

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 17 MARCH 2015

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 20 MARCH 2015

CONTENTS PAGE

	Item Description	Page Number
ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE		
COMMITTEE MEETING 9 MARCH 2015		
M15/6078	Provision of Statutory Audit Services for a Four Year Period	6
M15/5407	Compliance Audit Return 2014	10
URBAN PLANNING		
P15/3607	Final Canning Bridge Structure Plan and Report on Submissions	16
P15/3616	Potential Disposition of 7 Temby Court, Kardinya	39
P15/3610	Signage (Retrospective) at Lot 505 (No. 3/9) Carr Place, Myaree	52
P15/3611	Retaining Wall and Site Works (Retrospective) at Lot 99 (53) Curtis Road, Melville	57
P15/3612	Conversion of Carport to Garage (Retrospective) at Lot 400 (4) Tate Place, Kardinya	66
P15/3614	Minor Building (Cubby House) (Retrospective) at Lot 200 (18) Stoddart Way, Bateman	71
P15/3618	Three Storey Dwelling at Lot 27 (No. 82) Tweeddale Road, Applecross	76
P15/3615	Initiation for Adoption of All Saints College Master Plan at Lot 3043 (28) Ewing Avenue, Bull Creek	86
TECHNICAL SERVICES		
T15/3583	Approval To Demolish Three City Buildings	92
COMMUNITY DEVELOPMENT		
CD15/8066	Melville Digital Hub	103
MANAGEMENT SERVICES		
M15/5000	Common Seal Register	112
CORPORATE SERVICES		
C15/6079	Mid Year Budget Review	115
C15/6000	Investment Statements for January 2015	125
C15/6001	Schedule of Accounts Paid for January 2015	131
C15/6002	Statements of Financial Activity for January 2015	135

LATE ITEMS**URBAN PLANNING**

- | | | |
|-----------------|---|-----|
| P15/3617 | Adoption of Outdoor Advertisements and Signage Policy for Public Consultation | 141 |
| P15/3620 | Front Wall Addition to Existing Dwelling (Retrospective) at, 25 Doney Street, Alfred Cove | 149 |

TECHNICAL SERVICES

- | | | |
|-----------------|--|-----|
| T15/3619 | Late Item - Waste Study Tour – Elected Members | 155 |
|-----------------|--|-----|

COMMUNITY DEVELOPMENT

- | | | |
|------------------|---|-----|
| CD15/8068 | Notice of Motion to National General Assembly of Local Government | 168 |
| CD15/8069 | Heathcote Precinct 2014/2015 Fees and Charges Schedule | 174 |

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, 17 MARCH 2015.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Deputy Mayor Cr N Foxtan
Cr M Reynolds
Cr R Aubrey, Cr D Macphail
Cr C Robartson, Cr R Willis
Cr S Taylor-Rees
Cr R Hill
Cr N Pazolli, Cr C Schuster

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	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 G Ponton (Until 7.05pm)	Manager Strategic Urban Planning
Mr M Spencer (Until 7.05pm)	Senior Strategic Urban Planner
Ms L Reid	Manager Cultural Services
Mr N Fimmano	Governance & Property Officer
Ms R Davis	Minute Secretary

At the commencement of the meeting there were seven members of the public and one member from the Press, representing the Community Newspaper Group, in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Cr Barton – Bicton/Attadale Ward
Cr Phelan – Palmyra/Melville/Willagee Ward

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

Nil.

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

Nil.

6. QUESTION TIME

Nil.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 17 FEBRUARY 2015**
Minutes 17 February 2015**COUNCIL RESOLUTION**

At 6.38pm Cr Willis moved, seconded Cr Schuster –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 17 February 2015, be confirmed as a true and accurate record.

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

CARRIED UNANIMOUSLY (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 3 MARCH 2015
Notes 3 March 2015**COUNCIL RESOLUTION**

At 6.38pm Cr Aubrey moved, seconded Cr Foxtton –

That the Notes of the Agenda Briefing Forum held on Tuesday, 3 March 2015, be received.

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

CARRIED UNANIMOUSLY (11/0)

8.3 SPECIAL MEETING OF THE COUNCIL – 5 MARCH 2015
Minutes 5 March 2015**COUNCIL RESOLUTION**

At 6.39pm Cr Hill moved, seconded Cr Aubrey –

That the Minutes of the Special Meeting of the Council held on Tuesday, 5 March 2015, be confirmed as a true and accurate record.

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

CARRIED UNANIMOUSLY (11/0)

8. CONFIRMATION OF MINUTES (Continued)**8.4 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING – 9 MARCH 2015****COUNCIL RESOLUTION**

At 6.39pm Cr Willis moved, seconded Cr Hill –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday 9 March 2015 be noted.

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

CARRIED UNANIMOUSLY (11/0)

NB:

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

8.5 GOVERNANCE COMMITTEE MEETING – 16 MARCH 2015**COUNCIL RESOLUTION**

At 6.39pm Cr Aubrey moved, seconded Cr Robartson –

That the Minutes of the Governance Committee Meeting held on Monday 16 March 2015 be noted.

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

CARRIED UNANIMOUSLY (11/0)

NB:

Minutes to be confirmed at next Governance Committee Meeting

Disclosure of Interest

Item No.	M15/5414
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Learning Horizons is performing this work for the SMRC which Cr Schuster Chairs. Cr Schuster worked with P Kent for several years in the public sector in the 1990's.
Decision of Council	Not Applicable

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- P15/3607 - Mayor R Aubrey – Financial Interest

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- M15/5414 – Cr C Schuster – Interest under the Code of Conduct
- P15/3607 – Cr R Aubrey – Interest under Code of Conduct
- P15/3607 – Cr C Schuster – Interest under Code of Conduct
- P15/3607 – Cr R Willis – Interest under Code of Conduct
- T15/3583 – Cr C Schuster – Interest under Code of Conduct
- T15/3619 - Cr R Willis – Interest under Code of Conduct
- T15/3619 – Cr C Schuster – Interest under Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.44pm, Moved Cr Willis, Seconded Cr Hill –

That the applications for new leave of absence submitted by Councillors Foxton, Macphail, Pazolli, Robartson, Schuster and Taylor-Rees on 17 March 2015 be granted.

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

CARRIED UNANIMOUSLY (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS

Nil.

13. ITEMS FROM THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING OF 9 MARCH 2015

The following items from the Financial Management, Audit, Risk and Compliance Committee Meeting of 9 March 2015 require consideration by the Council.

M15/6078 – PROVISION OF STATUTORY AUDIT SERVICES FOR A FOUR YEAR PERIOD (REC) (CONFIDENTIAL ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Statutory Audit Services
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	: Financial Management, Audit, Risk and Compliance Committee Meeting 21 October 2009 Item CO16/08
Works Programme	: Not Applicable
Funding	: 2015/2016 Budget
Responsible Officer	: Ken Wan Process Improvement Auditor

AUTHORITY / DISCRETION

DEFINITION

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

**M15/6078 – PROVISION OF STATUTORY AUDIT SERVICES FOR A FOUR YEAR PERIOD
(REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

This report details results of submissions for the provision of statutory audit services for a four year period and requests the Financial Management Audit Risk & Compliance Committee (FMARCC) to select an auditor and make a recommendation to the Council for appointment.

BACKGROUND

The current auditor for the statutory audit services, Macri Partners, completed its five year contract in December 2014 and the City is in the process of selecting an auditor in accordance with Section 7.3 of the *Local Government Act 1995* that relates to the appointment of auditors.

DETAIL

An Invitation to Quote Q12/14 for the provision of statutory audit services for a four year period was emailed on 5 December 2014 to three audit firms Grant Thornton, Haines Norton and Macri Partners on the Western Australian Local Government Association (WALGA) Preferred Suppliers Panel that are experienced in local government audits. The closing date for submissions was 9 January 2015 at 4:00pm.

Three submissions were received before the closing date and they were evaluated according to the selection criteria contained in the Invitation to Quote Q12/14. The Invitation to Quote was distributed to Elected Members on Friday 6 March 2015 under confidential cover.

The Evaluation Panel consisted of the Director of Corporate Services and the Process Improvement Auditor.

Each submission was assigned a score on each criterion, and the two firms that achieved the highest score were invited to do a presentation to the FMARCC for selection and recommendation to Council for appointment.

All three submissions met the selection criteria and their total scores were:

Grant Thornton - scores 100.00%

Haines Norton – scores 89.67%

Macri Partners – scores 75.50% (note: reference was only obtained for Grant Thornton and Haines Norton as they were the two firms with highest scores before reference)

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community engagement has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external engagement has been carried out.

**M15/6078 – PROVISION OF STATUTORY AUDIT SERVICES FOR A FOUR YEAR PERIOD
(REC) (CONFIDENTIAL ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

Section 7.3 (1) of the *Local Government Act 1995* states “A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint (absolute majority required) a person, on the recommendation of the audit committee, to be its auditor.

Section 7.6 (1) of the *Local Government Act 1995* states “the appointment of a local government’s auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment”.

FINANCIAL IMPLICATIONS

The budget allocation available for the provision of statutory audit services is \$30,000 per year, and is available from Account: 100-25287-7075-000.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Lack of a transparent and systematic approach to select an auditor could result in the City not getting the most qualified and best value firm for the statutory audit.	Initial risk – Medium Residual risk (after risk mitigation strategies) - Low	Risk mitigation strategies include a) inviting all firms for a quote on the WALGA Preferred Suppliers Panel that are experienced in local government audits; b) stating the selection criteria on the invitation to quote; c) preliminary screening by the Director of Corporate Services and the Process Improvement Auditor; and d) final selection by FMARCC and the Council.

There are no environmental management implications in this report.

POLICY IMPLICATIONS

There are no direct policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options are presented as part of this report.

**M15/6078 – PROVISION OF STATUTORY AUDIT SERVICES FOR A FOUR YEAR PERIOD
(REC) (CONFIDENTIAL ATTACHMENT)****CONCLUSION**

The Evaluation Panel has shortlisted two firms for presentation to the FMARCC for selection and recommendation to Council for appointment.

OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (6078) APPROVAL

At 7.38pm Mayor Aubrey moved, seconded Cr M Reynolds –

That the Financial Management, Audit, Risk and Compliance Committee recommends to the Council that Grant Thornton be appointed as auditor for the statutory audit commencing 1 January 2015 to 31 December 2018.

At 7.40pm the Presiding Member submitted the motion, which was declared

CARRIED UNANIMOUSLY (8/0)

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (6078) APPROVAL

The Financial Management, Audit, Risk and Compliance Committee recommends to the Council that Grant Thornton be appointed as auditor for the statutory audit commencing 1 January 2015 to 31 December 2018.

