed retaining walls and fill level has been the subject of consultation to the adjoining land owners, none of whom raise any objections in principle.

Visual Privacy

A large northern facing balcony is proposed on both the ground and first floor levels of the dwelling to obtain river views. The side portions of both balconies are proposed to be screened to 1.6m above the balcony floor level; however the rear elevation of both balconies is proposed to remain open, and this requires assessment against Design Principle 5.4.1 P1.1 and P1.2 of the R-Codes.

In respect of the relationship of the balconies with the neighbouring property to the west at 12 Reserve Street, the unscreened balconies are considered to satisfy the Design Principle for the following reasons:

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

- The area that will be overlooked from the balconies is essentially a steeply sloping section of the rear garden that is not used as a primary outdoor living area. The primary outdoor living area for the property is located to the north-eastern side of the existing building and this will not be visible from the balconies. It is noted however that a small portion of the currently unused swimming pool will be visible from the balconies.

- As the rear setback of the proposed dwelling is in line with the existing dwelling to the west, no major openings will be impacted as a result of the proposed balconies.

- The screening along the side portions of the balconies will prevent overlooking of the side setback area of the adjoining property.

- It is noted that the existing dwelling on the subject site includes a balcony along the rear elevation which provide a similar level of the overlooking as the proposed balconies will.

- No objection in relation to the position of the balconies, nor their lack of screening has been raised by the adjoining property owners.

As the overlooking to active habitable spaces and outdoor living areas is considered to be minimal, no additional privacy measures are considered necessary in this case.

In respect of the relationship of the balconies with the neighbouring property to the west at 14a Reserve Street, the unscreened balconies will not satisfy the Design Principle as overlooking towards a primary outdoor living area and swimming pool will result.

Despite this, the adjoining property owner acknowledges that whilst there will be overlooking, the impacts of that can be mitigated by measures that are introduced by him. The adjoining owner acknowledges that his property at 14a also benefits from an unscreened balcony which overlooks the rear garden area of the application site. This is a pragmatic approach to the issue which recognises that all of the dwellings along this side of Reserve Street have a degree of mutual overlooking of each other's backyard and pool areas as they have been constructed to take advantage of the views toward Point Walter Reserve and the Swan River. In view of this, it is considered acceptable that the balconies be permitted without screening, and the application is recommended for approval on that basis.

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

CONCLUSION

Based on the above, the application is considered to satisfy the objectives of CPS5, the R-Codes and Council planning policies. It is considered that the proposed development can be accommodated without detriment to residential or visual amenity, and for these reasons, the proposal is recommended for conditional planning approval.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3575)
ABSOLUTE MAJORITY APPROVAL

At 9.37pm Cr Foxton moved, seconded Cr Barton –

That the Council by Absolute Majority Decision approve the planning application for the construction of a two storey (with undercroft) single house at Lot 1 (No. 14) Reserve Street, Bicton subject to the following conditions:

1. **All stormwater generated on site is to be retained on site.**

2. **The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the City's specification to the satisfaction of the Manager Statutory Planning.**

3. **Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**

4. **Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.**

5. **Prior to the initial occupation of the development, the surface of the retaining wall which is visible from the adjoining properties shall be finished to the satisfaction of the adjoining neighbour. It is the Applicant's responsibility to liaise with the neighbour to this effect. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**

P14/3575 – TWO STOREY (WITH UNDERCROFT) SINGLE HOUSE AT LOT 1 (NO. 14) RESERVE STREET, BICTON (AMREC) (CONFIDENTIAL ATTACHMENT)

6. Prior to the initial occupation of the development, the Eastern and Western elevations of the Ground Floor and First Floor level Balconies (as marked on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.

At 9.37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-951
Property	:	Lot 2 (No. 496A) Canning Highway, Attadale
Proposal	:	Three Storey Single House
Applicant	:	P Byrne
Owner	:	P & M Byrne
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None applicable
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

		DEFINITION
☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☒	**Quasi-Judicial**	***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.***
☐	Information	*For the Council/Committee to note.*

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a three storey dwelling at 496A Canning Highway, Attadale.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No.5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies with the exception of boundary setbacks and overshadowing.
- In accordance with Part 4 of the R-Codes, the application was advertised to the affected land owners. Five submissions were received outlining concerns relating to overlooking, building bulk, boundary setbacks and overshadowing. Amended plans have since been submitted by the Applicant which partially addresses these concerns.
- The amended application has been assessed against the relevant Design Principles of the R-Codes and is considered to comply.
- This application was presented to the Development Advisory Unit (DAU) on 21 October 2014 and was 'called up' at the request of the Ward Councillors on the basis that the impacts of overshadowing and privacy have not been adequately addressed.
- It is recommended that approval be granted subject to conditions.

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

This application was presented to the City's Development Advisory Unit (DAU) on 21 October 2014 and was recommended for approval.

In accordance with the call up provisions of Council Policy CP-044 'Development Advisory Unit' an Elected member call up request was submitted by Ward Councillor's Barton and Taylor-Rees who have provided the following justification for the call up of the final decision on this application to an Ordinary Meeting of the Council:

"We consider that the overshadowing issue is not adequately addressed in that:

(a) The 33% is not justified by the fact that the 25% level would overshadow major openings and (the) backyard and that trees already cause overshadowing, because the decision should be independent of current trees and current buildings in the affected property; and
(b) The fact that the rear backyard does not satisfy the current R-Codes for a primary outdoor living area is not relevant because this was not the situation at the time the building of a private outdoor living area within the front setback of the house, which is severely affected by Canning Highway traffic, cannot justify this interpretation even if it is larger and complies with current R-Codes for outdoor living areas."

A written call up request was also submitted by the owners of three properties that abut the application site. This calls for the application to be determined by the Council on the grounds that overlooking towards their properties will undermine the levels of residential amenity that those residents currently enjoy.

In accordance with these call up requests, the decision was taken that the matter be determined by a meeting of the Council.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area - Canning Highway Precinct
R-Code	:	R25/40
Use Type	:	Residential
Use Class	:	'P'- Permitted Use

Site Details

Lot Area	:	407sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Yes, retained
Street Furniture (drainage pits etc.)	:	None applicable
Site Details	:	Refer to site photo above

3576_Elevation_Plans_496A_Canning_Highway

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

DETAIL

Planning approval is sought for the construction of a three storey single house at 496A Canning Highway, Attadale.

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed to Comply provisions of the R-Codes and applicable Council Policies. The proposal requires the exercise of judgement in relation to those matters outlined below.

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Setback	Northern Elevation Ground Floor - 1.5m	1m	Requires assessment in accordance with the Design Principles	Manager Statutory Planning (MSP)
Overshadowing	25%	33%	Requires assessment in accordance with the Design Principles	MSP

STAKEHOLDER ENGAGEMENT

1. COMMUNITY

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: In accordance with Part 4 of the R-Codes
Support/Object: Five submissions received

The plans originally submitted at the time of lodgement were advertised to all of the affected adjoining property owners and five submissions were received, all outlining concerns.

Upon receipt of these submissions, the Applicant prepared revised plans to address the concerns. The amended plans were not the subject of further public consultation.

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

A summary of the submissions received is provided below.

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	Two large balconies will overlook the submitter's family living area, alfresco and backyard which is unacceptable.	Object	Amended plans have been received which include screening to all north facing major openings including the balconies. This aspect of the development is now designed in accordance with the deemed to comply provisions of the R Codes, and is supported on that basis.	Condition
2	Overlooking from the first and second floor balconies will encroach into the submitter's outdoor living areas and a back bedroom. The existing limestone fence is not high enough and will have to be increased in height for privacy. The building will block southerly breezes into the submitter's living space. The proposed house will completely overshadow the submitter's house thus devaluing it considerably.	Object	Refer to comment above. Refer to comment above. This is not considered to be a material planning consideration. Given the submitters property is located to the north of the application site, no adverse impacts from overshadowing will result.	Condition Condition Not Uphold Not Uphold

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

3	The balconies on the first and second levels will overlook the submitter's house and give direct views into a bedroom. No screening is permitted to be attached to the submitter's boundary wall. The proposed building will tower above us and will degrade the value of our property.	Object	Refer to comment above. Noted. Screening measures to the boundary wall will not be required given screening is now included to the upper floor balconies. The proposed building height and the setbacks to the first and second floor levels satisfy the requirements of CPS5 and the Deemed to Comply provisions of the R-Codes.	Condition Noted Not Uphold
4	Overlooking from the proposed balconies will affect the future privacy, especially with future plans to subdivide.	Object	Refer to comment above.	Condition

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

5	The mass, bulk and proximity of the rear elevation will present an overbearing and intrusive element. The proposal will significantly overshadow the submitter's rear garden and does not allow for solar penetration into habitable rooms. The second floor should be setback to 1.5m.	Object	Refer to comment above. Overshadowing has been assessed against the Design Principles of the R-Codes in the Comment section below. The setback to the second floor has been amended and now satisfies the Deemed to Comply requirements of the R-Codes.	Not Uphold Not Uphold Uphold

II. OTHER AGENCIES / CONSULTANTS

Required: Yes
Reason: Abuts Main Roads Primary Regional Road Reserve
Support/Object: Conditional Support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Main Roads	The proposed development is acceptable to Main Roads subject to conditions.	Support	Noted. The recommended conditions are included within the Officer recommendation below.	Uphold

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.*

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal is considered to satisfy all of the relevant provisions of Council's policies including CP-075: Canning Highway Precinct Design Guidelines.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

As outlined above, the proposed development requires the exercise of judgement in relation to overshadowing and boundary setbacks.

Boundary Setback

The setback of the proposed ground floor level from the northern boundary requires assessment against Design Principle 5.1.3 (P3.1) of the R-Codes.

The proposed development is considered to satisfy the relevant Design Principle for the following reasons:

- The finished floor level of the adjoining properties to the north is approximately 1.1m lower than that of the subject building and a 2m high limestone dividing fence (built from the highest retained level) is located in between. Accordingly, due to the difference in ground level and the height of the dividing fence, the building bulk impact of the ground floor level will be mitigated.

- Due to the orientation, the setback to the northern boundary will not restrict direct sun and ventilation to the adjoining properties to the north.

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

Whilst the ground floor level wall of the proposed residence does include major openings along the northern elevation, these are effectively screened by the existing dividing fence.

Overshadowing

As outlined above, the proposal requires the exercise of judgement in relation to overshadowing and therefore requires assessment against Design Principles 5.4.2 (P2.1 and P2.2) of the R-Codes.

The proposed development is considered to satisfy the abovementioned Design Principles for the following reasons:

- The design of the proposed development allows for effective solar access into the subject property.

- The rear setback area and the north facing window and door openings of the adjoining southern property will be wholly overshadowed by the proposed development at midday on 21 June (mid-winter/shortest day). This is the worst case scenario, as at other times of the day/year, no such overshadowing will result. In respect of the resultant mid-winter impact it is noted that 25% overshadowing in accordance with the Deemed to Comply provisions of the R-Codes would also overshadow all of these openings and rear setback area.

- It is determined that the rear setback area of the adjoining property to the south does not function as the primary outdoor living area for the property. This view is taken on the basis that it does not satisfy the R-Codes space requirements for outdoor living areas, and a private outdoor living area is provided within the front setback of the property. This area is considered to be the primary outdoor living area for the property as it is a larger and a more usable space, the area of which complies with the minimum space requirements of the R-Codes for outdoor living areas.

- The proposed dwelling has been designed with a concealed roof to a maximum height of 9.15m, 2.85m less than the permitted 12m (flat roof) height for the Precinct.