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

CARRIED UNANIMOUSLY EN BLOC (11/0)

M15/5407 - COMPLIANCE AUDIT RETURN 2014 (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Audits – Compliance
 Customer Index : Department of Local Government
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item M14/5345 - Compliance Audit Return 2013 - Ordinary Meeting of Council 18 March 2014
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

M15/5407- COMPLIANCE AUDIT RETURN 2014 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- All Western Australian Local Authorities are required to undertake a Compliance Audit Return (the Return) and submit their findings to the Department of Local Government by 31 March each year.
- 75 of 78 questions received a positive response by Officers confirming the actions were completed and that 96.15% compliance was achieved.
- It is recommended that the Compliance Audit Return 2014 be adopted.

BACKGROUND

A Compliance Audit Return was conducted covering the period 1 January 2014 to 31 December 2014. The completed Compliance Audit Return forms part of the Attachments to the Agenda [5407 Compliance Audit Return 2014](#).

It is a requirement that the Compliance Audit Return is presented to Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government by 31 March 2015.

DETAIL

The City has achieved another impressive compliance outcome for 2014. The Officers of the City perform extremely well against the requirements of 476 Acts, Regulations and legislative requirements that determine the work practices and responsibilities of the City. However the Compliance Audit Return only assesses compliance against the *Local Government Act 1995* and associated Regulations. The responses of Officers to the 78 audit questions have been audited by the Process Improvement Auditor who has included a comment in this report.

This year's audit has in the opinion of Officers provided 96.15% compliance. Of the 78 fields of compliance that have been tested, 75 received a positive response. The three fields that were not fully compliant were in relation to Delegations of Power/Duty and Disclosure of Interest as follows:

Delegations of Power/Duty

“Question 9 – were all delegations by the Chief Executive Officer to any employee in writing?”

The answer to this question is no as one employee was omitted from the Aurion system and therefore did not receive written notification of her delegated authority.

M15/5407 - COMPLIANCE AUDIT RETURN 2014 (REC) (ATTACHMENT)

“Question 5 – Was a primary return lodged by all newly designated employees within three months of their start day?”

The answer to this question is no as an employee who was in an acting position that extended beyond three months was not aware or advised that she had to complete a Primary Return.

“Question 7 - Was an Annual Return lodged by all designated employees by 31 August 2014”,

The answer to this question is no as one staff member had resigned in July and was not able to be contacted until 3 September 2014 when the annual return was completed. One other staff member was not advised that she had Delegated Authority and therefore was not aware that she was required to complete an Annual Return Form. This has since been completed.

Processes have now been put in place to ensure that all staff who are empowered with delegated authority and staff who are placed in acting positions that extend beyond the three month period are included on the Aurion system and advised of their Delegated Authority obligations and the requirement to complete both the Primary and Annual Return Forms.

The decrease in the number of questions assessed in 2013 and 2014 compared to past years is due to the Department of Local Government (the Department) accepting comment from local governments concerning the administrative burden that the extensive questioning provided.

The Department has responded by only testing those areas considered to be high risk in this Return. Regulation 14 of the *Local Government (Audit) Regulations 1996* to require each local government's Audit Committee to review the Return and report the results of that review to the Council. The City has taken this approach for some years.

Following recent amendments to reduce the Compliance Audit Return, the *Local Government (Audit) Amendment Regulations 2013* now extends the current role of local government Audit Committees to encompass a review of areas such as risk management, internal control and legislative compliance.

The transfer of responsibilities to local government Audit Committees will enable local governments to manage legislative compliance within their own timeframes, with increased transparency and involvement from Elected Members

The Return has been compiled with continued substantial rigour beyond that experienced in most Local Governments. Officers have been expected to demonstrate compliance and provide detail of their work to ensure the work procedures of the City assist to meet obligations of the Act and Regulations. It is pleasing to note that there is

M15/5407 - COMPLIANCE AUDIT RETURN 2014 (REC) (ATTACHMENT)

an ongoing increase in Officer knowledge of compliance matters and where possible, systems have been amended to assist with compliance requirements.

The Compliance Audit Return containing the questions and responses is provided as an attachment. This document is provided by the Department of Local Government in an on-line environment to allow local governments to update the Return with their responses and when completed, print for certification by the Mayor and Chief Executive Officer.

The City's Compliance Calendar was introduced in 2008 and this is a major improvement to assist management of all compliance matters and is considered to be best practice in the local government industry. The Calendar is updated monthly which enables a management response should a matter require attention.

The monthly reports generated from the Calendar are reviewed by the Executive Management Team.

The Process Improvement Auditor's comments

The Compliance Audit Return for 2014 has 78 questions, and answers to all questions were checked for correctness.

It is pleasing to report that 75 out of 78 questions had positive responses. Three negative responses related to the lodgment of primary and annual returns where officers were not informed of the delegation. The procedures have now been changed to ensure all officers with delegated authority will be informed and requested to lodge the primary and annual return.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

As per the requirements of the *Local Government Act 1995*, Section 7.13(1)(i) and *Local Government (Audit) Regulations 1996* (Regulations 13–15).

M15/5407 - COMPLIANCE AUDIT RETURN 2014 (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this compliance audit.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The compliance audit will not impact on the strategies of the Council. There is no risk or environmental management implications in this report.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Compliance Audit Return is a statutory requirement and if the Return was not submitted, the Department of Local Government might take adverse action on the City.	Minor consequences which are possible, resulting in a Medium level of risk	Complete and submit the Return by the due date.

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change where it does not currently comply with legislative requirements. There are no such instances identified in the return.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The completion and submission of the Return by the due date is a statutory requirement.

CONCLUSION

The City is compliant in 96.15% of the 78 questions that have been examined for their accurate statutory completion.

OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (5407) APPROVAL

At 7.49pm Mayor Aubrey moved, seconded R Woodgate –

That the Financial Management, Audit, Risk and Compliance Committee recommend to the Council that the Compliance Audit Return for the period 1 January 2014 to 31 December 2014 [5407 Compliance Audit Return 2014](#) be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government and Communities.

At 7.50pm the Presiding Member submitted the motion, which was declared

CARRIED UNANIMOUSLY (8/0)

M15/5407 - COMPLIANCE AUDIT RETURN 2014 (REC) (ATTACHMENT)**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5407)****APPROVAL**

The Financial Management, Audit, Risk and Compliance Committee recommend to the Council that the Compliance Audit Return for the period 1 January 2014 to 31 December 2014 [5407 Compliance Audit Return 2014](#) be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government and Communities.

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

CARRIED UNANIMOUSLY EN BLOC (11/0)

At 6.47pm the Mayor requested that Items P15/3607 and P15/3616 – be brought forward for discussion.

At 6.47pm, Mayor Aubrey, having declared an interest in Item P15/3607 left the meeting and Deputy Mayor Cr Foxton assumed the chair.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	P15/3607
Member	Mayor R Aubrey
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	The Mayor owns a property in the designated area.
Request	To leave the meeting
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3607
Member	Cr R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Father's superannuation includes property in the area.
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3607
Member	Cr R Willis
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Cr Willis knows a friend who owns property within the Structure Plan.
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3607
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Cr Schuster has a good friend who is part owner of some land in the core area of the Structure Plan.
Decision of Council	Not Applicable

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Application Number : N/A
 Property : N/A
 Proposal : Request for endorsement of the Canning Bridge Structure Plan for Public Advertising
 Applicant : N/A
 Owner : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P09/3103 Advertising of The Canning Bridge Rail Station Precinct Draft Long Term Vision – Ordinary Meeting of Council - 15 December 2009
 Item P10/3159 Canning Bridge Precinct Vision – Ordinary Meeting of Council. 19 October 2010
 Item P14/3520 Request for Advertising of Canning Bridge Structure Plan – 16 September 2014
 Responsible Officer : Martin Spencer
 Senior Strategic Urban Planner

AUTHORITY / DISCRETION

DEFINITION

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

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Canning Bridge Structure Plan (CBSP) has been prepared following extensive engagement with the community.
- The Structure Plan provides for the implementation of the Canning Bridge Precinct Vision which was endorsed by City of South Perth, City of Melville and the Western Australian Planning Commission in 2011.
- The Structure Plan distinguishes six quarters within the precinct and provides Design Guidelines for each of the quarters as well as for the whole precinct.
- The City of Melville is mostly impacted by Quarters one and two.
- The City of South Perth is mostly impacted by Quarters three, four, five and six
- The Structure Plan is focussed on transport oriented development recognising the important role of public transport, walking and cycling to, from and within this location.
- The unique location of the Activity Centre is recognised in the Structure Plan and Design Guidelines.
- The Canning Bridge Structure Plan was advertised from 28 October 2014 to 12 December 2014.
- Strong community support was shown through the advertising.
- There were 48 submissions received (39 in support, five neutral and three opposed)
- A final structure plan has been prepared after consideration of submissions and is presented to Council to consider for endorsement.
- The design guidelines encourage good quality, sustainable development.
- Additional bonuses in elements 21 and 22 are difficult to achieve so that any additional height results in a building that is extraordinary and achieves design excellence.

BACKGROUND

The Canning Bridge Precinct Vision was endorsed by the Councils of the City of South Perth and City of Melville in October 2010 and endorsed by the Western Australian Planning Commission (WAPC) and released in July 2011. The location, with proximity to the Canning Bridge train station, excellent bus services, an established commercial precinct, and proximity to the river, the CBD, Murdoch and Curtin University provided for a unique development opportunity.

The partnership that was formed to prepare the vision for the precinct between the City of Melville, the City of South Perth and the Western Australian Planning Commission (through the Department of Planning) was extended to include the transport portfolios of State Government including Main Roads WA, Department of Transport and the Public Transport Authority. Members of the partnership met monthly or as required to ensure the progress towards the Structure Plan for this Activity Centre.

Canning Bridge is listed in the State Planning Policy 4.2 and reflected in the Local Planning Strategy and Local Planning Scheme hierarchy as a District Centre. The uniqueness of the centre is also recognised in Directions 2031 and the Central Metropolitan Perth sub-regional strategy as a planned urban growth area. State Planning Policy 4.2 requires an activity centre structure plan to be prepared for this location.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

At the Ordinary Meeting of the Council held on 19 October 2010 the Council resolved as follows –

1. ***That the Council note the submissions received on the draft Canning Bridge Precinct Vision during public advertising of the draft Vision documents from 2/2/10 – 1/4/10.***
2. ***That the Council note the modifications proposed to the draft Canning Bridge Precinct Vision recommendation in the Canning Bridge Precinct Vision report on submissions (August 2010).***
3. ***That the Council support the Canning Bridge Precinct Vision (as modified Sept 2010) in the following terms:***
 - (a) ***Based on its strategic location and regional access characteristics Council supports further planning towards the development of the Canning Bridge Precinct as a District Activity Centre based on transit oriented development principles with an integrated mix of office, retail, residential and cultural uses with associated employment opportunities.***
 - (b) ***The Vision is a non – statutory concept document prepared in partnership with the State Government and the City of South Perth for further testing and review via detailed planning towards development of the Canning Bridge Precinct based on the implementation action plan which is included within the Vision document.***
 - (c) ***In supporting the modified Vision for further testing and review, Council does not intend that the Vision have any status as policy or be taken as a guide to decision-making on development applications but rather as simply a stage in the process towards the preparation of an Activity Centre Structure Plan; and***
 - (d) ***Council notes that the proposed building heights and densities contained in the Vision are indicative only and are to be reviewed following further detailed studies of traffic access and parking, built form design and other studies after which an activity centre structure plan is to be prepared for consideration for adoption by Council as local planning policy. Council considers that the brief for further detailed studies and the activity centre structure plan should incorporate a staging plan for the Vision. Further Council proposes that the legend in the Figure2 of the Vision document be altered so as to be consistent with the Vision text with respect to the proposal transition zone,***
 - (e) ***The planning processes envisaged after support of the Vision are in the following stages:***
 - i. ***Initiation and completion of the further detailed planning studies identified in the implementation action plan.***
 - ii. ***On completion of (e)i above, the development of an activity centre structure plan based on the Canning Bridge Precinct Vision be prepared for consideration by Council for adoption as local planning policy.***

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

- iii. On completion of (e)ii above, the preparation of amendments to the Community Planning Scheme be finalised for Council consideration .*
- (f) Council intends that only after completion of further detailed planning studies and adoption by Council and approval by the WA Planning Commission of an activity centre structure plan that the activity centre structure plan and subsequent amendments to the Community Planning Scheme be taken as providing guidance for decision-making on development within the Precinct.*
- 4. That the Chief Executive Officer be authorised to negotiate and sign a Memorandum of Understanding with the City of South Perth outlining a joint commitment to the Canning Bridge Precinct vision.*
 - 5. That the Chief Executive Officer be authorised to negotiate and sign a Memorandum of Understanding with the Western Australian Planning Commission outlining a joint commitment to the Canning Bridge Precinct vision.*
 - 6. That the City participate in a dedicated steering group with State and local government representatives to oversee the implementation of the Canning Bridge Precinct Vision implementation action plan.*
 - 7. That the following further technical studies be initiated to progress the activity centre structure plan as priority during 2010/11;*
 - (A) Detailed built form and streetscape guidelines*
 - (B) Detailed traffic planning study*
 - (C) Parking and access strategy*
 - (D) Landscaping design guidelines*
 - (E) Retail sustainability assessment*
 - 8. That the City of South Perth, the Department of Planning and the Western Australian Planning Commission be advised in writing on Points 1 – 7 of the above recommendation and requested to confirm the availability of funding from the partners in 2011 to commence the further detailed planning studies proposed .*
 - 9. That the lead petitioner on the petition of electors be notified in writing of the on Points 1 – 8 of the above recommendation.*

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

This structure plan builds on the Canning Bridge Precinct Vision and provides the framework for the vision to be implemented. The Vision for Canning Bridge is:

'The Canning Bridge precinct will evolve to become a unique, vibrant, creative community centred on the integrated transport node of the Canning Bridge rail station. The precinct will be recognised by its unique location, its integrated mix of office, retail, residential, recreational and cultural uses that create areas of excitement, the promotion of its local heritage and as a pedestrian friendly enclave that integrates with the regional transport networks while enhancing the natural attractions of the Swan and Canning Rivers'

Scheme Provisions

A scheme amendment will be required to introduce the zoning and use classes to Community Planning Scheme No.5 and refer specifically to the Canning Bridge Structure Plan as the guiding policy for the area.

Amendment 67 to Local Planning Scheme No 5 is currently with the Commission awaiting gazettal. This will allow Structure Plans to be endorsed as an operational structure plan.

Until Scheme Amendments are gazetted it is possible to operate the Canning Bridge Structure Plan as a policy of Council. This will provide more rigour to the assessment framework for development applications to be considered by Development Assessment Panel (DAP) and Council.

Site Details

[3607 Attachment 1](#)

Structure Plan Map



P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**DETAIL**

The Canning Bridge Structure Plan [3607 Attachment 2](#) is a document that has been prepared with extensive engagement with the community and industry. Planning began to focus on the Canning Bridge area because there was concern the area was becoming tired and was losing vitality. Since planning and consultation began there has been considerably greater interest and enthusiasm shown in the area from residents and businesses.

The Canning Bridge Structure Plan is at the forefront of planning for the future in the Metropolitan Area. The Structure plan has considered the demands to achieve additional dwellings by 2031 but has also considered the longer term and extended the planning for the area to 2051.

A report produced in 2014 by the Conservation Council WA and Property Council of Australia titled "What Perth Wants" found that:

- There is very strong support for more medium & higher density apartment-style developments around transport hubs (71% support) and in inner areas (68% support)
- Three in five inner city residents are likely to move house in the next five years and 73% would consider living in medium density housing and 50% in higher density housing
- The majority of respondents (69%) do not consider low density living in detached single housing to be a more affordable option

Lifestyle expectations are changing in Perth and in the City. There has been a lot of anecdotal feedback, particularly from seniors, that they would like to downsize and remain in their local area, but there is a lack of suitable housing choices to downsize to. The City's Age Friendly Directions from Seniors 2013-2017 reports that seniors would like more accessible multi-level apartments with elevators, which are close to public transport.

The City of Melville has a lot more larger dwellings than smaller dwellings. The 2011 Census data indicates that 15% of dwellings in the City were one or two bedroom dwellings (i.e. smaller dwellings); while 81% were three bedrooms or larger (i.e. larger dwellings) yet 57% of households had only one or two persons.

Promoting greater housing diversity will provide for more housing choice. Some of those currently living in a larger house may choose to move into a smaller apartment or town house freeing up the larger house for families. Providing more housing choice gives the opportunity for a greater mix of population allowing more young people to move into the City; more families to move in and more retirees to remain in the area.

Australian Bureau of Statistics data also suggests that the City of Melville has the fourth highest percentage of single houses when compared to other local authorities in the Central Metropolitan Perth sub-region. In terms of Semi-detached, row or terraced houses the City is middle of the group and in flats, units and apartments the City is second bottom in terms of percentage. Looking forward to anticipated development to 2031, with the Canning Bridge and other activity centre structure plans in place the figures would place the City about eleven out of nineteen on the table for percentage of flats units and apartments. The Canning Bridge Structure Plan proposes to address some of these imbalances through a transit oriented development of the district centre.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

The Canning Bridge Structure plan is presented in two parts:

- Part One is the statutory section which includes the structure plan map, statutory provisions and requirements.
- Part Two is used as a reference guide providing background, design basis and intent to support the implementation of Part One.

The structure plan overlaps two local government authorities and emphasises a continuing cooperation between the Councils for development in this activity centre. The individual local planning schemes still relate to the areas within each local government boundary; however they are guided by the structure plan over the whole area.

The Canning Bridge Structure Plan objectives are to:

1. Meet district levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.
2. Support the activity centre hierarchy as part of a long-term and integrated approach to the development of economic and social infrastructure.
3. Support a wide range of retail and commercial premises and promote a competitive retail and commercial market.
4. Increase the range of employment within the Canning Bridge Structure Plan area and contribute to the achievement of sub-regional employment self-sufficiency targets
5. Increase the density and diversity of housing in and around the Canning Bridge Structure Plan to improve land efficiency, housing variety and support the facilities in the area.
6. Ensure the Canning Bridge Structure Plan area provides sufficient development intensity and land use mix to support and increase high frequency public transport.
7. Maximise access to and through the Canning Bridge Structure Plan area by walking, cycling and public transport while reducing private car trips.
8. Plan development in the Canning Bridge Structure Plan area around a legible street network and quality public spaces.
9. Concentrate activities, particularly those that generate steady pedestrian activation, within the Canning Bridge Structure Plan area.

These outcomes are supported through the Goals of the Structure plan.

Consultation

- G1 The community continues to be involved in implementation for the Canning Bridge Structure Plan area, through online information and local news. Specific planning applications will be communicated to affected landowners, and the City of Melville and the City of South Perth will have a combined Design Advisory Committee which will include representatives from each Council that consider the quality and contribution of all new development.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**Place activation**

- G 2 The local character, function and strength of each unique 'Quarter' (see section 7) will be built upon in the implementation of the Canning Bridge Structure Plan. Local events, such as markets and concerts, will be encouraged and enabled and the Canning Bridge Structure Plan area will be known as a place to work, live and visit.
- G 3 Q6 will be a vibrant hub for passengers moving freely and safely between transport types and enjoying the adjacent parklands and river front. The journey to and from the Quarter will be comfortable and memorable.

Built Form

- G 4 Canning Bridge Structure Plan area will be a demonstration of quality architecture with a strong focus on built form and public space interaction, providing multiple accommodation, commercial and employment opportunities.
- G 5 Canning Bridge Structure Plan area will be welcoming to all members of the community and will provide a range of accommodation and recreation options for the variety of cultures, socio-economic groups and age groups which live, work and play in the area.

Innovation

- G6 Developers will be encouraged to provide innovative spaces and places that will benefit the whole community, including areas to access views, Civic uses, open space, recreation and entertainment.

Accessibility

- G 7 Canning Bridge Structure Plan area will be developed with consideration of safe, efficient, and universal access to, through and within the diverse activities and facilities of the area.

Sustainability

- G 8 Canning Bridge Structure Plan area will be a model for the development of greener buildings, more efficient transport usage, and more sustainable lifestyle options. The local residential community will be encouraged to work in the area or travel via public transport to work and public open spaces will be encouraged horizontally and vertically throughout.

Crime Prevention

- G 9 Canning Bridge Structure Plan area will be active and vibrant and the community who frequent it will feel safe and secure. Design of buildings, spaces and services will contribute to its safe enjoyment at all times of the day and night.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**Environment**

- G 10 Development of Canning Bridge Structure Plan area responds to its excellent natural attributes, making best use of the river and its adjacent areas for community enjoyment and ongoing education about the local environment.

Staging and implementation

- G 11 Staging of development is considerate of the community impacts of development over time, including transition from lower to higher density development and provision of necessary community infrastructure.
- G 12 The Canning Bridge Structure Plan area develops sensitively and carefully over time to ensure that the benefits of development are realised by all members of community.

Design guidelines have been developed to assist in achieving the desired outcomes for the area.

The design guidelines seek to achieve the following outcomes:

- a) The local character, function and strength of each unique 'Quarter' will be celebrated in the implementation of the Canning Bridge Structure Plan.
- b) The centre will be a demonstration of quality architecture with a strong focus on built form and public space interaction, providing multiple accommodation, commercial and employment opportunities.
- c) The centre will be welcoming to all members of the community and will provide a range of accommodation and recreation options for the variety of cultures, socio-economic groups and age groups which live work and play in the area
- d) Developers will be encouraged to provide innovative spaces and places that will benefit the whole community, including areas to access views; Civic uses open space, recreation and entertainment.
- e) The centre will provide for safe, efficient, and universal access to, through and within the diverse activities and facilities of the Canning Bridge Structure Plan area.
- f) Design will be encouraged to be responsive to the size and geometry of the various development sites and to the strategic expectations of the adjacent street and pedestrian networks.