- The proposed building setbacks along its southern side meet the deemed to comply with setback requirements.

- It is noted that the adjoining property to the south contains a number of trees and shrubs within the backyard area, as well as a standard height colorbond style dividing fence. These features will themselves already result in some overshadowing of the backyard area and north facing major openings.

- There are no roof mounted solar collectors located on the adjoining property to the south that could be compromised by the proposed level of overshadowing.

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

CONCLUSION

Based on the above, the application is considered to satisfy the requirements of CPS5, the R-Codes and the Council Policy, including the Design Principles for boundary setbacks and overshadowing. Consequently, it is recommended that the proposed development be approved subject to the imposition of conditions.

At 9.40 Cr Reynolds left the meeting and returned at 9.43pm.
At 9.41pm Ms Tranchita left the meeting and returned at 9.43pm.
At 9.43pm Cr Reynolds left the meeting and returned at 9.46pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3576) APPROVAL

At 9.38pm Cr Willis moved, seconded Cr Aubrey –

That the Council approve the planning application for the construction of a three storey dwelling at Lot 2 (No. 496A) Canning Highway, Attadale subject to the following conditions:

1. **All stormwater generated on site is to be retained on site.**

2. **Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**

3. **Prior to the initial occupation of the development, the first and second floor balconies along the northern elevation shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

4. **Prior to the initial occupation of the development, the first and second floor major openings on the northern, eastern and southern elevations (as marked 'PS' on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

5. **Prior to initial occupation, compliance with the Western Australian Planning Commission State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning must be achieved, to the satisfaction of the Manager Statutory Planning.**

6. **All vehicle access to Canning Highway is restricted to the existing driveway.**

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

7. **The driveway shall be design to have an internal turn around facility or area that enables vehicles to turn around and exit the driveway in a forward movement to the satisfaction of the Manager Statutory Planning.**

Advice Notes

1. **In relation to Condition 5 above, Main Roads WA advises that this noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise.**

2. **No earthworks shall encroach onto the Canning Highway road reserve.**

3. **The privacy screen indicated along the northern boundary does not form part of this approval.**

Cr Barton moved a procedural motion in accordance with Standing Orders Clause 11.1(b) that the question be adjourned.

At 9.40pm moved Cr Barton, seconded Cr Taylor-Rees –

That this item be adjourned to the February 2015 Council Meeting.

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

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

Vote Result Detailed	
Cr Barton	Yes
Cr Foxton	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Taylor-Rees	Yes
Cr Aubrey	No
Cr Hill	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Willis	No
Mayor Aubrey	No

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

COUNCIL RESOLUTION (3576) **APPROVAL**

That the Council approve the planning application for the construction of a three storey dwelling at Lot 2 (No. 496A) Canning Highway, Attadale subject to the following conditions:

1. **All stormwater generated on site is to be retained on site.**

2. **Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**

3. **Prior to the initial occupation of the development, the first and second floor balconies along the northern elevation shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

4. **Prior to the initial occupation of the development, the first and second floor major openings on the northern, eastern and southern elevations (as marked 'PS' on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

5. **Prior to initial occupation, compliance with the Western Australian Planning Commission State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning must be achieved, to the satisfaction of the Manager Statutory Planning.**

6. **All vehicle access to Canning Highway is restricted to the existing driveway.**

7. **The driveway shall be design to have an internal turn around facility or area that enables vehicles to turn around and exit the driveway in a forward movement to the satisfaction of the Manager Statutory Planning.**

P14/3576 - THREE STOREY SINGLE HOUSE AT LOT 2 (NO. 496A) CANNING HIGHWAY, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

Advice Notes

1. **In relation to Condition 5 above, Main Roads WA advises that this noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise.**

2. **No earthworks shall encroach onto the Canning Highway road reserve.**

3. **The privacy screen indicated along the northern boundary does not form part of this approval.**

At 9.52pm the Mayor submitted the motion, which was declared

CARRIED (9/4)

Vote Result Summary	
Yes	9
No	4

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No
Cr Phelan	No
Cr Taylor-Rees	No

P14/3577 - RETROSPECTIVE PLANNING APPLICATION FOR A CHANGE OF USE FROM 'SHOWROOM/WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AND SIGNAGE AT 5/5-7 PITT WAY, BOORAGOON (AMREC) (ATTACHMENT)

Ward	:	City
Category	:	Operational
Application Number	:	DA-2014-1154
Property	:	Lot 5 (5-7) Pitt Way, Booragoon
Proposal	:	Retrospective planning application for a change of use from 'Showroom/Warehouse' to 'Motor Vehicle Repair' and signage
Applicant	:	BRB Smash Repairs
Owner	:	Billy & Molly Pty Ltd
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None applicable
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

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

P14/3577 - RETROSPECTIVE PLANNING APPLICATION FOR A CHANGE OF USE FROM 'SHOWROOM/WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AND SIGNAGE AT 5/5-7 PITT WAY, BOORAGOON (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the continued use of the premises as a 'Motor Vehicle Repair' business (plus retained business signage) at 5/5-7 Pitt way, Booragoon.
- The use is a 'P' – Permitted use in the Mixed Business Precinct and as such its continued use is considered appropriate in principle, subject to the imposition of conditions of approval.
- The two wall signs are similarly considered to be acceptable, as they are not considered to have an adverse impact upon the amenity of the surrounding area and as such satisfy the requirements of Part 8 of the City's draft Outdoor Advertisements and Signage policy.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the retrospective change of use and associated signage be approved.

BACKGROUND

There is no previous relevant planning history in respect of the subject site.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Mixed Business Precinct
R-Code	:	Not applicable
Use Type	:	Motor Vehicle Repair
Use Class	:	P - Permitted

P14/3577 - RETROSPECTIVE PLANNING APPLICATION FOR A CHANGE OF USE FROM 'SHOWROOM/WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AND SIGNAGE AT 5/5-7 PITT WAY, BOORAGOON (AMREC) (ATTACHMENT)

Site Details

Lot Area	:	3,536m²
Street Tree(s)	:	None applicable
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	Refer to aerial photo above

3577_Signage_and_Floor_Plan_5.5_7_Pitt_Way_Booragoon

DETAIL

The City received an application on 18 September 2014 which seeks retrospective planning approval for a change of use from 'Showroom/Warehouse' to 'Motor Vehicle Repair'.

The subject business: BRB Smash Repairs remove, replace and repair damaged motor vehicle bumpers and panels. All spray painting associated with the business is carried out off-site.

The business operates with four service bays and a maximum of three staff members at any one time.

Retrospective planning approval is also sought for the installation of two wall signs as follows:

1) A 7m x 1.4m wall sign with a black background located above the ground floor level windows and roller door.

2) An 8m x 1.4m wall sign with a white background located above the first floor windows.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

None required.

II. OTHER AGENCIES / CONSULTANTS

None required.

STATUTORY AND LEGAL IMPLICATIONS

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

P14/3577 - RETROSPECTIVE PLANNING APPLICATION FOR A CHANGE OF USE FROM 'SHOWROOM/WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AND SIGNAGE AT 5/5-7 PITT WAY, BOORAGOON (AMREC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this application

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The continued use of the premises for the purpose outlined has been assessed against the provisions of Council Policy CP-079: Car Parking and Access. The development satisfies the provisions of this policy subject to the imposition of a condition of approval requiring the provision of two on-site bicycle bays.

The proposed signage has been assessed against the provisions of the draft Outdoor Advertisements and Signage policy. This is addressed in the Comment section of this report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Use

As the use is permitted within the Mixed Use Precinct and as the development is undertaken in accordance with the development requirements of CPS5 and Council Policy, it is considered appropriate in land use terms that the use be authorised and allowed to continue Operating from the site.

Signage

The existing two wall signs have been assessed under the provisions of the draft Council Policy Outdoor Advertisements and Signage, and are considered suitable for retention and approval on the grounds that

- The signage is clear, simple and concise.

P14/3577 - RETROSPECTIVE PLANNING APPLICATION FOR A CHANGE OF USE FROM 'SHOWROOM/WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AND SIGNAGE AT 5/5-7 PITT WAY, BOORAGOON (AMREC) (ATTACHMENT)

- The signage is compatible with existing signage on the site and within the surrounding Mixed Business Precinct and do not obscure signage on adjacent tenancies or properties.

- The signage does not result in an unacceptable level of visual clutter within the area.

- Due to the street layout, there is little through traffic on Pitt Way. Most vehicular movement within Pitt Way is from customers of the businesses within the immediate area. Clear signage is required to guide and direct customers so as to not cause confusion amongst drivers.

In view of this, the proposed signage is recommended for approval.

CONCLUSION

Based on the above, the proposed use and associated signage are considered to satisfy all of the relevant provisions within CPS5 and Council Policy. As a result, the retrospective application is recommended for approval pursuant to Clause 7.14(a) of CPS5 and a condition of approval is recommended requiring the provision of two bicycle parking facilities.

P14/3577 - RETROSPECTIVE PLANNING APPLICATION FOR A CHANGE OF USE FROM 'SHOWROOM/WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AND SIGNAGE AT 5/5-7 PITT WAY, BOORAGOON (AMREC) (ATTACHMENT)

OFFICER RECCOMENDATION AND COUNCIL RESOLUTION (3577)
ABSOLUTE MAJORITY APPROVAL

At 9.52pm Cr Schuster moved, seconded Cr Foxton –

That the Council by Absolute Majority decision approve the retrospective planning application for a change of use from 'Showroom/Warehouse' to 'Motor Vehicle Repair' and Signage at Lot 5 (No. 5-7) Pitt Way, Booragoon subject to the following condition:

> **Within 30 days of the date of this decision, bicycle parking facilities for a minimum of two bicycles shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained in perpetuity.**

At 9.52pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

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

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

Ward	:	Applecross/Mt Pleasant
Category	:	Strategic
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Naming of Five Laneways in the Riseley Centre
Applicant	:	City of Melville
Owner	:	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	:	Ordinary Meeting of the Council 17 June 2014 Item P14/3501 – Final Adoption of the Riseley Centre Structure Plan
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

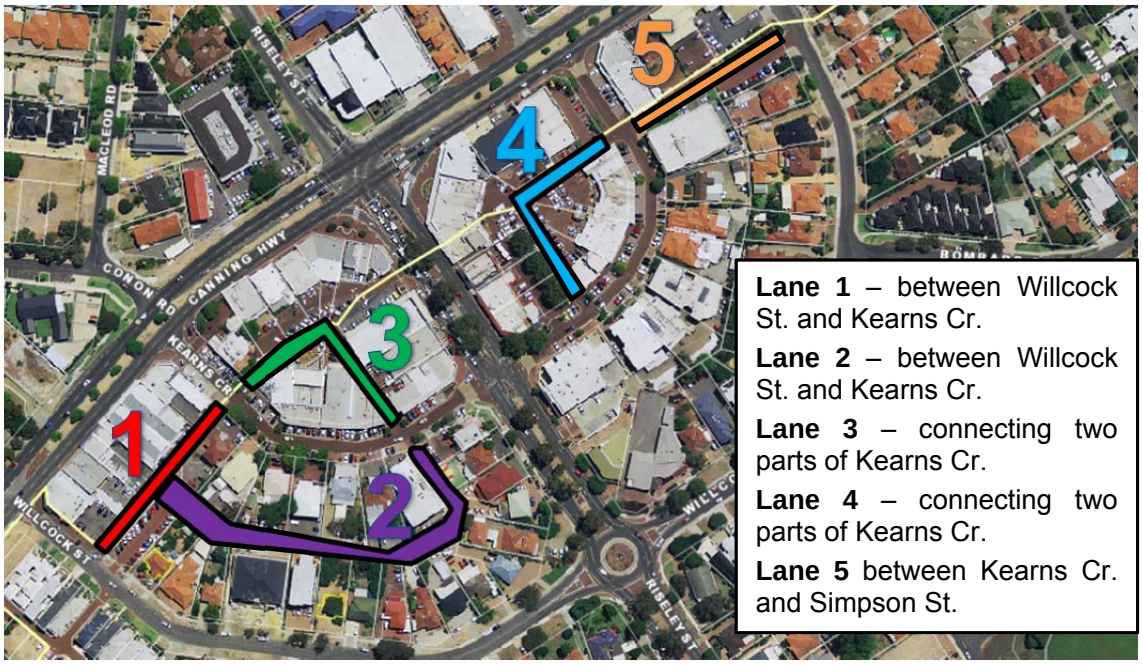
AUTHORITY / DISCRETION

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

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

KEY ISSUES / SUMMARY

- Council adopted the Riseley Centre Structure Plan on 17 June 2014.
- The adopted Structure Plan aims to create a vibrant and sustainable centre that will be a great place to live, work, socialise and shop.
- The structure plan encourages activity and local 'placemaking' actions to create a place for people. It also encourages new development and pedestrian movement along rear laneways.
- During the preparation of the structure plan, it was identified that there are currently five unnamed laneways (right of ways) in the centre.
- As a result, section 7.3.3 of Part 2 of the Structure Plan identified that community participation in the naming of the laneways would help to create a sense of place and identity.
- The City ran a successful community engagement program called 'Have your say on your laneway' to help find names for the five laneways.
- As a result of this program, a shortlist of appropriate names, including a preferred option for each laneway has been formulated by officers, taking into account the feedback from the community engagement and preliminary comments from Landgate.
- It is recommended that the Council adopt the preferred name option for each of the five laneways for endorsement by the Geographic Names Committee (GNC) of Landgate.



Lane 1 – between Willcock St. and Kearns Cr.

Lane 2 – between Willcock St. and Kearns Cr.

Lane 3 – connecting two parts of Kearns Cr.

Lane 4 – connecting two parts of Kearns Cr.

Lane 5 between Kearns Cr. and Simpson St.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

BACKGROUND

The Riseley Centre Structure Plan was adopted by Council at its Ordinary Meeting held on 17 June 2014. The plan aims to create a vibrant and sustainable centre that will be a great place to live, work, socialise and shop. It also encourages new development and pedestrian movement along rear laneways.

During the preparation of the structure plan, it was identified that there are currently five unnamed laneways (right of ways) within the Centre.

As a result, section 7.3.3 of Part 2 of the Structure Plan (the explanatory, non-statutory part of the plan) identified that community participation in the naming of the laneways would help to create a sense of place and identity for the Centre.

DETAIL

It is proposed to adopt names for each of the five laneways within the Riseley Centre.

The laneway land details are summarised below.

Lane No.	Area	Landowner	Comments
1	486m²	Perth Subdivisions Pty Ltd	A right of way easement grants public access over this land as per the *Transfer of Land Act 1893*.
2	1,975m²	City of Melville	The City owns this land in freehold with a right of way easement burden over the land.
3	73m² 528m²	Perth Subdivisions Pty Ltd City of Melville	A right of way easement grants public access over this land as per the *Transfer of Land Act 1893*. The City owns this land in freehold with a right of way easement burden over the land.
4	624m²	City of Melville	The City owns this land in freehold with a right of way easement burden over the land.
5	425m²	City of Melville	The City owns this land in freehold with a right of way easement burden over the land.

None of the above laneways are dedicated streets or roads, however they could be dedicated in the future if/when the relevant conditions are satisfied (i.e. minimum right of way width) and the City is supportive. This may allow for services such as waste collection or postal deliveries in the future. Notwithstanding, undedicated laneways can be named and the naming process is not reliant on the rights of way being dedicated streets.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

The relevant Australian Standard - *AS/NZS 4819:2011 Appendix A "Road Types – Australia"* and Landgate provide guidance as to how a road/lane is to be described. Under these criteria, each of the right of the ways is best described as 'lanes'. Accordingly, the suffix for each of the proposed laneway names is 'lane'.

Furthermore, Landgate prefers that lanes have short names with no more than six letters. In addition, there are other naming requirements, such as not using the first names of people, or names of living persons, or using names that are already common in surrounding suburbs.

The City undertook to provide a community engagement process entitled 'Have Your Say on Your Laneway' where the community was requested to provide naming suggestions for the various unnamed laneways. This process included engagement via:

- The City's online consultation hub 'We're Listening Melville';
- Emails to people on the Riseley Centre Structure Plan project update database and Neighbourhood Development databases;
- Forms on a flyer with a collection box at Brumby's Bakery in Applecross (in the Riseley Centre);
- The City's website;
- Facebook and Twitter; and
- Advertorials in the Melville Times.

As a result of this process, the 'We're Listening Melville' page had 1,310 visits, and in total the City received 99 name suggestions from the community.

These suggestions were then collated and a survey loaded onto the 'Were Listening Melville' page for the community to vote on their preferred name for each laneway. Each person could only vote once, with one choice per laneway.

The survey had 1,455 views, with 102 people voting. The top three names for each laneway are outlined below.

Each of these names has since been submitted to Landgate for comment and unfortunately a number have been deemed unsuitable. Despite this, and as a result of the community consultation exercise undertaken, a preferred name for each of the laneways is now proposed.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

Lane No.	Suggested Names	Comments
1	1. Peppermint Lane (18 votes) 2. Jacaranda Lane (14) 3. Maypal Lane (14) **(Kwilena Lane)**	Landgate does not support Peppermint Lane, nor Jacaranda Lane as they are over-used names in the Perth metropolitan area. Landgate supported Maypal Lane, which was proposed as an Aboriginal word for 'shellfish'. However this was not a word recognised by local Aboriginal Elders. The Elders suggested a number of alternatives, which were checked with the original submitter of 'Maypal'. Kwilena Lane was the name chosen by the submitter and supported by the Elders. **Recommendation** Lane 1 be named Kwilena Lane, which is the local Aboriginal word for dolphin. This name would recognise local indigenous history and the dolphins in the nearby Swan River.
2	1. Sarkis Lane (54 votes) 2. **Carnaby Lane (13)** 3. Lorikeet Lane (10)	Landgate do not support the use of the name Sarkis after former resident Sarkis Petrossian as under Landgate guidelines a person must be deceased for at least two years prior to having their name used in this context. In addition Lorikeet Lane is not supported due to existing over-use in the Perth metropolitan area. **Recommendation** Lane 2 be named Carnaby Lane to recognise the endangered Carnaby's Black Cockatoo, which is often seen in the area. This name would recognise important local fauna.
3	1. Wilson Lane (25 votes) 2. Poppy Lane (14) 3. Post Office Lane (9) **(Post Lane)**	Landgate does not support Wilson Lane as it is an over-used name in the Perth metropolitan area. Landgate does not support Poppy Lane as there is an existing Poppy Lane less than 10km in Como. Landgate does not support Post Office Lane as it is double-barreled and does not comply with the nomenclature Guidelines. **Recommendation** Lane 3 be named Post Lane because it leads to the Applecross Post Office and is a shortened version of the community's selection. This name would recognise an important ongoing service for the community.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

Lane No.	Suggested Names	Comments
4	1. Hurst Lane (21 votes) 2. **Teneriffe Lane (19)** 3. Tony Ale Lane (15)	Landgate supports Hurst Lane. However, former Mayor Ken Hurst is already appropriately recognised through the naming of Ken Hurst Park in Leeming. Landgate does not support Tony Ale Lane as it is double-barreled and named after a living person. Landgate supports Teneriffe Lane. **Recommendation** Lane 4 be named Teneriffe lane after the name of the former drive-in picture theatre that was located on sites adjacent to the lane at 777-779 Canning Highway. This name would recognise local history and land use.
5	**1.** Andy Lane (57 votes) **(Chortis Lane)** 2. Carnaby Lane (13) 3. Galah Lane, Guku Lane or Short Lane (11)	Landgate does not support Andy Lane as it would be named after the person's first name (Angelo 'Andy' Chortis). Andy Chortis purchased land in the Riseley Centre in the early 1950's and progressively developed five retail shops at 787 Canning Highway on the corner of Kearns Crescent. He ran local businesses from this location and lived close by on Canning Highway. Andy Chortis often used Lane 5 to get from home to work. He would often stop to talk to local residents and business owners. He passed away 15 years ago. **Recommendation** Lane 5 be named Chortis Lane in recognition of Andy Chortis' role in developing the Riseley Centre and his service to the community. The Chortis family still owns the five original lots and descendants still live close by on Canning Highway. This use of this name will recognise an important former local resident.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

As outlined above, a significant community engagement exercise was undertaken to obtain names for the laneways that the local community consider are of relevance. The exercise was also seen to be encouraging of a sense of place, for the Riseley Centre.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

II. OTHER AGENCIES / CONSULTANTS

The GNC has published the *Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia*. The City has undertaken preliminary consultation with Landgate in relation to the shortlisted names and the City has received confirmation that all of the preferred names are suitable for consideration, subject to final endorsement by the Council.

STATUTORY AND LEGAL IMPLICATIONS

The GNC is the official body charged with allocating official names to streets, roads and geographical features. It has delegated authority for all official naming for topographic and cultural features from the Minister for Lands. Official naming of features is governed by:

- *Land Administration Act 1997*
- *Land Information Authority Regulations 2007*
- AS/NZS 4819:2011 Rural and Urban Addressing
- The *Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia*

The Council's role in the adoption of new street names is to make recommendations only.

Following final Council endorsement, the adopted names will be referred to the GNC for final approval.

FINANCIAL IMPLICATIONS

There are no financial implications which result from this matter. However, it is suggested that the City may wish to erect street signs on the new laneways once the laneway names have been approved.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications resulting from this item.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

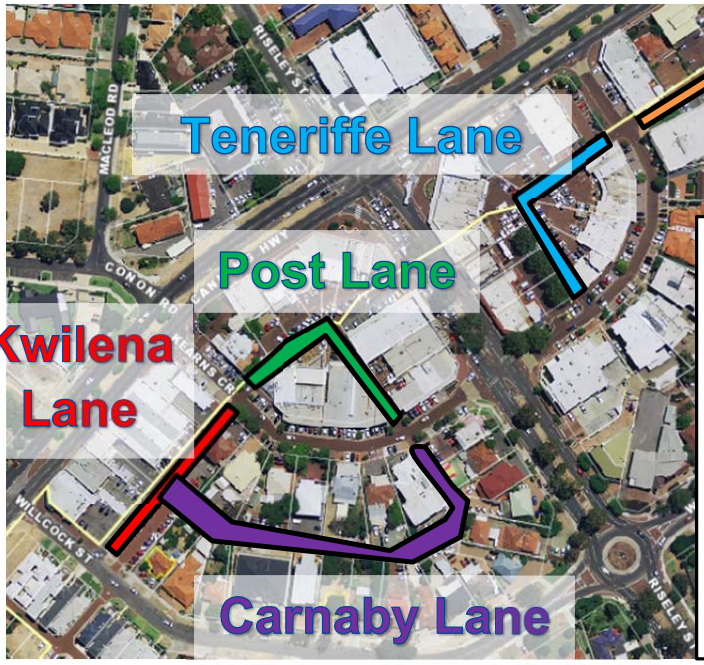
ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council can refuse to name the laneways or it could refuse to endorse the preferred names. This is not recommended as the laneways are currently without official names and it is recommended that the naming process be commenced to foster a sense of place within the Riseley Centre, and conclude the consultation exercise undertaken. There are no appeal rights in respect of this naming process.