The design guidelines for the Structure plan are set out in a similar form to what is encountered in the R-Codes; a table format with three columns:

- Element which provides a title for each element e.g. Land use, Form and Mass etc.
- Desired Outcomes which represents the qualitative principles against which the decision maker can exercise their judgement to determine a proposal. These are based on the Guiding principles, Objectives and Goals of the Canning Bridge Structure Plan; and
- Requirements which are the quantitative criteria against which a development will be assessed.

The Canning Bridge Structure Plan area has been split into six quarters.

[3607 Attachment 3](#)

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

The names for the Quarters are suggested as:

- Q1 – Kintail Quarter
- Q2 – Ogilvie Quarter
- Q3 – Cassie Quarter
- Q4 – Davilak Quarter
- Q5 – Mt Henry Quarter
- Q6 – Station Quarter

Within these quarters there are five zones. [3607 Attachment 4](#) Not all zones are present in each quarter. The five zones are

- Mixed Use up to 15 storeys – M15
- Mixed Use up to 10 storeys – M10
- Residential 6-8 Storeys – H8
- Residential up to 4 stories – H4
- Civic – Civic

The Desired Outcomes and Requirements are provided for the whole structure plan area, unless there are specific guidelines for each zone which are then addressed separately in the design guidelines. The guidelines are established as an alternative to the requirements of the R-Codes within the Canning Bridge Structure Plan Area only. Where they are silent on a matter the R-codes will prevail.

The design guidelines centre around the elements of Land Use, Form and Mass, Setbacks, Pedestrian Spines, Canning Highway, Heights, Landmark buildings, Facades, Adaptability, Site Cover, Sustainability, Street edges, Retaining walls, Fences, Public Art, Parking, Servicing, and Safety.

In recognition of the unique location and the desire to see exceptional design and the transformation of the area to provide for community needs, there are also two elements that relate to development bonus provisions based on design considerations and community considerations. These detail requirements must be met to achieve development over the 15 and 10 story limits and include minimum lot sizes, community benefits and provision of affordable housing options.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

Advertising: 46 days from Monday 27 October 2014 to Friday 12 December 2014 (Late submissions were received up until 23 December 2014).

Reason: To obtain public comment on the proposed activity centre structure plan including design requirements.
49 submissions were received.
31 Support 7 neutral 4 opposition 7 Government

The Canning Bridge Structure Plan was advertised through:

- an advertorial in local paper,
- press releases,
- email to those who have been involved previously,
- letters to all landowners and occupiers (residents and businesses) in the study area,
- Facebook, and
- notices in Libraries and the Civic Centre.

An information day was also held on Saturday 8 October 2014 at the Canning Bridge Library Lounge and Courtyard. This consisted of rolling power points, static displays of maps and stations where members of the working group and other experts were available to answer questions. This was well attended by over 100 people.

The main issues that were raised in submissions and the response to these issues is summarised in the final report on submissions, [3607 Attachment 5](#).

The key issues raised include:

- Increase development allowances
11 submissions suggested that the proposed development allowances in the Canning Bridge Structure Plan (CBSP) should be increased in various quarters throughout the structure plan. (some of these included a reduction in minimum site area provisions which limit height in certain locations based on site area.) Other submissions requested the zoning areas be extended..

Given that there was not an overwhelming support for the proposed increases it is considered at this time that such changes would require re-engagement with the effected areas. This re-engagement would significantly delay the overall CBSP progress.

- Reducing side setbacks in Element 5: -
Minimum side setbacks of 5m per lot (i.e. 10m at the boundary of two lots) have been queried through submissions, given that towers only require a minimum of 8m separation. It is suggested that this may reduce development capability on narrower lots.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

Given that an 8m setback, tower to tower, is allowable, and that 8m is a reasonable setback between developments, it is recommended that this provision be relaxed/amended in the final CBSP.

- Relaxation of minimum landscaping requirement (Element 10)
The CBSP included a requirement to achieve a ratio of 1:1, or 100%, or the site area to be landscaped, where landscaping can include features both green/vegetated and hard (i.e. seating and communal spaces).. Submissions have suggested that the 100% requirement is onerous and may simply result in a number of sub-standard spaces. Vertical walls being included in the calculation is also not well understood and will need to be clearly articulated in the Interpretations of the CBSP.

Whilst it is the intention of the CBSP to create vertical, urban public spaces and plazas given the physical constraints of the area, it is acknowledged that 100% is a significant target to achieve. Examples of similar ratios are rare. For this reason it is recommended that this provision be amended in the final CBSP to require 75%

- Relaxation of sustainability requirement (Element 11 and 21)
The CBSP has intentionally set the bar high. Sustainability in the precinct is measured both for individual development and on innovation in sustainable energy and water initiatives. Upholding the principle of pursuing global best practice is critical to achieve change.

In recognition that the Green Star tool may, in fact, have some provisions which have a counter-productive outcome from a sustainability perspective, *it is not recommended that any relaxation of the various star rating levels be included in the final CBSP, however, it is recommended that the provision allow for the application of an equivalent or improved rating system.*

- Relaxation of parking requirements (Element 18)
The CBSP has placed a significant restriction on the provision of car parking, providing both a minimum and maximum requirement. Submissions suggest that the maximum requirement may result in apartments entirely without car bays and that this is not achievable in the current development environment. Submissions have suggested a maximum of 2 bays per dwelling.

The CBSP has intentionally set the bar high (or low in this case) to encourage increased public transport use and also to encourage residents to make better use of their local neighbourhood. This will have a flow on effect to the neighbourhood commercial and entertainment sector and see the development of the CBSP area as a vibrant hub sooner. 2 bays per unit is thus considered excessive where public transport is so freely available.

It is therefore recommended that this provision be relaxed/amended in the final CBSP to allow a minimum and maximum number of bays per dwelling size (rather than maximum percentage over and above the minimum), where the maximum number of bays is 1 bay per single bedroom dwellings, 1.5 bays for 2/3 bedroom dwellings and 2 bays for 4 bedroom dwellings or greater.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

I. COMMUNITY

There has been considerable engagement with the community as part of the development of the Activity Centre Structure Plan. Three workshops were held with residents, owners and stakeholders from both City of Melville and City of South Perth. These were held at the City

of South Perth Civic Centre, the City of Melville Civic Centre and the Manning Senior Citizens Centre.

Surveys were conducted at key locations and with key groups in order to engage with those groups who were under represented at workshops specifically younger couples, young people, visitors and workers.

II. OTHER AGENCIES / CONSULTANTS

The planning and development of this structure plan has been undertaken in partnership with the Department of Planning, Western Australian Planning Commission and the Department of Transport including, the Public Transport Authority and Main Roads WA. Other State departments including the Swan River Trust, and the Heritage Council of WA were also consulted during the process. Utilities providers, including Atco Gas, Western Power, Synergy and Water Authority have also been consulted during the structure planning process.

STATUTORY AND LEGAL IMPLICATIONS

An Activity Centre Structure plan is required to be prepared for the Canning Bridge Activity Centre under State Planning Policy 4.2 Activity Centres for Perth and Peel.

Central Metropolitan Perth sub-regional strategy lists the Canning Bridge transit oriented development as an example of planned growth areas in Appendix 3 and 4 with 2,500 dwellings projected for the Melville quarters and 1,600 dwellings for the South Perth quarters by 2031.

Current forecasts for the City (under CPS5) show a dwelling increase to 2031 of only 6,020 dwellings. This is 5,000 dwellings short of the targets suggested under Directions 2031. These targets are set out in the table below:

GOVERNMENT AREA	2011-2016	2016-2021	2021-2026	2026 - 2031	TOTAL ADDITIONAL DWELLINGS TO 2031	ADDITIONAL DWELLINGS AFTER 2031	TOTAL INFILL DWELLINGS TO 3.5M
City of Melville	3,500	2,510	2,770	2,050	10,830	3,960	14,790

This structure plan provides an opportunity to increase the new dwellings in the City in an effort to reach our targets.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

The Structure plan, when endorsed by the Council will inform development in the centre.

The provisions, standards and requirements specified under Part One of the structure plan if and when adopted would have the same force and effect as if they were a Planning Policy.

A scheme amendment should be initiated at the same time as the endorsement of the Structure Plan in order to change the zoning from R60, R40, R30 and R15 to R-AC 0.

The development guidelines provide a much more rigorous set of parameters for developments to follow than the current requirements for Canning Bridge District Centre of Frame. There are also specific requirements in element 21 and 22 that will ensure developments meet minimum development requirements before they are eligible for bonus development potential.

In the period prior to finalisation of a scheme amendment applications could still be submitted under the current scheme with assessment guided by the Structure Plan.

- Under Community Planning Scheme No. 5 (CPS5) Building Height and Car Parking shall have regard to Council Policy so can be assessed against the Structure Plan.
- Clause 4.2(b) of CPS5 allows for 'except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or precinct development requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council sees fit.
- Clause 4.2 (c) of CPS5 in regards to impact on adjoining owners can be accepted to have been considered in advertising the Structure Plan.
- Clause 4.2 (d) (iv) of CPS5 requires a Special Majority of Council to vary Plot Ratio.
- The Canning Bridge Structure Plan can be considered as the equivalent of the Urban Design Guidelines mentioned in the Statement of Intent for DC1 and CBF.

Council could await gazettal of a Scheme Amendment and inclusion of Structure Plan provisions in CPS5 before it is prepared for the CBSP to become operative. It is noted that development applications could be submitted which either require mandatory determination by Development Assessment Panel (DAP) or exceed the threshold above which applicants may seek determination by DAP (opt in). DAP Regulations require a recommendation to be submitted by a local government to DAP. As DAP has authority to determine development applications even if a local government does not submit a report and recommendation it is considered to be important that a framework exist to guide the assessment of development applications in these circumstances as well as to guide the assessment of development applications where exercise of discretion is sought. Adoption of the CBSP as Council Policy would establish a rigorous assessment framework for development applications to be considered by DAP.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no financial implications at this stage of the project. The Structure Plan provides for the City to consider upgrading of streetscapes, footpaths and cycling network in and around the centre in future years and identifies funding options including developer contribution scheme and rating schemes. Investment in activity centres is likely to stimulate new private development.

Preliminary investigations into options to fund new community facilities and local infrastructure in the Precinct indicate that developer contributions schemes may not be well suited. Developer contribution schemes establish administrative requirements for developers to fund new facilities determined to be required as a result of demands associated with new development. As a built up area, the Canning Bridge Precinct has existing facilities, there may be a need for upgrading facilities however, the need for new facilities specifically required in response to new development is difficult to define. Desired facilities may be funded through consideration of alternative and less complex mechanisms such as:

- community benefits negotiated through the development application process; and
- rating mechanisms such as introduction of a "Specified Area Rate"

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Scorecard for Directions 2031 released by the Western Australian Planning Commission in January 2014 shows the City of Melville has not achieved its targets for additional dwellings; the City is second last on the table of local governments. Endorsement of the Canning Bridge Structure Plan will encourage development and allow provision for more new dwellings. This is consistent with the City's draft Local Planning Strategy and draft Local Planning Scheme 6 which have recently been advertised.

The Local Planning Strategy generally promotes increased intensity in and around activity centres, transport nodes and along transport corridors in order to provide greater housing choice, improve employment and encourage sustainable transport options.

State transport agencies have been represented on the Canning Bridge Structure Plan Working Group during the preparation of the Structure Plan. There is a risk that the design for Canning Highway being prepared by Main Roads will not be finalised and that the Western Australian Planning Commission (WAPC) in consultation with Main Roads Western Australia (MRWA) may not have determined a position on declaration of a planning control area prior to Council making a decision on the Structure plan. Comment will still be required from Main Roads on any applications that are presented for lots that will be impacted adjoining the Highway.

POLICY IMPLICATIONS

The provisions, standards and requirements specified under Part One of the structure plan will become a planning policy on endorsement by the City.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

Clause 9.6 of CPS5 relates to non-statutory planning policies. It reads:

To provide additional information to applicants for planning approval and to ensure that information is public and current:

- (a) the Council may prepare any non-statutory planning policy, guideline, strategy or plan (herein called "a Policy") which may make provision for any matter related to the planning or development of the Scheme area and which may be prepared so as to apply:
 - (i) generally, or in a particular class of matter or in particular classes of matters;
 - (ii) throughout the Scheme area or in one or more parts of the Scheme area and may amend or add to or rescind a Policy so prepared;
- (b) a Policy shall become operative only after the following procedures have been completed:
 - (i) the Council, having prepared and adopted a draft Policy and determined the operative date of that policy, shall publish a notice in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made;
 - (ii) Where, in the opinion of the Council, the provisions of any Policy affects the interests of the Commission, a copy of the Policy shall be forwarded to the Commission;
 - (iii) the Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy; and
 - (iv) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area;
- (c) the Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours;
- (d) an amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause (b) of this Clause;

Adoption of the structure plan will allow any development applications for land within the area of the Canning Bridge Structure Plan to be assessed under the guidelines provided in the structure plan. This will provide more certainty to all stakeholders should development applications be received seeking variation to the development requirements of the current Community Planning Scheme.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could decide not to endorse the Structure Plan, and not to adopt the Structure Plan as Council Policy at this time in order to await gazettal of a Scheme Amendment and inclusion of Structure Plan provisions in CPS5 before it is prepared for the CBSP to become operative. It is noted that development applications could be submitted which either require mandatory determination by DAP or exceed the threshold above which applicants may seek determination by DAP (opt in). As DAP has authority to determine DAs even if a local government does not submit a report and recommendation it is considered to be important that a framework exist to guide the assessment of DAs in these circumstances as well as to guide the assessment of DAs where exercise of discretion is sought. Adoption of the CBSP as Council Policy would establish a rigorous assessment framework for development applications to be considered by DAP.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

If Council were to decide not to endorse the Structure Plan, not to adopt the Structure Plan as Council Policy at this time and await gazettal of a Scheme Amendment and inclusion of Structure Plan provisions in the Scheme this could have the effect of undermining confidence in the process through further delays. This could in turn adversely impact on future development in the area by either encouraging development in the area at a lesser standard by investors seeking to realise the value of their investment or worse to encourage planning blight as developers hold their investment until such time as the vision is implemented.

CONCLUSION

The Canning Bridge Activity Centre Structure Plan provides a framework for the implementation of the Canning Bridge Precinct Vision. The extensive engagement with the community has seen many issues resolved and the inclusion of many measures in the design guidelines and the structure plan to ensure the area is developed to the highest standards. The plan will give the opportunities for an increase in housing, commercial and civic opportunities in the structure plan area to assist the Cities of Melville and South Perth to meet the requirements of Directions 2031 and beyond.

Upon endorsement by the Council the Canning Bridge Structure Plan will become Council Policy. Council or DAP where DAP is the determining authority shall then have due regard to the design guidelines in Section 7 when making decisions on development applications within the Canning Bridge Structure Plan area. This will allow development applications to be considered under the current scheme with the discretion permitted under clause 4.2 of the scheme. The deemed provisions proposed in the new *Planning and Development (Town Planning Schemes) Regulations 2014* will automatically allow Structure Plans to form a part of the Scheme from July 1 2014.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3607)****APPROVAL**

At 6.47pm Cr Pazolli moved, seconded Cr Willis –

That the Council:

1. Notes the submissions received from stakeholders and the community during the public advertising of the draft Canning Bridge Structure Plan.
2. Resolves, pursuant to Section 9.6 of Community Planning Scheme No. 5, to adopt the updated Canning Bridge Structure Plan as shown in Attachment 2.
3. Adopts the Canning Bridge Structure Plan under the proposed part 10 of Community Planning Scheme No. 5 upon the gazettal of Scheme Amendment No. 67.
4. Resolves to forward the Canning Bridge Structure Plan and Report on Submissions to the Western Australian Planning Commission and notify the Western Australian Planning Commission that the Canning Bridge Structure Plan has been adopted as a Structure Plan under the Part 10 of Community Planning Scheme No. 5 upon gazettal of Scheme Amendment 67.
5. Directs the Chief Executive Officer to advise all submitters in writing of the Council's resolution.
6. Notes that the City will work with the City of South Perth to seek expressions of interest to form a Design Advisory group to consider pre-lodgement advice and advise on development applications as proposed in the structure plan.
7. Notes that the adopted structure plan can be updated in future to address any issues that may arise.
8. Resolves Pursuant to Part 5 of the *Planning and Development Act 2005*, to initiate Amendment No. 78 to Community Planning Scheme No. 5 to rezone the area in accordance with the Canning Bridge Structure Plan as follows:
 - A. Amendment documentation be prepared in accordance with the direction and recommendations provided in the Canning Bridge Structure Plan.
 - B. That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the amendment document.
 - C. That the City forward a copy of the amendment documentation to:
 - I. The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and,
 - II. The Western Australian Planning Commission for information.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

- D. That on receipt of advice from the Environmental Protection Authority under Section 48a of the *Environmental Protection Act 1986* indicating that the amendment need not be subject to an environmental assessment, the amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.
9. Resolves that in the interim period before finalisation of a Scheme Amendment for the Canning Bridge precinct, where development applications are received seeking variation of Community Planning Scheme No. 5 development requirements, that those development applications are assessed under the Canning Bridge Structure Plan as a Policy of Council.

Amendment

At 6.49pm Cr Schuster moved, seconded Cr Robartson –

That the Council resolve to:

- 1. Incorporate a new Clause 10 in the Officer Recommendation as follows “ Within 12 months of the formal inclusion by gazettal of the Canning Bridge Structure Plan in the City of Melville Community Planning Scheme No 5, that the City initiate a public consultation process to determine community views on whether the properties west of Forbes Road between Kishorn and Kintail Roads and all residential zones in the structure plan area with height limits up to four storeys should be treated differently than in the current plan with respect to land use and building heights. Any such consultation process will not commit the City to any particular course of action as a result of the process”. and,***
- 2. Incorporate a new Clause 11 in the Officer Recommendation as follows “ In any situation where a development is to be approved where the proposed residences and parking are to be treated separately from each other (ie there is no designated parking for a residence and parking bays have to be purchased separately), then the proponent is required to prepare a parking impact study to consider the potential impacts of the implementation of this policy in the circumstances of the particular development. This parking impact study will be advertised for public comment as part of the development approval process”.***

At 7.01pm the Deputy Mayor submitted the amendment, which was declared

CARRIED UNANIMOUSLY (10/0)

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

Vote Result Summary	
Yes	10
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

Reasons for Amendment

Cr Schuster provided the following reasons in support of the amendment –

1. With respect to proposed new Clause 10 Elected Members will recall at the Agenda Briefing Forum on 3rd March there was a presentation from a resident/land owner at 7A Forbes Road in respect to his concerns about potential 10 story developments on the east side of Forbes Road and 4 story developments on the west side where he lives;
2. Given the extensive consultation process the Canning Bridge Structure Plan (CSBP) has been through I don't believe the change he was requesting could be incorporated now without a further round of public consultation, and that would delay the CBSP unnecessarily in my view. My proposed amendment commits the City to nothing more than consulting about the land use and development rules on the west side of Forbes Road, and only after the provisions of the CBSP have been enshrined in law through the Town Planning Scheme – this seems to me to be a reasonable way to have the resident's concerns tested publicly without any commitment as to action by the City;
3. With respect to proposed new Clause 11 I have no difficulty in principle with the proposal in certain circumstances to separate residence ownership from car park ownership – indeed in densely populated inner city areas elsewhere such arrangements are common place. My difficulty is related to areas in transition like the CBSP area where we have large new developments and existing houses co existing for years in same streets, with the potential for new owners to seek to save money by simply using street parking to the detriment of existing house owners. The typical response of parking schemes, resident permits etc don't really satisfy the issue and inevitably in my view the existing owners will feel alienated in their own streets;
4. However it is not possible to foresee all of the circumstances where these proposals will arise, so my amendment simply seeks to require a parking impact plan to be prepared and advertised in the CBSP area where the development proposes to separate residence ownership from parking ownership – such a requirement will at least identify and review potential parking conflicts as part of the development approval process.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)**COUNCIL RESOLUTION (3607)****APPROVAL**

At 7.04pm the Deputy Mayor submitted the substantive motion as amended -

That the Council:

1. Notes the submissions received from stakeholders and the community during the public advertising of the draft Canning Bridge Structure Plan.
2. Resolves, pursuant to Section 9.6 of Community Planning Scheme No. 5, to adopt the updated Canning Bridge Structure Plan as shown in Attachment 2.
3. Adopts the Canning Bridge Structure Plan under the proposed part 10 of Community Planning Scheme No. 5 upon the gazettal of Scheme Amendment No. 67.
4. Resolves to forward the Canning Bridge Structure Plan and Report on Submissions to the Western Australian Planning Commission and notify the Western Australian Planning Commission that the Canning Bridge Structure Plan has been adopted as a Structure Plan under the Part 10 of Community Planning Scheme No. 5 upon gazettal of Scheme Amendment 67.
5. Directs the Chief Executive Officer to advise all submitters in writing of the Council's resolution.
6. Notes that the City will work with the City of South Perth to seek expressions of interest to form a Design Advisory group to consider pre-lodgement advice and advise on development applications as proposed in the structure plan.
7. Notes that the adopted structure plan can be updated in future to address any issues that may arise.
8. Resolves Pursuant to Part 5 of the *Planning and Development Act 2005*, to initiate Amendment No. 78 to Community Planning Scheme No. 5 to rezone the area in accordance with the Canning Bridge Structure Plan as follows:
 - A. Amendment documentation be prepared in accordance with the direction and recommendations provided in the Canning Bridge Structure Plan.
 - B. That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the amendment document.
 - C. That the City forward a copy of the amendment documentation to:
 - I. The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and,
 - II. The Western Australian Planning Commission for information.