The Council may also nominate different names for the laneways. These alternative laneway names would need to be publicly advertised in accordance with the City's policies and guidelines. This course of action is not recommended as a substantial amount of community engagement has already been undertaken.

CONCLUSION

This project is considered to be a successful example of the City collaborating with the community. Based on the community's feedback, it is recommended that Council adopt the following names for the five currently unnamed laneways.



Lane 1 – Kwilena Lane between Willcock St. and Kearns Cr.

Lane 2 – Carnaby Lane between Willcock St. and Kearns Cr.

Lane 3 – Post Lane connecting two parts of Kearns Cr.

Lane 4 – Teneriffe Lane connecting two parts of Kearns Cr.

Lane 5 Chortis Lane between Kearns Cr. and Simpson St.

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3578) APPROVAL

At 9.53pm Cr Reynolds moved, seconded Cr Robartson –

That the Council:

1. **Adopt the following names for the five unnamed laneways in the Riseley Centre:**

    a. **'Kwilena Lane' between Willcock Street and Kearns Crescent**
    b. **'Carnaby Lane' between Willcock Street and Kearns Crescent**
    c. **'Post Lane' connecting two parts of Kearns Crescent**
    d. **'Teneriffe Lane' connecting two parts of Kearns Crescent**
    e. **'Chortis Lane' between Kearns Crescent and Simpson Street**

2. **Request that the Geographic Names Committee of Landgate endorse the above recommended names for the five laneways in the Riseley Centre.**

Amendment

At 9.54pm Cr Schuster moved, seconded Cr Phelan –

That item 1b be deferred for further consideration with the Geographical Names Committee of Landgate.

At 9.55pm the Mayor submitted the amendment, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

P14/3578 - FINAL ADOPTION OF THE NAMES FOR THE FIVE LANEWAYS WITHIN THE RISELEY CENTRE (REC)

COUNCIL RESOLUTION (3578) **APPROVAL**

That the Council:

1. **Adopt the following names for the four unnamed laneways in the Riseley Centre:**

   a **Kwilena Lane' between Willcock Street and Kearns Crescent**
   c **Post Lane' connecting two parts of Kearns Crescent**
   d **Teneriffe Lane' connecting two parts of Kearns Crescent**
   e **Chortis Lane' between Kearns Crescent and Simpson Street**

2. **Request that the Geographic Names Committee of Landgate endorse the above recommended names for the four laneways in the Riseley Centre.**

At 9.55pm the Mayor submitted the Substantive motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

T14/3573 – SUPPLY OF TREE PRUNING SERVICES WITHIN THE CITY OF MELVILLE (CO11/14) (REC) (CONFIDENTIAL ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Tenders
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	2014/2015 Budget
Responsible Officer	:	Jeff Bird Manager Parks and Environment

AUTHORITY / DISCRETION

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

T14/3573 – SUPPLY OF TREE PRUNING SERVICES WITHIN THE CITY OF MELVILLE (CO11/14) (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

To recommend the acceptance of Dickies Tree Service for a tender for the supply of tree pruning services within the City of Melville.

BACKGROUND

Tenders were invited by advertisement in the West Australian newspaper on Wednesday 10 September 2014 and closed on Thursday 25 September 2014.

The City is seeking a suitably qualified and experienced tree pruning Contractor for the supply of tree pruning services within the City for a three year period.

Price Schedule

The Confidential Attachments – Price Schedule and Pricing Scenario were distributed to the Members of the Contract and Tender Advisory Unit (CTAU) on Wednesday 5 November 2014 under confidential cover.

Tender Evaluation Process

All tenders were evaluated using a price weighted attribute method with submissions being scored points out of 35 percent qualitatively and then compared on price. Qualitative scores were achieved by joint agreement of the panel members at the evaluation meeting having first scored each submission individually. The tender that has achieved the highest score overall for the services required with price included has been recommended.

The Evaluation Committee consisted of the Finance Officer, the Parks Principal Coordinator and the Acting Arboricultural Supervisor.

The criteria for this tender were based on the following specific attributes:

Stage 1

1. Relevant Experience
2. Technical Skills
3. Resources
4. Management Systems
5. Methodology

Stage 2

6. Price

T14/3573 – SUPPLY OF TREE PRUNING SERVICES WITHIN THE CITY OF MELVILLE (CO11/14) (REC) (CONFIDENTIAL ATTACHMENT)

Stage 3

7. References/Performance Reporting
8. Relevance to Purchasing Policy (Business location and product content)

DETAIL

Tender documents issued	16
Addendums issued	One
Tenders received at close of tender	Three
Late tenders received	Nil

The City received three tenders submission from:

1. Sunspell Nominees, ATF G.C Dickie Family Trust P/L trading as Dickies Tree Service
2. Beaver Tree Services Aust Pty Ltd
3. Cosmag Pty Ltd trading as Kennedys Tree Services

The evaluation methodology is outlined under the heading Tender Evaluation Process. All tenderers were compliant with tendering conditions with three clarifications sought. Details of which are contained in the Confidential Attachment – CTAU Minutes – Friday 7 November 2014.

Evaluation Summary

The individual tenders were assessed against the responses to the qualitative criteria and was distributed to Members of the CTAU. Further details are contained in the Confidential Attachment – CTAU Minutes – Friday 7 November 2014.

It is the recommendation of the CTAU that the nominated tender Dickies Tree Services is awarded the Contract for tree pruning services having achieved the highest qualitative scores following the evaluation process.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No external engagement with the community was required for this tender.

II. OTHER AGENCIES / CONSULTANTS

No agencies or consultants were consulted for this tender.

T14/3573 – SUPPLY OF TREE PRUNING SERVICES WITHIN THE CITY OF MELVILLE (CO11/14) (REC) (CONFIDENTIAL ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Section 3.57 of the *Local Government Act 1995* states *"A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services."*

FINANCIAL IMPLICATIONS

The budgets for amenity tree pruning are held in accounts; 487-21407-7129-000, 487-21407-713-000 and various responsible officer accounts 449, 444, 443, 442 and 448.

The overall budget totals for 2014/2015 is;

487-21407-7129-000	$436,582
487-21407-7131-000	$127,872
Within Parks Operational Budget	$ 76,450
Total	$640,904

There are sufficient funds in the 2014/2015 Parks and Environment operating budget to conduct tree pruning works as indicated in the tender.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk of not conducting tree pruning works as indicated in the tender are illustrated below.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Trees not maintained in accordance with appropriate standards.	The probability is **likely** with a **moderate** consequence resulting in **High Risk**.	• Appoint a Contractor
That public safety and amenity will be compromised	The probability is **likely** with a **minor** consequence resulting in **Medium Risk**.	• CoM Contractor OH&S Induction • Ensure that works are carried out in a timely manner (in accordance with agreed schedule) • Ensure all work proposed complies with relevant Australian Standards and best practices

POLICY IMPLICATIONS

This report conforms to Council Policy Procurement of Goods or Services CP-023.

T14/3573 – SUPPLY OF TREE PRUNING SERVICES WITHIN THE CITY OF MELVILLE (CO11/14) (REC) (CONFIDENTIAL ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The City could purchase plant, equipment and employ additional staff to conduct the works as per the specifications of this tender. The City would have to purchase additional fleet and equipment which will come at a significant capital cost. In addition, employing suitably qualified staff with the specific skills required to carry out these tasks would prove to be difficult and is therefore not recommended

CONCLUSION

The Evaluation Committee has reviewed and evaluated all tenders and presented a recommendation to the CTAU to appoint a contractor to complete the required works. As the value of the contract exceeds the $500,000 per tender per annum limit delegated to the Chief Executive Officer under Delegated Authority DA-027, the Council is now required to consider this tender and the recommendation from the Contract and Tender Advisory Unit.

At 9.59pm Cr Schuster moved, seconded Cr Willis –

That the meeting be closed to the public to permit discussion on a confidential matter (Item T14/3573 Supply of Tree Pruning Services within the City of Melville) in accordance with Clause 5.23(c) relating to a contract that the City may enter into.

At 9.59pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (3573) APPROVAL

That the Council accepts the tender submitted by Sunspell Nominees, ATF G.C Dickie Family Trust P/L trading as Dickies Tree Service for the Supply of Tree Pruning Services within the City of Melville for a Three Year Term for the Schedule of Rates as specified, exclusive of GST, as the most advantageous.

At 10.02pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

At 10.02pm Cr Schuster moved, seconded Cr Willis –

That the meeting come out from behind closed doors and the public be invited back into the meeting.

At 10.02pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Community Safety, Security and Law Enforcement
Customer Index	:	Safer Melville Advisory Committee
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	No previous item
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Brodie Dawkins Manager Neighbourhood Amenity

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☒	**Information**	***For the Council/Committee to note.***

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

KEY ISSUES / SUMMARY

- The Safe Communities model is evidence-based and internationally recognised.
- The City of Melville will be the first in Western Australia and one of the first in Australia to undergo the new Pacific/Australian Safe Community Designation process.
- In August 2014, the City hosted a priority setting workshop to align with the Safe Communities model. This resulted in a priority order of six injury/safety issues in the City of Melville.
- Four of the six indicators have now been met to achieve Pacific/Australian Designation.
- The remaining two indicators are program reach – implementing initiatives to address the issues. Evaluation is then conducted to evaluate the impact of the initiatives.

BACKGROUND

The Safe Communities concept is an internationally recognised, evidence-based best practice model for addressing community safety issues at the local level. The concept was established in Sweden in 1989 and recognises safety as a universal concern and responsibility for all. It is guided by a set of indicators and processes which have been proven to be an effective means of promoting safety worldwide.

A Safe Community is one in which all sectors of the community work together in a coordinated and collaborative way, forming partnerships to promote safety, manage risk, increase the overall safety of its members and reduce their fears of harm. The key feature is the creation of a local infrastructure (i.e. coalition of community, business, and government and non-government leaders. In the City of Melville's case this is the Safer Melville Advisory Committee (SMAC)) that combine their resources to address local concerns in a coordinated and sustainable manner.

Achieving Pacific/Australian Safe Community Designation

Pacific/Australian Safe Community Designation is a national standard which a community can apply for in the process of becoming an International Safe Community. To achieve this national standard, the community must prove that it has met each of the six indicators for Pacific/Australian Safe Community Designation. Designation can be obtained by applying to the Australian Safe Communities Foundation (ACSF) who utilises the World Health Organisation (WHO) Collaborating Centre on Community Safety Promotion's Safe Communities Approach.

<u>Indicators for Pacific/Australian Safe Community Designation</u>

1. Leadership and collaboration - demonstration of leadership by a group focused on improving community safety.

2. Program reach – demonstration of the range and reach of community safety programs including an indication of the extent to which they are based on proven or promising intervention strategies.

3. Priority setting – demonstration of programs that target and promote safety for high risk/vulnerable groups and environments.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

4. Data analysis and strategic alignment – demonstrated analysis of available safety data for the community and demonstration of how it aligns with established national/state priorities and action plans.

5. Evaluation – demonstration of expected impacts of the program and how they are being measured or evaluated.

6. Demonstration of communication and networking – demonstration of engagement with relevant sectors of the community and ongoing participation in local, national and Pacific Safe Communities networks.