P15/3607 - FINAL CANNING BRIDGE STRUCTURE PLAN AND REPORT ON SUBMISSIONS (REC) (ATTACHMENT)

- D.** That on receipt of advice from the Environmental Protection Authority under Section 48a of the *Environmental Protection Act 1986* indicating that the amendment need not be subject to an environmental assessment, the amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.
- 9.** Resolves that in the interim period before finalisation of a Scheme Amendment for the Canning Bridge precinct, where development applications are received seeking variation of Community Planning Scheme No. 5 development requirements, that those development applications are assessed under the Canning Bridge Structure Plan as a Policy of Council.
- 10.** Incorporate a new Clause 10 in the Officer Recommendation as follows “ Within 12 months of the formal inclusion by gazettal of the Canning Bridge Structure Plan in the City of Melville Community Planning Scheme No 5, that the City initiate a public consultation process to determine community views on whether the properties west of Forbes Road between Kishorn and Kintail Roads and all residential zones in the structure plan area with height limits up to four storeys should be treated differently than in the current plan with respect to land use and building heights. Any such consultation process will not commit the City to any particular course of action as a result of the process”. and,
- 11.** Incorporate a new Clause 11 in the Officer Recommendation as follows “ In any situation where a development is to be approved where the proposed residences and parking are to be treated separately from each other (ie there is no designated parking for a residence and parking bays have to be purchased separately), then the proponent is required to prepare a parking impact study to consider the potential impacts of the implementation of this policy in the circumstances of the particular development. This parking impact study will be advertised for public comment as part of the development approval process”.

At 7.04pm the Mayor declared the motion

CARRIED UNANIMOUSLY (10/0)

Vote Result Summary	
Yes	10
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

At 7.05pm, Mayor Aubrey returned to the meeting and assumed the Chair.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Ward : University
 Category : Strategic
 Application Number : N/A
 Property : Lot 323, No. 7 Temby Court, Kardinya
 Proposal : Consider potential disposition of land
 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 : N/A
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

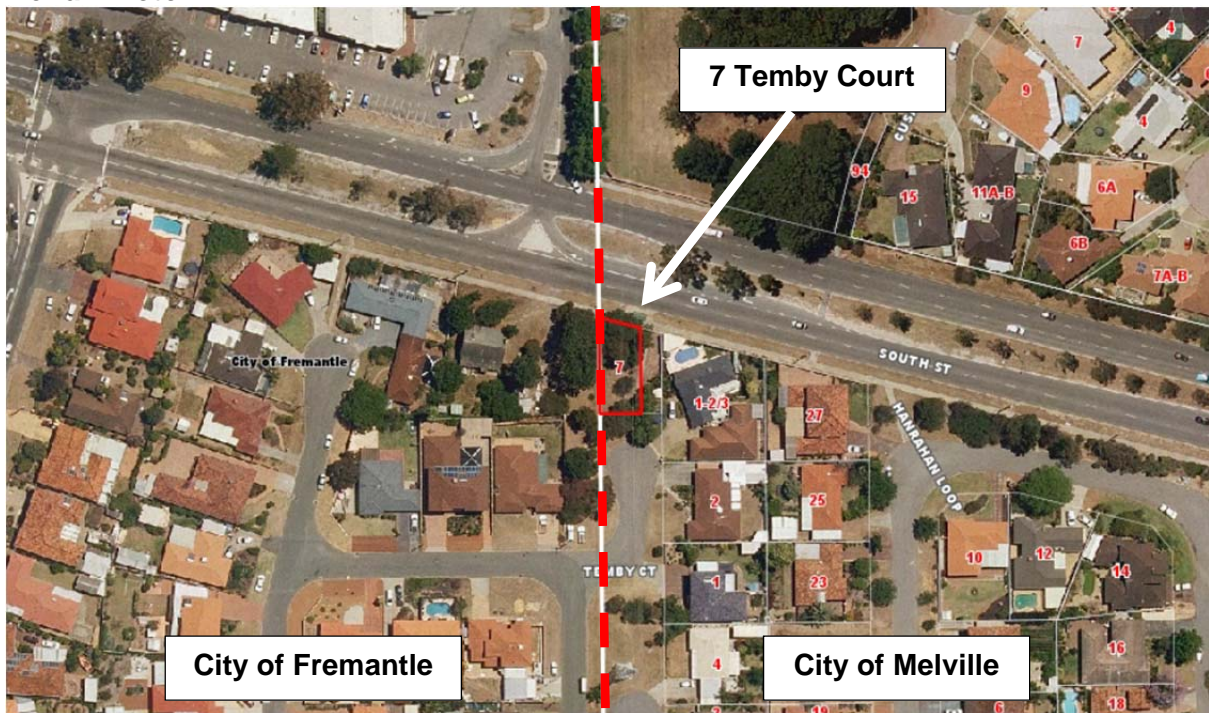
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and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

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)**KEY ISSUES / SUMMARY**

- The City owns No. 7 Temby Court, Kardinya in freehold title. The lot has high tension power lines immediately overhead and therefore cannot be developed for residential purposes.
- The lot is on the border with the City of Fremantle. The City of Fremantle received a planning application for a Residential Building development for affordable housing on the adjacent lot at 399 South Street, Samson.
- The City of Fremantle supported the proposal in May 2014, subject to vehicular access to the site being via South Street. Main Roads WA does not support vehicular access to the property from South Street. The Statutory Planning Committee of the Western Australian Planning Commission (WAPC) will determine the development application.
- There is potential for the City to dispose of 7 Temby Court via sale or ground lease to the developer of 399 South Street to enable vehicle access over the lot to Temby Court.
- Concerns have been raised from surrounding residents about the development of 399 South Street (which is not an issue for the City) and possible vehicular access to Temby Court (which the City is in a position to control).
- The Council is requested to consider two options for the site:
 - Option 1 - Take no action at this time given the community feedback received to date.
 - Option 2 - Allowing vehicular access across 7 Temby Court from 399 South Street and disposing of the site via sale or ground lease to the owner of 399 South Street.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Aerial Photo



BACKGROUND

The City owns No. 7 Temby Court, Kardinya in freehold title. The lot has an area of 317m² and is zoned 'Living Area R20'. The lot has high tension power lines immediately overhead and therefore cannot be developed for residential purposes. There is currently little financial value in the lot given the development constraints.

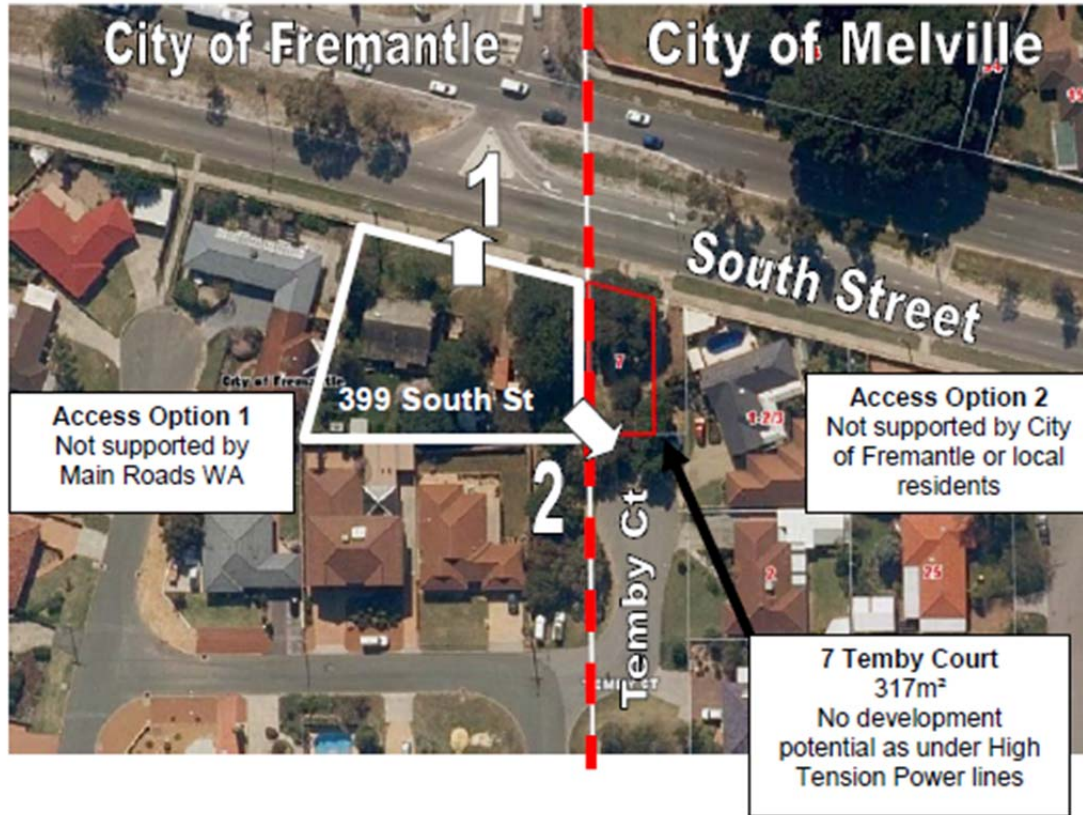
Four dwellings currently use Temby Court for vehicular access.

The lot is on the current border with the City of Fremantle. The City of Fremantle received a planning application for a Residential Building development for affordable housing on the adjacent lot at 399 South Street, Samson. The City of Fremantle supported the proposal, subject to vehicular access to the site being via South Street rather than being via Temby Court.

Main Roads WA does not support vehicular access to the property from South Street. The Statutory Planning Committee of the Western Australian Planning Commission (WAPC) will determine the development application.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Location Maps



The City received an inquiry from the potential developer of 399 South Street as to whether the City would allow access over the City's land to Temby Court or the sale of the lot to facilitate vehicle access to Temby Court.



P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

The City has no influence over the proposed development on 399 South Street, which will be determined by the WAPC. The key issue for consideration from the City's perspective is the future use of its land at 7 Temby Court.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R20
Use Type	:	N/A
Use Class	:	N/A

DETAIL

The City's Land Asset Strategy recommends that 7 Temby Court be disposed of at a suitable time given that it is not considered to have strategic, environmental or community value.

There are two potential alternatives for Council to consider for the future of the site:

1. Not supporting vehicular access over the site and taking no action at this time given the community feedback received to date, or
2. Supporting vehicular access over 7 Temby Court by:
 - Option 2a – Providing an access easement over the lot; or
 - Option 2b – Selling a portion of the lot; or
 - Option 2c – Selling all of the lot; or
 - Option 2d – Ground leasing some/all of the lot.

Options 2a-2d are suggested as the most realistic purchaser would be the adjoining owner at 399 South Street. No. 7 Temby Court is separated from the other adjoining site at 3 Temby Court (which has two strata lots on it) by the Water Corporation Reserve and public accessway.

The four options are further discussed below.

Option 1 – Don't support vehicular access over or sale of 7 Temby Court

There has been a considerable amount of concern from local residents about the development of affordable housing at 399 South Street, including both City of Fremantle and City of Melville residents. The City has received letters of objection opposing allowing vehicular access to the site via Temby Court. Some of the concerns are perceived fears about social issues, whilst others are concerns about issues such as traffic, parking, noise etc. A multi-signature letter opposing the development and vehicular access via Temby Court was lodged with the City on 27 January 2015 with 45 signatures.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

The Council of the City of Fremantle supported the development application on 28 May 2014, subject to the site only having vehicular access via South Street. It then referred the application to WAPC for determination. The City has no influence on the development of 399 South Street.

The Council may decide to not support vehicular access over the City's land based on feedback and concerns from the community.

Option 2 - Support vehicular access over 7 Temby Court

There is an opportunity for the City to realise some value from the land. Whilst the site is owned in freehold, it cannot be developed for residential purposes due to the high tension power lines immediately overhead. There is little likelihood that the City could realise any value from the land via other methods.

If the site were disposed via sale or lease, the existing pedestrian accessway footpath would need to be relocated on to the adjacent land parcel, which is a Water Corporation reserve (likely with underground pipes). This may involve some costs, which should be borne by the developer.

If Council were to support providing vehicular access over the lot, there are four ways this could be done, which have been assessed as follows:

Option	Method	Comments
2a	Providing an access easement over the lot	It is considered that there is little value for the City in providing an access easement over the lot as the consideration to be paid for the easement is likely to be minimal, while all the issues for local residents remain. Not Recommended
2b	Selling a portion of the lot	It is considered that there is little value for the City in selling a portion of the lot as it would then still have the remainder of the lot which would be worth even less than the existing lot. Not Recommended
2c	Selling all of the lot	This would likely raise the most financial value for the City. It would require the Section 3.58 of the <i>Local Government Act 1995</i> to be followed (disposition via Local Public Notice would likely be the best option) Has Potential

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

2d	Ground leasing some/all of the lot	<p>Ground leasing some of the lot is considered to be similar to Options 2a and 2b and is not recommended. Ground leasing all of the lot to the developer of 399 South Street is also a potential option depending on the sale price vs ground lease price, which could be negotiated with the developer.</p> <p>It would require the Section 3.58 of the <i>Local Government Act 1995</i> to be followed (disposition via Local Public Notice would likely be the best option)</p> <p>Has Potential</p>
----	------------------------------------	---

If Council was to consider the disposition of 7 Temby Court to the potential developer of 399 South Street via either sale or ground lease, the next steps would include (but are not limited to):

1. Obtain a market valuation of the lot;
2. Enter in to negotiations with the developer of 399 South Street regarding terms for the sale or ground lease of the lot;
3. If the terms negotiated with the developer are acceptable to the City, the disposition of the lot via Local Public Notice would be progressed in accordance with Section 3.58 of the *Local Government Act 1995*. A further Council report to consider the final disposition of the land following the completion of the public advertising period would be required.
4. If the developer was to purchase or ground lease the lot, a development application would also be required in order to construct a driveway access to Temby Court. This would be an additional development application to be made and determined by the City of Melville. The application would need to be made by the developer following the completion of legislative and land processes in order to avoid any possible probity issues.
5. It is considered that the developer would also be required to relocate the public access pathway and any other infrastructure on 7 Temby Court.

Transport Implications

The proposed development of 399 South Street involves the construction of six, two storey Residential Buildings with a total of 18 bedrooms. The potential residents are expected to own few, if any, cars. Nevertheless, the City's Technical Services was asked to provide comments on the proposed development having vehicular access to Tenby Court with potential for up to 18 cars. Even assuming that all residents do have cars, which may be unlikely, Technical Services has advised that traffic generated by the site could be accommodated within the local road network.

It is therefore not considered from a technical perspective that there are traffic issues for local streets if vehicular access were to be granted via Temby Court.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Main Roads WA does not support access to the site via South Street given access and safety issues and supports vehicular access via Temby Court.

STAKEHOLDER ENGAGEMENT

Advertising Required:	Yes – if Council resolves to consider disposition of the site as per Section 3.58 (3) of the <i>Local Government Act 1995</i>
Neighbour's Comment Supplied:	No – if Council does not support disposition of the site
Reason:	N/A
Support/Object:	N/A

I. COMMUNITY

Community consultation would be carried out if Council resolves to consider disposition on the site.

As previously mentioned, there has been a considerable amount of concern from local residents about the development of affordable housing at 399 South Street from City of Fremantle and City of Melville residents. The City has received letters of objection opposing allowing vehicular access to the site via Temby Court. Some of the concerns are perceived fears about social issues, whilst others are concerns about issues such as traffic, parking, noise etc. A multi-signature letter opposing the development and vehicular access via Temby Court was lodged with the City on 27 January 2015 with 45 signatures.

II. OTHER AGENCIES / CONSULTANTS

The City has been liaising with the Department of Planning and Main Roads WA on this matter.

Required:	Yes
Reason:	N/A
Support/Object:	N/A

STATUTORY AND LEGAL IMPLICATIONS

The City has legislative requirements to meet in addition to standard property practices. If the Council were to consider the disposition of the land, it would likely be progressed in accordance with a Local Public Notice process. Section 3.58 (3) of *the Local Government Act 1995* states that:

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

“A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:

(a) it gives local public notice of the proposed disposition —

- (i) describing the property concerned; and*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”

The key points to be aware of are:

- Council cannot agree to dispose of the property until the legislative requirements are fulfilled
- Council needs to formally consider any submissions made during the public advertising period prior to any decision being made

FINANCIAL IMPLICATIONS

There are no financial implications for the City at this point. The site, whilst freehold, is significantly impacted by the overhead power lines and therefore would not be worth the normal values for residential freehold lots. The City may be able to realise some value for the site via sale or ground lease. It is not known how much a sale or ground lease of the site might be worth. A land valuation will assist by providing an estimated value for the site.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

Risk Implications

It is considered that it is almost certain that the local community would object to any disposition of 7 Temby Court or allowing vehicular access from 399 South Street to Temby Court.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Risk Statement	Level of Risk	Risk Mitigation Strategy
A high level of community concern about the development of 399 South Street and vehicular access to the site via Temby Court.	Moderate consequences which are almost certain, resulting in a Extreme level of risk	If the Council resolved to consider disposition of the site, it would be publicly advertised and submissions would be sought.

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

As previously mentioned, there are two potential alternatives for Council to consider for the future of the site:

1. Not supporting vehicular access over the site and taking no action at this time given the community feedback received to date, or
2. Supporting vehicular access over 7 Temby Court via:
 - Option 2a – Providing an access easement over the lot; or
 - Option 2b – Selling a portion of the lot; or
 - Option 2c – Selling all of the lot; or
 - Option 2d – Ground leasing some/all of the lot.

CONCLUSION

There is an opportunity for the City to realise some value from the land. Whilst it is owned in freehold, it cannot be developed for residential purposes due to the high tension power lines immediately overhead. There is little likelihood that the City could realise any value from the land via other methods.

The site is not considered to have long-term strategic, environmental or community value.

It is recommended that Council authorise the Chief Executive Officer to proceed with the next steps in the land disposition process, which include:

- Obtain a valuation of the land involved in the potential land transaction as required by Section 3.58 (4) (c) (i) of the *Local Government Act 1995*.
- Negotiate with the developer of 399 South Street, Samson on a potential disposition of the land via sale or ground lease.
- Prepare and publicly advertise a Local Public Notice in accordance with Section 3.58 (3) and (4) of the Act.
- Advertise the proposal to surrounding landowners and residents.

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

A further report would be presented for Council consideration following the conclusion of the above-mentioned steps and before entering in to any agreement with any other party.

As an alternative, the Council may not wish to consider disposing of the site if it is concerned about the potential community sensitivities involved in the matter.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3616)**APPROVAL**

At 7.06pm Cr Foxtton moved, seconded Cr Reynolds –

That the Council:

- 1. Authorises the Chief Executive Officer to:**
 - A. Obtain a valuation of Lot 323, No. 7 Temby Court Kardinya as required by Section 3.58 (4) (c) (i) of the *Local Government Act 1995*.**
 - B. Negotiate with the developer of 399 South Street, Samson on a potential disposition of Lot 323, No. 7 Temby Court Kardinya via sale or ground lease.**
 - C. Prepare and publicly advertise a Local Public Notice in accordance with Section 3.58 (3) and (4) of the *Local Government Act 1995*.**
- 2. Notes that a further report will be presented for Council consideration following the conclusion of the above-mentioned steps and before entering in to any final agreement with any other party for the dispossession of Lot 323, No. 7 Temby Court Kardinya.**

Amendment

At 7.20pm Cr Robartson moved, seconded Cr Pazolli -

That Item 1C be deleted.

At 7.25pm, The Mayor submitted the Motion, which was declared

LOST (3/8)

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Vote Result Summary	
Yes	3
No	8

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

COUNCIL RESOLUTION

APPROVAL

At 7.31pm the Mayor submitted the Officer Recommendation –

That the Council:

- 1. Authorises the Chief Executive Officer to:**
 - A. Obtain a valuation of Lot 323, No. 7 Temby Court Kardinya as required by Section 3.58 (4) (c) (i) of the *Local Government Act 1995*.**
 - B. Negotiate with the developer of 399 South Street, Samson on a potential disposition of Lot 323, No. 7 Temby Court Kardinya via sale or ground lease.**
 - C. Prepare and publicly advertise a Local Public Notice in accordance with Section 3.58 (3) and (4) of the *Local Government Act 1995*.**
- 2. Notes that a further report will be presented for Council consideration following the conclusion of the above-mentioned steps and before entering in to any final agreement with any other party for the dispossession of Lot 323, No. 7 Temby Court Kardinya.**

At 7.31pm the Mayor declared the motion

CARRIED (8/3)

P15/3616 - POTENTIAL DISPOSITION OF 7 TEMBY COURT, KARDINYA (REC)

Vote Result Summary	
Yes	8
No	3

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

At 7.32pm the meeting reverted to the normal order of the Agenda.

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.