Pacific/Australian Safe Community Designation Process

Before applying for designation the community should be undertaking the following to show evidence that it is meeting the six indicators:

- Determining interest to develop a committee;
- Engaging commitment to participate on a committee;
- Forming a committee;
- Investigating community safety issues and areas for the community (data collection);
- Identifying priorities using data mentioned above (data analysis);
- Developing specific strategies to address the priority areas;
- Developing a business plan to give strategic direction;
- Forming partnerships and networking with other agencies, businesses and the community with the aim of developing formal partnerships;
- Communicating messages through media relations and advertising; and
- Ongoing evaluation to ensure the program is always being improved is targeted towards priorities and effective in achieving its intended outcomes.

The City of Melville is already very closely aligned with the Safe Communities Model evidenced by the existence of the Safer Melville Advisory Committee (SMAC) and the implementation, and evaluation of the 2008 – 2012 Community Safety Crime Prevention Plan and the subsequent development of the 2012 – 2016 Community Safety Crime Prevention Plan.

Before applying for designation, the following key steps need to be followed:

1. Contact the ASCF and advise of your intention to become a Safe Community.

2. Prepare and submit a foundation plan to ACSF which will outline the community safety issues to be addressed and how they will be addressed in partnership with key partners. If successful the community will receive $2,000 seed funding to commence the project/program.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

3. Once the program has been in place for 18 – 24 months, the community will be able to apply for designation. The designation process takes three months and involves:

    - A letter to the ACSF;
    - Payment of the designation fee ($2,000);
    - Appointment of a Peer Review Team Leader by the ACSF to liaise with the community;
    - Formal application for designation;
    - Preliminary assessment;
    - Appointment of additional peer reviewers by ACSF;
    - Written assessment of the program by the peer reviewers;
    - Provision of a final report from ACSF; and
    - Site visit and designation ceremony.

Once designated the community will be responsible for submitting annual reports to ACSF and will automatically receive membership to the Pan Pacific Safe Communities Network. The City can then consider applying for International Safe Communities Designation and therefore joining the International Safe Communities Network.

After three to four years from commencement of process to achieve Pacific/Australian Safe Communities Designation, apply for International Safe Communities Designation.

DETAIL

In August 2014, the City of Melville, in partnership with the Injury Control Council of Western Australia (ICCWA), hosted a priority setting workshop. The workshop was attended by 43 people representing 21 different organisations and community groups. The workshop was hosted to align us with the Safe Communities model and address one of the six indicators required for designation as a Pacific/Australian Safe Community. Below outlines how we planned and implemented the workshop, how the priorities were identified and recommendations for how these priorities can be addressed.

The aim of the priority setting workshop was to create community consensus of the City of Melville's injury prevention and safety promotion priorities. The process for this workshop is outlined in detail in the Australian Safe Communities document titled "Community Based Injury Prevention: Priority Setting Exercise Community Planning Guide".

The key steps that we undertook to implement this workshop were:

Developing a working group

The working group was made up of interested members of the SMAC. They were responsible for developing the injury data chart and planning the priority setting workshop. The working group reported back to the SMAC at each of their bi-monthly meetings.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

Developing an injury data chart

The working group developed an injury data chart using the following sources of information:

- Major causes of hospitalisations by external causes for City of Melville residents (2007 – 2011) - Department of Health;
- Annual bed days for City of Melville residents by condition (2001) – Department of Health;
- Approximate hospital costs for City of Melville residents by condition (2011) – Department of Health;
- Total deaths for City of Melville residents by condition (2006 – 2010) - Department of Health;
- Crime Statistics for the City of Melville (2007 – 2011), WA Police;
- Workers Compensation Claims in the City of Melville (2008/2009; 2011/2012) – Work Cover WA; and
- Number of calls to the Poisons Information Service (Aug 2013 – May 2014).

When all the data was analysed the working group identified the top six injury/safety categories as:

1. Falls
   Risk factors:
   - Age: children are affected but mostly older population 75 +
   - Gender: more females in older population
   - Physical activity, medications, gait and walking (muscle strength), physical environment, other medical conditions and medications.

2. Exposure to mechanical forces
   - Defined as; injuries caused by objects that cut or pierce, being unintentionally hit, struck or crushed by an object, injuries caused by other persons, animals, reptiles, birds or machinery, being unintentionally struck by thrown projected or falling object and being unintentionally struck against or by sports equipment.
   - Majority were accidents caused by objects that cut or pierce and being accidentally hit, struck or crushed by object.

3. Transport crashes
   - Defined as; motor vehicle/motor cycle occupant/rider injured in transport accidents, pedal cyclist injured in transport accidents, pedestrians injured in transport accidents, and water transport accidents.
   - Majority were motor vehicle/motor cycle occupant/rider injured in transport accidents and pedal cyclist injured in transport accidents.

4. Intentional self-harm
   In the City of Melville, this mostly affects young people 15-25 and then middle aged people. Risk factors are related to environment, pressure, and family/personal issues.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

These risk factors may lead to:

- Lower personal resilience resulting in low self esteem
- Poor coping skills, negative thinking patterns
- Hopelessness and depression.
- This may lead to suicidal thoughts or behaviours.

5. Assault and other injury caused by other person/s
   Majority were assault by bodily force, sexual assault by bodily force and assault by sharp or blunt object.

6. Unintentional poisoning
   Majority were accidental poisoning by prescription drugs (antiepileptic, sedative-hypnotic, anti-parkinsonism and psychotropic drugs).

Note: Safety practice recommends any mention of self harm should be accompanied by the following information.

If you or anyone you know is affected by thoughts of suicide please call:
• Lifeline - 13 11 14
• Beyondblue - 1300 224 636 or visit www.beyondblue.org.au
• Suicide Call Back Service - 1300 659 467

The workshop adhered to the format outlined in the ASCF Guidebook that assisted with the determination of the priorities. This format included both quantitative and qualitative data and analysis and facilitated a consensus style of workshop.

Final determination of priorities

The final step involved combining the quantitative and qualitative rankings to identify a priority order. This is the priority order for the City of Melville injury/safety issues:

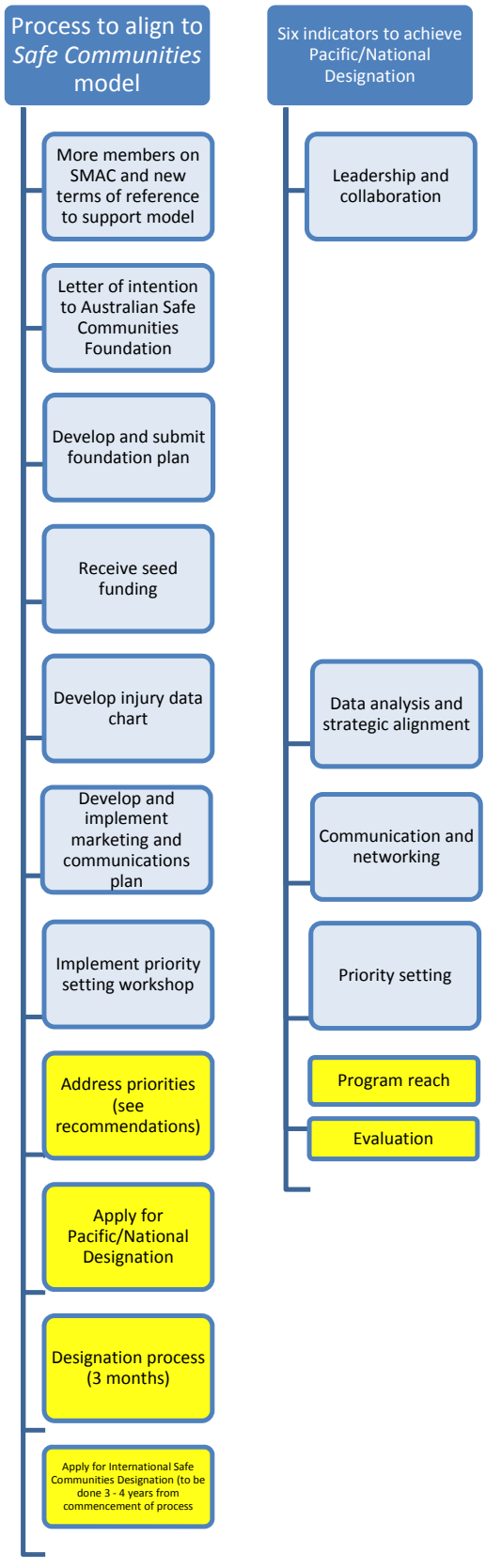
1. Falls.
2. Transport crashes.
3. Intentional self-harm.
4. Exposure to mechanical forces.
5. Assault.
6. Unintentional poisoning.

Where are we up to with aligning to the *Safe Communities* model and what's next?

Diagram 1 below shows the steps to achieve designation as a Pacific/Australian and an International Safe Community and the indicators that need to be met to be designated. We have made good progress so far and have completed the steps in the blue shaded boxes. This means we have also already addressed four of the six indicators. The next steps are outlined in the boxes shaded yellow.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

DIAGRAM 1 STEPS AND INDICATORS TO ACHIEVE DESIGNATION



CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

How to address priorities

- Identify key stakeholders for each priority issue. These people will be the issue "owners" because they are subject matter experts and will be the ones responsible for identifying and implementing initiatives to address the issue.
- Meet with key stakeholders to explain the Safe Communities model and process that was used to identify the issues.
- Key stakeholders to identify one short term (six months), and if possible one medium term (12 – 18 months) and one long term (12 – 18 months) initiative to address the issue. Note – these don't have to be new initiatives. There may be a number of existing initiatives which can be promoted to the community to address the priority issues.
- Implement and evaluate short term initiatives.
- Apply for Pacific/National designation.
- Meet with issue owners to progress medium and long term initiatives.

Note – it may not be possible to start work on all six priority issues at once. The aim is to make a start and demonstrate that we are making progress to addressing the issues.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Community engagement followed the Community Based Injury Prevention Priority Setting Exercise Community Planning Guide.

II. OTHER AGENCIES / CONSULTANTS

The SMAC is made up of community members, Elected Members, City of Melville Staff, Private and State Government Representatives. The Priority Setting workshop had 21 different organisations and community groups present.

STATUTORY AND LEGAL IMPLICATIONS

There are no Statutory or Legal implications.

FINANCIAL IMPLICATIONS

Currently all expenditures are met in the current operational budget as this aligns to the implementations of the Community Safety Crime Prevention plan and the associated budget.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Stakeholders not carrying out their roles and responsibilities resulting priority areas not being addressed, no change to injuries and failure to meet ASCF requirements for designation.	Moderate consequences which are possible, resulting in a **Medium** level of risk.	Review and reporting at every SMAC meeting on progress of each priority issue.

POLICY IMPLICATIONS

No Policy implications.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option is to not undertake this process to reduce injuries in the City of Melville based on evidence and community consensus. This may result in no change or increased injuries.

The City of Melville is recognised as a leader in the Community Safety field. When the ASCF Board reviewed our Foundation Plan (application) they stated *"It is worth noting that the City of Melville is the first community in Western Australia and one of the first in Australia to undergo the new Pacific/Australian Safe Community Designation".*

This demonstrates our leadership in working with the community to reduce injuries.

CONCLUSION

The City successfully hosted a priority setting workshop and through community consensus identified six injury and safety priorities for the City of Melville. We have made good progress aligning to the *Safe Communities* model and have already met four of the six indicators to achieve designation.

The next step is to identify and work with issue owners to address the priority issues. Once the recommendations in this report are endorsed by the SMAC, meetings with issue owners will commence to identify short term initiatives. Progress will be reported at the next SMAC meeting in March 2015. It is planned to implement the short term initiatives by the end of 2015, then the City can apply for designation as a Pacific/National Safe Community in early 2016.

CD14/8063 – PACIFIC/AUSTRALIAN SAFE COMMUNITIES DESIGNATION (REC)

At 10.02pm Cr Aubrey left the meeting and returned at 10.05pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8063) NOTING

That the Council note this report and the progress made towards achieving the Pacific/Australian Safe Community Designation.

At 10.05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

Ward	:	Applecross/Mt Pleasant, City
Category	:	Strategic
Subject Index	:	Melville City Centre Structure Plan/Garden City Redevelopment
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Leeann Reid Manager Cultural Services

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	***The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.***
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☐	Quasi-Judicial	*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.*
☐	Information	*For the Council/Committee to note.*

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

KEY ISSUES / SUMMARY

- The Melville City Centre Structural Plan presents an opportunity for a new City (main) library and cultural/community centre to replace the existing Civic Square Library.
- This report recommends the core and proposed functions for such a facility and seeks endorsement from the Council for these proposed functions to be included in the preparation of a business case for Council to consider at a future date.

BACKGROUND

Final adoption of the Melville City Centre Structure Plan was endorsed by Council at a Special Meeting of Council on 9 December 2013. The Structure Plan makes reference to a new City of Melville community hub to be provided in the city centre. The inclusion of a hub in the city centre is seen as critical for vibrancy and the delivery of key Council services. It has clear links to the City's Strategic Community Plan to the aspirations of *Sense of Community* and *Accessible and Inclusive.* Previous community feedback regarding the City Centre has indicated the current civic spaces and facilities need improving.

The key principles and priorities of the City Centre Plan outline the non-negotiable priorities. The vision states 'deliver non-negotiable community facilities and services first, then seek to achieve the best possible financial returns'. The non-negotiables included the main street and piazza and community facilities.

The current Civic Square Library is 29 years old and fails to deliver to the contemporary and expected standards of a City library facility. The Melville City Centre is viewed as the City's key community hub and Civic Square Library is our main library. Currently over 14,000 people visit Civic Square Library per month, with over 245,000 loans per year, these statistics indicate the potential of a new library facility in creating a vibrant community hub for the whole of the City. The widely consulted strategic plan for Libraries 'Future Plan for Libraries and Museums 2010-2015' as well as the Community Infrastructure Strategy 2011 detail the City Centre as the level one hub for the City.

> *"A community hub is; A conveniently located public place that is recognised and valued in the local community as a gathering place for people and an access point for a wide range of community activities, programs, services and events. Principles of Community Hubs include; multi use, surrounding mixed diversity of services, walk ability aspects/access to transport, high participation rates and distribution across neighbourhoods. Level One Hub is of regional position with proximity to major retail and commercial, this being the City Centre Hub".*

Cultural Services have used this knowledge in the strategic planning of library and cultural facilities, with the vision to create a central library and municipal/community museum that services the entire City of Melville. This would allow its other libraries to be more localised and reflective of their communities. The main City Library would provide many of the central services and functions to facilitate the greater library and museum service.

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

It has been acknowledged for some time that the City's Municipal Museum, Melville Discovery Centre, located in the Civic Centre facility is not in the best location for attendance, usage, and changing exhibitions. Convergence of the museum and library in the new facility would allow audiences to discover and engage with their local history in a shared space.

Recent investigations by the Director Community Development and Manager Cultural Services have highlighted the opportunity for new libraries to provide access to a wider range of services within their facilities. This model of co-location of a number of services, leads to efficiencies, improved community connections and usage, and is viewed as best practice.

The new civic building will be the key community facility for the City of Melville. It is envisaged to be the active face of the City with the vision to create a hub of culture and activity for the whole of the City to enjoy. A place where people can connect, learn, enjoy and celebrate their identity.

DETAIL

The City of Melville has a significant opportunity to create an engaging, innovative and iconic civic facility that will provide engaging, connected and convenient services for our community now and into the future. This facility will bring together the City's community interface to create an important civic presence in the City of Melville City Centre.

The City's main library will be the anchor tenant in a changing library context. The Library, with 52% of all households in the City with a least one active member, already speaks to our community as an important community place. Leveraging this opportunity to connect and engage with our community is the concept to converge our municipal community museum and other community and cultural services into the one space.

Libraries are changing in function and form throughout Australia and around the world. The contemporary library offers an experience well beyond the book, rather a place for connection, activity, learning, convenience and culture. The multi-purpose facility allows the trusted and inclusive atmosphere of the library brand to be expanded into other civic and cultural functions and experiences.

Our strategic plans, including the 'Community Infrastructure Strategy 2011' identified the importance of the City Centre as the key community hub with recommendations for services within the hub to include:

- The City's Main Library;
- Municipal/Community Museum;
- Gallery and Exhibition space;
- Flexible meeting spaces/conference room;
- City's customer service interface;
- Melville Volunteer Resource Centre;
- Community Information Service;
- Child Health Clinic;
- Outdoor Civic Space; and
- Commercial Café/Restaurant.

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

The above functions and services are core to the new Library and Cultural Centre and the principle of the level one hub. The facility will replace the existing Civic Square Library, Melville Discovery Centre and required functions of the Melville Information Centre. The selected functions support the philosophy of rationalization of stand-alone, under utilised or sole purpose facilities. This allows the creation of key community hubs that offer convenient, well located and sustainable, quality facilities for our community.

The Library will be larger than the current library to accommodate the needs of the City's main library. The scale of this branch will allow reductions in the size and role of our other branches, especially Canning Bridge and AH Bracks Libraries.

An innovative approach to the museum will see the convergence of the library and museum spaces. The library being the anchor tenant will allow the museum to have an existing and growing audience. The space would introduce changing exhibitions that continue to engage audiences rather than the current static museum model.

The facility will host part of the City's Art Collection, allowing greater public access to the collection and display of the City's well established and recognized Art Awards.

The meeting spaces that are standard with modern library facilities are flexible, offering different size rooms for one on one meeting; such as the Justice of the Peace, through to training, large conference and activity rooms. These will facilitate the key services within the facility as well as being available for community and commercial hire. It is envisioned that the meeting rooms can accommodate some uses currently available at Blue Gum Community Centre, the main hall and Canning Bridge Senior Citizens Centre.

The facility will become the City's main customer interface alongside our online presence. Co-locating the City's customer service function with the City's main library facility offers the community a very accessible one stop shop. This will create a place of community convenience and interaction.

The Child Health Clinic has significant opportunities being linked to the library facility. The relationship between clinics and libraries/community centers in establishing ongoing support groups, meeting places, sharing of knowledge and developing early year's literacy is integral. The centralised function may also see the re-location of the Blue Gum and Alfred Cove Child Health Clinics.

Other proposed services and functions listed below are to be investigated for possible inclusion in the facility. The proposed services are to maximise the vibrancy, sustainability, economic investment, community convenience and the philosophy of a multi-purpose facility.

Recommendations for other functions and services include:

- Performance Space/Theatre;
- Council Chambers, committee rooms and associated facilities including civic functions spaces and conference facilities;
- Complementary Retail or Commercial Space;
- Co-working Facility (collaborative work space); and
- Community Groups/Not for Profits.

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

The City is seeking to explore these options in greater detail including feasibility studies, costing's, potential partnerships and market research to determine viability. This will ensure the City creates a vibrant, successful and sustainable facility.

Performance space in the cultural precinct could add value to the vibrancy and extended trading hours of the City Centre Hub. There is an opportunity to investigate the relocation of the Melville Theatre Company to a city hub which would also enhance the city's strategic plans. This would also create space for the current events held in the existing amphitheatre. Locations within the hub for further investigation include the refurbishment of the main hall or the new Library and Cultural Centre.

The relocation of the Council Chambers and committee meeting rooms to the new facility offers the opportunity to create the current civic building as an administrative building and the new facility as the community interface. The modern library/cultural centre would be the key community hub of the City. Having the Council Chambers and committee meeting rooms within this space allows, through accessibility, the community to engage, understand and participate more actively in the decisions that affect their lives.

Collaborative work spaces or telecommuting is considered to be a significant growth activity across both creative and community scenarios. Advancements in technology, frustration with traffic congestion and a desire for more personal time all drive a change in commuting and workplace behaviour. They also provide an opportunity for income generation and Lotterywest funding. The City understands that this model is now preferred by Lotterywest rather than the past "Lottery House" models.

Community organisations/not for profits interested in being located within the facility could support the collaborative work space model or create other related or convenient community services. Lotterywest or the not for profit organisation would be the funding body for these opportunities.

By establishing the possible need or opportunity for commercial office or retail space above the facility could support the ongoing operational costs associated with the Centre. Building additional levels above the facility may support this objective. Examples have included other government agencies, Australia Post, Child Care provider, or general office space.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The level of communication in accordance with the Stakeholder Engagement Policy CP-002 for this item is varied depending on the service, function or facility being referenced. The decision to locate the core functions as noted in this item has been determined from strategic plans that include the Strategic Community Plan People Places Participation 2012 - 2022, Future Plan for Libraries and Museum 2010-15 and the Community Infrastructure Strategy 2011. These plans all included extensive community involvement.

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

No external engagement has been carried out on the future Library and Cultural Centre to date, although a Communication and Engagement Plan will be developed as part of the business case and project plan for the facility. Different levels of communication will be used to develop further feasibility of the proposed services and functions as outlined in the agenda.

AMP Capital, the owners of Garden City Shopping Centre, engaged consultants to provide market research on the future shopping and City Centre precinct. This consultation was both online and group workshops. The findings indicated a strong support for the library facility as a key community asset in the precinct.

II. OTHER AGENCIES / CONSULTANTS

Discussions with NS Projects (Integral) contracted by the City to assist with the strategic planning of the Melville City Centre indicate support for a community hub that encourages activation of the Centre and increases the opportunity for vibrancy of the area.

STATUTORY AND LEGAL IMPLICATIONS

There are no Statutory and Legal implications with this item.

FINANCIAL IMPLICATIONS

There is no funding allocated in the 2014/2015 operational budget to investigate the proposed functions within the new Library and Cultural Facility. Any consulting or operational costs will be requested as part of the mid-year budget review process.

There are significant long term financial opportunities and implications in this project and therefore the request is for in principle support to investigate the most viable and sustainable options requested in this item.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are significant risks associated with the investment and delivery of additional services and functions within the new Library and Cultural Centre. This item seeks to carry out further research and investigation to mitigate future risks in this process. The outcomes of this process will be delivered to Council in a Business Case.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Failure to act in a timely manner regarding investigations of community hub function in the Melville City Centre.	Major consequences which are likely, resulting in a High level of risk.	Endorsement by the Council of this Item will progress investigations and the preparation of a business case for the Council to consider.

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

The development of a future library/community hub within the Melville City Centre is a strategic project which will deliver services in a contemporary manner to our current and future community.

Consideration will be given in the preparation of a business case in regard to environmental design and operational principles with reference to Environmental Policy CP-030.

POLICY IMPLICATIONS

Neighbourhood Development – Community Hub Council Policy CP-037.
This Policy outlines the principles of community hubs and the notion of the City Centre Community Hub is consistent with this Policy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option would be to solely focus on the core functions and services already determined through long term strategic plans, being;

- The City's Main Library;
- Municipal/Community Museum;
- Gallery & Exhibition space;
- Flexible meeting spaces / conference room;
- City's customer service interface;
- Melville Volunteer Resource Centre;
- Community Information Service;
- Child Health Clinic;
- Outdoor Civic Space; and
- Commercial Café/Restaurant.

The facility would be predominantly City of Melville services. The implications of this option could be the missed community, financial and economic opportunities in this significant and long term development. Although still providing an important and tested mix of services and functions in this community hub.

CONCLUSION

The development of a key civic facility for the City of Melville community is an extremely important community investment and social outcome. The need to ensure the facility is the most effective in terms of social outcomes, as well as the opportunity to ensure options for increased sustainability and vibrancy, are integral.

This item seeks Council support to investigate the opportunities of increased services and functions within this facility that will bring a range of alternative prospects. The options will form a business case on the future Library and Cultural Centre to best meet the needs of the City of Melville community now and into the future, both socially and economically.

CD14/8064 - PROPOSED NEW LIBRARY / CULTURAL FACILITY – MELVILLE CITY CENTRE (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8064) APPROVAL

That the Council provide in-principle support for the preparation of a Library/Cultural facility business case that includes investigation of the following functions:

- **Performance Space/Theatre;**
- **Council Chambers and associated facilities;**
- **Complementary Retail or Commercial Space;**
- **Co-working Facility (collaborative work space); and**
- **Community Groups/Not for Profits.**

At 10.05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

M14/5402 - ADOPTION OF THE PROPOSED REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS AND BILLPOSTINGS (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws
Customer Index	:	City of Melville.
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P13/3371 – Adoption of Outdoor advertisements and Signage Policy, 19 February 2013. M14/5340 – Proposed Repeal of City of Melville Local Law relating to Signs, Hoardings and Billpostings, 18 February 2014.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

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

M14/5402 - ADOPTION OF THE PROPOSED REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS AND BILLPOSTINGS (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

This item is to adopt the Proposed Repeal of City of Melville Local Law relating to Signs, Hoardings & Billpostings. The matter came before Council at its meeting on 18 February 2014 where it was resolved to advertise the proposed local law. The Council is now required to resolve by absolute majority to make the proposed local law or not.

BACKGROUND

At its Ordinary Council Meeting held on 18 February 2014, Council considered the proposed Repeal of City of Melville Local Law relating Signs, Hoardings and Billpostings and resolved

That the Council approves advertising the Repeal Local Law 2014 as contained in 5340 Signs, Hoardings and Billpostings Local Law Repeal for public comment, in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.

At 7.37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

While a number of requests were made for copies of the proposed amendment, no public submissions were received.

DETAIL

The proposed Repeal of City of Melville Local Law relating to Signs, Hoardings and Billpostings was advertised in the West Australian Newspaper on 22 February 2014, the Public Notice Board, all Library Notice Boards and on the Council Website. Submissions closed on 11 April 2014 and no submissions were received during the advertising period.

There has been a delay in presenting the Repeal of City of Melville Local Law relating to Signs, Hoardings and Billpostings to the Council for adoption, as it was considered necessary to first adopt the City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014 which incorporates the majority of provisions contained within the existing Signs, Hoardings and Billpostings local law, the delay allowed Ranger Services to continue utilising Clause 6.5 (Removal of Signs) of the Signs, Hoardings and Billpostings local law which enabled them to continue performing their duties in a more efficient and effective manner.

The provisions of Clause 6.5 have been incorporated into the City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014.

The proposed Repeal of City of Melville Local Law relating to Signs, Hoardings and Billpostings can now proceed as advertised as no amendments are required.

M14/5402 - ADOPTION OF THE PROPOSED REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS AND BILLPOSTINGS (AMREC) (ATTACHMENT)

The Department of Local Government and Communities has made suggestions in respect of drafting improvements to ensure standardising the format for Acts and Regulations for purposes of uniformity, consistency and functionality. As such the Department made suggested improvements to the drafting of the repeal local law in accordance with this standardised format.

While a number of formatting amendments have been made to the proposed local law, no amendments have been made to the content. The City therefore in adopting the proposed amendment is not making significant changes to the proposed local law to the one that was originally proposed.

The Council is now required to make the local law as proposed or make a local law that is not significantly different from what was proposed. If the Council decides to make a local law that is significantly different from what is proposed then under section 3.12(4) of the *Local Government Act 1995*, the local law-making process must be started again.

After the Council has made the local law, the local government is required to publish it in the Government Gazette and submit a copy to the Minister for Local Government and Communities. After the local law has been published in the Gazette, the local government is to give statewide public notice:

- stating the title of the local law;
- summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
- advising that copies of the local law may be inspected or obtained from the local government's office.

Once the local law has appeared in the Government Gazette, the local government is also required to send an explanatory memorandum and copies of the local law to the Joint Standing Committee on Delegated Legislation.

The proposed local law will, if the Council resolves to adopt it, be gazetted in the Government Gazette and become law 14 days thereafter.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

As required under s. 3.12(3) of the *Local Government Act 1995*, the City of Melville advertised the proposed local law in the West Australian Newspaper, the Public Notice Board, all Library Notice Boards and on the Council Website.

II. OTHER AGENCIES/CONSULTANTS

The proposed amendment was sent to the Minister for Local Government on 24 February 2014.

M14/5402 - ADOPTION OF THE PROPOSED REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS AND BILLPOSTINGS (AMREC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

In accordance with S. 3.12(4), (5), (6) and (7) of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Advertisement costs for the adoption notice and the gazettal fee for the proposed Repeal of City of Melville Local Law relating to the Signs, Hoardings and Billpostings.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The adoption of the proposed Repeal of City of Melville Local Law relating to Signs, Hoardings and Billpostings will not have implications for the City. Adequate local laws allow for protection of members of the community through the regulation of activities in controlled parameters. It is therefore a requirement, that local laws are relevant, easy to understand and adequate.

POLICY IMPLICATIONS

There are no policy implications in this report, however, the new Outdoor Advertisements and Signage Policy cannot be adopted until such time as the City of Melville Local Law relating to Signs, Hoardings and Billpostings has been repealed.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council can resolve not to repeal this local law, however, in doing so, the new Outdoor Advertisements and Signage Policy, will have no effect until such time as the Local Law relating to Signs, Hoardings and Billpostings is repealed.

CONCLUSION

As the City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014 was adopted at the 18 November 2014 meeting of the Council, it is now recommended that the Council proceed with the Adoption of the Proposed Repeal of the City of Melville Local Law relating to Signs, Hoardings and Billpostings,

M14/5402 - ADOPTION OF THE PROPOSED REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS AND BILLPOSTINGS (AMREC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5402)
ABSOLUTE MAJORITY

At 10.06pm Cr Phelan moved, seconded Cr Schuster –

That the Council:

1. **By Absolute Majority in accordance with section 3.12(4) of the *Local Government Act 1995* adopts the Repeal of City of Melville Local Law relating to Signs, Hoardings and Billpostings as contained in 5402 Signs, Hoardings and Billpostings Local Law Repeal and affixes the Common Seal.**

2. **Approves the progression of the remaining actions to finalise the publication of the Local Law in accordance with sections 3.12 and 3.15 of the *Local Government Act 1995*.**

At 10.06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

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.

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward	:	City
Category	:	Operational
Application Number	:	DA-2014-862
Property	:	Lot 278 (164) Riseley Street, Booragoon
Proposal	:	Five Storey Mixed Use Development Including Undercroft (Three Office Tenancies & 10 Multiple Dwellings)
Applicant	:	Harden Jones Architects
Owner	:	Mr MacKnoon Faithi and Ms Manijeh Dabestan
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item P12/3292 Three-Storey with Undercroft Mixed-Use Development at Lot 278 (164) Riseley Street, Booragoon – Ordinary Meeting of Council – 20 March 2012 / Item P12/3320 Reconsideration of Three-Storey with Undercroft Mixed-Use Development at Lot 278 (164) Riseley Street, Booragoon – Special Meeting of Council – 24 July 2012
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	*When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*Includes adopting local laws, town planning schemes & policies.*
☐	Review	*When the Council operates as a review authority on decisions made by Officers for appeal purposes.*
☒	**Quasi-Judicial**	***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.***
☐	Information	*For the Council/Committee to note.*

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a five storey mixed use development including under croft (three Office tenancies and 10 Multiple Dwellings) at Lot 278 (No. 164) Riseley Street, Booragoon.
- The application site is located within the Centre Frame Precinct B of the recently adopted Melville City Centre Structure Plan.
- As Community Planning Scheme No. 5 (CPS5) does not currently contain provisions for the creation and implementation of structure plans, the status of the Structure Plan as adopted is akin to that of a Local Planning Policy the provisions of which do not over-ride the provisions of CPS5.
- A Scheme Amendment process is currently in motion to introduce provisions within CPS5 to enable the creation and implementation of Structure Plans. This will then mean that the provisions of any adopted Structure Plan will over-ride Scheme provisions where applicable.
- The proposed development has been duly assessed against the development provisions of the Structure Plan.
- An exercise of judgement is required in respect of some building setbacks, car parking provision, and visual privacy. These matters can be considered at the officer level given that no objections have been raised in principle to the development as proposed. In that context the discretions sought are either considered acceptable, or are otherwise dealt with via the imposition of relevant planning conditions of approval, such as visual privacy screening, and the provision of car stackers.
- The Structure Plan does not contain reference to plot ratio, and in that context the development as proposed is acceptable. However, as the Structure Plan provisions do not over-ride the Scheme provisions, the decision making clauses of CPS5 apply. (Clause 4.2)
- This means that to ensure any decision taken to approve this development is a fully legitimate one in the context of CPS5, a Special Majority decision of the Council is required.
- The application has been the subject of consultation in accordance with Scheme requirements, in response to which one submission has been received.
- The proposed development has been assessed against, and is considered to be consistent with the provisions contained under CPS5, the Melville City Centre Structure Plan and relevant Council Policies.
- The proposal is recommended for approval with conditions on that basis.

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	CCF – City Centre Frame
Melville City Centre Structure Plan Precinct Area / R-Code	:	Centre Frame Precinct B / R50
Use Type	:	Office / Multiple Dwelling
Use Class	:	MCC Structure Plan D / P

Site Details

Lot Area	:	809m^2
Street Tree(s)	:	Yes – to remain
Street Furniture (drainage pits etc)	:	Yes – red light camera, traffic lights
Site Details	:	

3579_Riseley_Street_Under_Croft

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

DETAIL

The key issue in respect of this application is linked to the status of the adopted Melville City Centre Structure Plan provisions relative to the provisions of CPS5. Under normal circumstances, a Structure Plan would over-ride the provisions of a Local Planning Scheme. In the case of the Melville City Centre Structure Plan however, Council adopted this as a Local Planning Policy. This decision was taken as there are no provisions within the existing CPS5 that enable the City to adopt Structure Plans in the traditional sense as outlined in the *Planning and Development Act 2005*. In view of this, the City has prepared an amendment to CPS5 which will introduce such provisions, but until this is gazetted, the existing Scheme provisions take precedence over the Structure Plan provisions.

Nonetheless, the status of the Structure Plan provisions in terms of development standards and guidelines are now legitimately capable of use in the assessment and determination of planning applications that are proposed within the boundaries of the Structure Plan itself, and to that end the current application has been duly assessed against the development guidelines advocated by the Structure Plan. This is a legitimate approach as Clause 9.6 of CPS5 'Non Statutory Planning Policies' provides for the introduction of policies, and states that the when such Local Planning Policies are introduced, the Council will have due regard to their content in its associated decision making.

Legal advice received does suggest however, that the Special and Absolute majority decision making clauses of CPS5 would continue to apply, as would the associated consultation requirements, notwithstanding the Structure Plan development guidelines, as the Structure Plan provisions cannot be construed as superseding those decision making or consultation provisions whilst their status is that of a Local Planning policy only.

In this context, the decision making clauses of CPS5 do not provide delegation for decision making where a plot ratio variation is sought. In such cases, a Special Majority decision of the Council is required before an approval can be given for a development that involves any plot ratio variation. It is also noted that the application was duly advertised in accordance with the consultation requirements of the Scheme.

With the subject application, the actual plot ratio of the proposed development is not of relevance as the Structure Plan provisions against which the merits of the application have been judged do not include any plot ratio requirement. Legally however, and in order that the decision taken on this application is beyond legal challenge, a Special majority decision is necessary.

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: In accordance with Clause 7.5 of CPS5 and Part 4 of the R-Codes
Support/Object: One submission seeking clarification.

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	Clarification sought regarding overshadowing in relation to future development of adjoining property	n/a	The submission sought clarification regarding the extent to which the subject development might compromise the development potential of the adjoining lot to the south. Given the structure plan provisions, and the likelihood that the submitter's lot will be developed to a similar scale as is now proposed for the application site, the matter was resolved.	Not Uphold.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

POLICY IMPLICATIONS

The proposal is considered to satisfy all of the relevant provisions of the Melville City Centre Structure Plan and Council's policies. Exercise of judgement is sought for the elements of the development mentioned above which have been assessed against the objectives of the Melville City Centre Structure Plan and Design Principles of the R-Codes.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

This application is presented to the Council for determination as despite being acceptable when judged against the development provisions of the Melville City Centre Structure Plan, the status of the Structure Plan is that of a Local Planning Policy, the provisions of which do not over-ride the decision making provisions of CPS5.

In view of this, and in order that a fully legitimate decision is taken in respect of this planning application, a Special Majority approval is required in accordance with the provisions of Clause 4.2 of CPS5.

This is necessary as the plot ratio provisions of the Scheme continue to apply until such time that Structure Plan provisions are added to the Scheme text as an amendment to CPS5. When this occurs, the provisions of the adopted Melville City Centre Structure Plan, which include the removal of plot ratio requirements, will over-ride the Scheme provisions.

CONCLUSION

Based on the above, the application is considered to satisfy the objectives of CPS5, the Melville City Centre Structure Plan, the R-Codes and Council planning policies. It is considered that the proposed development can be accommodated without detriment to residential or visual amenity. For these reasons, the proposal is recommended for planning approval with conditions subject to a Special Majority decision of the Council.

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION (3579) **SPECIAL MAJORITY APPROVAL**

At 10.09pm Cr Macphail moved, seconded, Cr Aubrey –

That the Council by Special Majority decision approve this application subject to the following conditions:

1. **All stormwater generated on site is to be retained on site.**

2. **Prior to the initial occupation of the development, the eastern elevation of the balconies to Units 3 and 7 (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 6.4.1 (for Multiple Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

3. **Prior to commencement of the development, a detailed car parking and basement plan shall be submitted to and approved in writing by the Manager Statutory Planning. The car parking and basement plan is to include details (but not limited to):**

   (a) Non-residential car parking in accordance with CP-079 Car Parking and Access Policy;
   (b) A minimum of 10 car parking bays for the multiple dwelling component of the development (in the form of car stackers);
   (c) A minimum of four residential visitor bays (not in the form of car stackers);
   (d) Universal access bay(s);
   (e) Vehicle and pedestrian movement/manoeuvring areas.

   The details of the approved car parking plan shall be implemented prior to the initial occupation of the development, and retained thereafter in perpetuity to the satisfaction of the Manager Statutory Planning.

4. **Prior to the initial occupation of the development, bicycle parking facilities for a minimum of three resident bicycles and one visitor bicycle shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.**

5. **The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.**

6. **Prior to the initial occupation of the development, the surface finish of the boundary walls are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning. .**

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

7. **Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Statutory Planning.**

8. **Prior to the commencement of the development, details of the exterior colours, materials and finishes of the proposed development are to be submitted and approved in writing to the satisfaction of the Manager Statutory Planning. Once approved, the development is to be constructed in accordance with those details.**

9. **Prior to the initial occupation of the development, the external surface of any retaining walls which are visible from an adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.**

10. **The removal of, or permanent covering of the commercial tenancy windows and openings is not permitted. The windows at ground floor level are to remain visually permeable at all times.**

11. **Reflective or heavily tinted glazing at ground floor level is not permitted.**

12. **Prior to the commencement of works, the street tree/s to be retained within the verge is/are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:**

- **A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.**
- **If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.**
- **Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.**

- **The following actions shall <u>not</u> be undertaken within any TPZ:**
  - **Storage of materials, equipment fuel, oil dumps or chemicals**
  - **Servicing and refuelling of equipment and vehicles**
  - **Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)**
  - **Open-cut trenching or excavation works (whether or not for laying of services)**
  - **Changes to the natural ground level of the verge**
  - **Location of any temporary buildings including portable toilets**
  - **The unauthorised entry by any person, vehicle or machinery**
- **No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.**

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.

13. All external clothes drying facilities shall be screened from view of the primary street to the satisfaction of the Manager Statutory Planning.

14. A permanent enclosed storage area shall be provided for each dwelling of at least 4 square metres (minimum dimension of 1.5m) to satisfy Clause 5.4.5 C5.1 (for Grouped dwellings) or Clause 6.4.6 C6.1 (for Multiple Dwellings) of the Residential Design Codes. The storage area shall be provided prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning.

15. Prior to the commencement of works, a signage strategy shall be submitted to and approved in writing by the Manager Statutory Planning. The strategy shall demonstrate how the future signage requirements for the ground floor commercial tenancies are to be accommodated. Once approved, the signage strategy will inform the future assessment of applications for signage on the development.

16. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verges adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):

(a) The location, number and type of proposed trees and shrubs including planter size and planting density;
(b) Any lawns to be established;
(c) Any existing vegetation and/or landscaped areas to be retained; and
(d) Any verge treatments

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

17. Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans is/are to be constructed and maintained in perpetuity to the satisfaction of the Manager Statutory Planning. The bin compound(s) are to be constructed to satisfy the following requirements:

(a) Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
(b) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness;
(c) Having walls not less than 1.8 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self closing gate;

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

(d) Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
(e) Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.

(f) Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).

(g) Conveniently located for disposal of waste and recyclables by residents/tenants.
(h) Not readily accessible by the public.
(i) Bin storage areas for the residential and non-residential bins are to be separated by a physical barrier.

18. Prior to the commencement of works, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the Public Art shall be provided in accordance with Council Policy – 085: Provision of Art in Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

19. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.

20. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
- **public safety and site security;**
- **hours of operation,**
- **noise and vibration controls;**
- **air and dust management;**
- **stormwater, groundwater and sediment control;**
- **waste and material disposal;**
- **traffic management plans for the various phases of the construction, including any proposed road closures;**
- **the parking arrangements for contractors and sub-contractors;**
- **on-site delivery times and access arrangements;**

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

- **the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and**
- **any other matters likely to impact upon the surrounding properties or road reserve.**

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the Manager Statutory Planning.

21. Prior to the commencement of the development, the applicant shall enter into a legal agreement with the City of Melville with respect to the structures within the road reserve and their future maintenance to the satisfaction of the Manager Statutory Planning.

22. Prior to commencement of the development, the applicant is to provide and maintain a $20 million public liability insurance policy ('the Policy') with a reputable public insurance office to ensure the City is covered for all claims in respect of loss, damage or injury occuring to all structures contained within the road reserve in connection with the proposed development to the satisfaction of the Manager Statutory Planning. The policy shall cover the City for all claims (but without limiting the generality of the foregoing) for loss or damage to property not owned by the Applicant and also for any loss or damage to property not under the physical or legal control of the Applicant and in respect of all claims relating to contractual liability and such other risks as the City might reasonably nominate at the time of entry into such Policy.

Advice Notes

i. It should be noted that existing red light camera infrastructure is located within the verge adjacent to the development. The applicant is to liaise with the City of Melville where works are proposed within the verge that will impact on the infrastructure.

At 10.31pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

LATE ITEM: P14/3579 – FIVE STOREY MIXED USE DEVELOPMENT INCLUDING UNDERCROFT (THREE OFFICE TENANCIES & 10 MULTIPLE DWELLINGS) AT LOT 278 (NO. 164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Taylor-Rees	No

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

At 10.36pm Mr Tieleman left the meeting.

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 Reinstating Information on Public Signs where the facility was named after a person

The Mayor invited Cr Schuster to speak on the motion he had presented relating to Reinstating Information on Public Signs where the facility was named after a person.

At 10.31pm Cr Schuster moved, seconded Cr Robartson –

That the Council;

1 Requests the Chief Executive Officer, as part of the review of the City's signage standards and policy currently under way, to consider how information pertaining to the community service of individuals, after whom reserves or other public facilities are named, can be included in the relevant signage both for community information, and to honour and recognise the service given to society by the individual.

2 Requests the Chief Executive Officer to report to the Elected Membership, initially at an Elected Members Information Session, on the outcomes of the review.

At 10.38pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No

15.1 Reinstating Information on Public Signs where the facility was named after a person(Continued)

Reasons for Motion

Cr Schuster provided the following reasons in support of the motion.

1. Some years ago, as a private citizen, I noticed that the new signs I saw appearing on the City's reserves (mainly) no longer contained any information on why the reserve or facility was named after the particular individual. In the past year I have noticed more of these new signs appearing, although of course there are still many of the old wooden signs carrying information on the person's service to society (eg Shirley Strickland Reserve in Ardross);

2. I don't have any particular difficulty with the new signs, and I would be the last person to comment on style (although if they were black with a red sash I might favour that proposal!), but I do think the City and its community are losing something by no longer providing public information about the person after whom the facility is named;

3. I have made some enquiries on this matter through an Elected Member's Request and found that the change was authorised through a new Signage Style Guide introduced a few years ago, and which was apparently discussed at an Elected Member's Information Session, but not presented to a Council meeting because it was deemed operational;

4. There is a cross functional team that has been tasked by the Chief Executive Officer to review the signage manual, both because it is time and also because of the pending changes in the City's boundaries because of the reform process. In my view this team should be asked to consider how the personal information on these people the City has seen fit to name public assets after can be recorded and be made available to users of the facility – I do not have firm views on how it is to be done (that is for the experts), but for example at Harry Bridle Park in Mount Pleasant recently, which was signposted for the first time in its 40 year life, former Cr Bridle's service was noted by a tree planting and plaque. I can advise that the Mayor and I saw first hand the joy for four generations of the Bridle family when their father, grandfather etc was honoured in that way (and the local residents were interested to learn of the background to the Reserve's name); and,

5. I ask for the Council's support for this request – I do think it is important that people's service to the community be recognised and that is particularly so in my view when the Council has seen fit to name a facility after someone. Of course the same logic applies to reserves named after topographic features (e.g. Wireless Hill, where there is some information), indigenous languages (e.g. Carawatha Park etc.) or other reasons, in that in my view some explanation of the derivation of the name would help local residents at least identify with the facility.

16. EN BLOC ITEMS

At 10.39 pm Cr Willis moved, seconded Cr Schuster –

That the recommendations for items, T14/3573, CD14/8063, CD14/8064, M14/5000, C14/6000 and C14/6001 be carried En Bloc.

At 10.39pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

Appreciation

His Worship the Mayor took the opportunity to recognise and express his gratitude for the hard work of the Elected Members and Staff of the City of Melville and wished Elected Members, Staff and their families the very best wishes for Christmas and the New Year.

18. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 10.41pm.