P15/3610 - SIGNAGE (RETROSPECTIVE) AT LOT 505 (NO. 3/9) CARR PLACE, MYAREE (AMREC) (ATTACHMENT)

Ward	: City
Category	: Operational
Application Number	: DA-2014-1514
Property	: Lot 505 (No. 3/9) Carr Place, Myaree
Proposal	: Signage (Retrospective)
Applicant	: Buick Holdings Pty Ltd – DVG Melville
Owner	: Kalai Pty Ltd
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

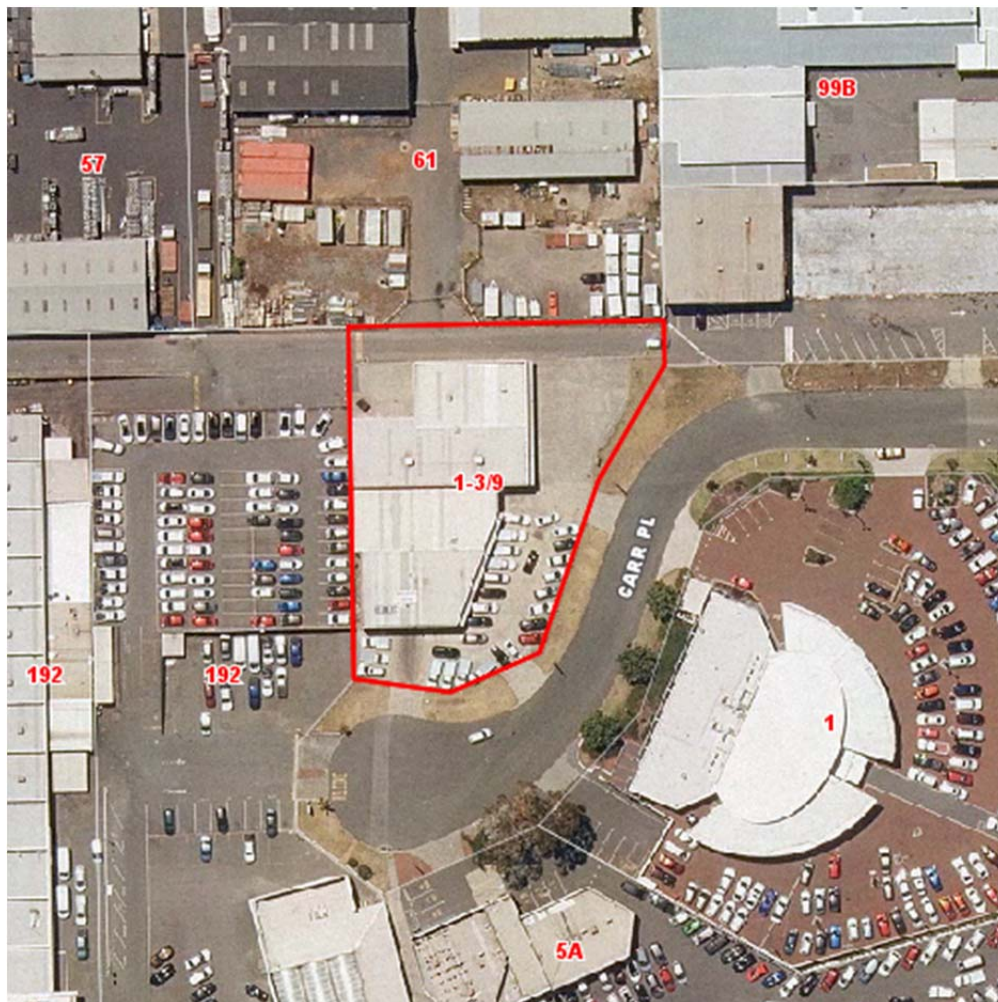
DEFINITION

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

**P15/3610 - SIGNAGE (RETROSPECTIVE) AT LOT 505 (NO. 3/9) CARR PLACE, MYAREE
(AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- The City is in receipt of a retrospective planning application for two wall signs associated with 'DVG Melville' at Lot 505, 3/9 Carr Place, Myaree.
- The signage has been assessed against the provisions of Community Planning Scheme No. 5 (CPS5) and the draft Outdoor Advertisements and Signage policy.
- The signage has been assessed against the performance standards contained within Part 8 of the City's draft policy and is considered to meet all relevant provisions. The signage is therefore recommended for approval.
- 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.



**P15/3610 - SIGNAGE (RETROSPECTIVE) AT LOT 505 (NO. 3/9) CARR PLACE, MYAREE
(AMREC) (ATTACHMENT)**

BACKGROUND

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

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Mixed Business
R-Code	:	R20/25
Use Type	:	Motor Vehicle Hire/Repair/Sale
Use Class	:	'P' Permitted

Site Details

Lot Area	:	2,673sqm
Street Tree(s)	:	None applicable
Street Furniture (drainage pits etc.)	:	None applicable
Site Details	:	Refer to aerial photo above

[3610 Signage Carr Place](#)

DETAIL

Retrospective planning approval is sought for the installation of two fascia height wall signs. The signs are contained on the front and side elevation facing Carr Place. They are positioned on the building at fascia level.

The retention of the signage in this case has been considered in the context of the performance standards contained within Part 8 of the City's Draft Policy. (Refer to Comment section of this report).

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Wall Sign (x2)	<ul style="list-style-type: none"> The collective sign area must not exceed 2sqm in area per wall. 	<ul style="list-style-type: none"> Eastern façade – 19sqm Southern façade – 14sqm 	Requires assessment against the provisions of Part 8 of the City's Outdoor Advertisements and Signage policy.	Absolute Majority Decision of Council

**P15/3610 - SIGNAGE (RETROSPECTIVE) AT LOT 505 (NO. 3/9) CARR PLACE, MYAREE
(AMREC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Public consultation was not required by CPS5 or Council Policy.

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 application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal has been assessed against the provisions of the City's draft Outdoor Advertisements and Signage policy. This is addressed in the Comment section 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 the Applicant considers unreasonable, the Applicant can apply to have the decision reviewed by the SAT.

**P15/3610 - SIGNAGE (RETROSPECTIVE) AT LOT 505 (NO. 3/9) CARR PLACE, MYAREE
(AMREC) (ATTACHMENT)****COMMENT**

The two wall signs do not comply with the requirements of Part 4 of the City's draft Outdoor Advertisements and Signage policy. As such, the retention of these signs requires consideration against the performance standards contained within Part 8 of the City's draft policy. The wall signs are supported for the following reasons:

- The wall signs are clear, simple and concise.
- The signage is compatible with existing signage within the immediate area along Carr Place, North Lake Road and Leach Highway, and as such does not result in an unacceptable level of visual clutter.
- The signage does not detract from the existing character of the Myaree Mixed Business Precinct.

CONCLUSION

The signs in question can be retained without prejudice to the requirements of the City's draft Outdoor Advertisements and Signage policy. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3610)
ABSOLUTE MAJORITY APPROVAL**

At 7.31pm Cr Schuster moved, seconded Cr Macphail –

That the Council by Absolute Majority decision, approves the retrospective planning application for signage at Lot 505, (3/9) Carr Place, Myaree.

At 7.31pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Application Number : DA-2014-1536
 Property : Lot 99 (53) Curtis Road, Melville
 Proposal : Retaining Wall And Site Works (Retrospective)
 Applicant : A K Sawris
 Owner : A K Sawris
 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

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

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for a retaining wall and associated site works in the rear garden area at 53 Curtis Road, Melville.
- The construction of the retaining wall and associated site works were undertaken approximately eight years ago without the benefit of planning approval.
- The retaining wall and associated works were undertaken after the demolition of the previous house and construction of a compliant single storey dwelling at the subject site.
- Prior to construction of the dwelling, the site consisted of a downward slope from west to east of approximately 2.5m. Prior to the construction of the retaining wall, the site also sloped downwards in the rear of the property from north to south approximately 0.5m.
- The retained area has been incorporated as part of the outdoor living area of the property. Pool and patio structures were recently installed in the raised area.
- The retaining wall and associated site works have been assessed against the Design Principles of the R-Codes in respect of the setback of the retaining wall to the southern boundary, the height of the retaining wall and site works being greater than 0.6m above natural ground level (NGL) and potential overlooking to the southern adjoining property.
- Notwithstanding the exercise of judgment required in relation to the setback of the retaining wall and site works, it is considered that the works do not prejudice the amenity of the adjoining property or the streetscape and as such are recommended for support on that basis.
- Due to a portion in the south eastern corner of the retained area being greater than 0.5m above NGL, there is potential overlooking to the southern adjoining property. A condition is recommended to be imposed requiring this element of the development to comply with the visual privacy requirements of the R-Codes.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of Council is required for the approval of all retrospective planning applications.

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)**



BACKGROUND

A compliant single storey dwelling was constructed on the subject site approximately eight years ago.

A compliant patio has recently been constructed on the raised terrace level of the site.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' Permitted

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)**

Site Details

Lot Area : 789sqm
Street Tree(s) : Nil
Street Furniture (drainage pits etc.) : Non applicable
Site Details : Refer to aerial photo above

[3611 53 Site Plans Curtis Road](#)

DETAIL

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Retaining Walls	<0.6m up to the lot boundary	Maximum height 1m above natural ground level (south eastern corner)	Requires assessment using Design Principles of the R-Codes	Absolute Majority Decision of Council
Site Works	<0.6m excavation and filling behind a setback line within 1m of a lot boundary	0.9m of excavation & 1m of filling (south eastern corner of development)	Requires assessment using Design Principles of the R- Codes	Absolute Majority Decision of Council
Visual Privacy	Unenclosed outdoor active habitable spaces – 7.5m	<7.5m southern boundary	Requires assessment using Design Principles of the R-Codes	Absolute Majority Decision of Council

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Consultation did not take place in this case.

However, a complaint was received from an adjoining neighbour whilst the retrospective planning application was under assessment. This was made in respect of privacy concerns.

Advertising Required: No

Neighbour's Comment Supplied: Yes

Reason: N/A

Support/Object: Objection

Submission Number	Summary of Submissions	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	No privacy as neighbour overlooks property from retained area.	Objection	A condition is recommended to be imposed for the south east portion of retained area to comply with the visual privacy requirements of the R-Codes. This is discussed further in the Comment section of this report.	Uphold
	In dispute with neighbour regarding access to property, subsequent damage to garden and unauthorised dismantling of fence.	n/a	This is a civil matter between parties, and is not material to the planning issues at stake.	n/a
	Damage to verge in front of adjoining property on Curtis Road from crane used by owner of subject site.	n/a	This is not a material planning matter; however, the details of the issue raised have been referred to the appropriate department for investigation.	n/a

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications with this application.

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 the Applicant considers unreasonable, the Applicant can apply to have the decision reviewed by the State Administrative Tribunal.

COMMENT

Retrospective planning approval is sought a retaining wall and associated site works at 53 Curtis Road, Melville.

Up to 0.9m of excavation was undertaken behind the existing dwelling approximately eight years ago. The excavation allowed for the extension of the rear outdoor living area consistent with the floor level of the dwelling.

The construction of a retaining wall up to a maximum of 1m in height above NGL and associated fill also constructed approximately eight years ago allowed for the creation of terraced extension to the existing outdoor living area. A patio and pool have recently been installed in the raised area.

The finished ground level of the retained area is consistent with the ground levels of the adjoining lots to the north and to the west.

The retaining above 0.6m above NGL up to a maximum height of 1m forms part of the south eastern corner of the development and has a nil setback to the southern boundary.

The development abuts the southern adjoining properties rear backyard area, which consists of a side setback to a rear outbuilding, garden bed and rear outdoor living area.

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)**

The retention of the retaining wall has been assessed against the provisions of the R-Codes. The retaining wall and associated site works satisfy all the Deemed to Comply requirements of the R-Codes with the exception of the setback of the retaining wall to the southern boundary, the amount of fill greater than 0.6m above NGL and associated potential overlooking to the southern adjoining property. These matters have been assessed against the relevant Design Principles.

As the altered ground level behind the retaining wall is greater than 0.5m above NGL on a portion of the southern boundary and forms part of an outdoor living area, the area is to be assessed against the provisions of clause 5.4.1 of the R-Codes in relation to visual privacy.

In this instance, the Design Principles 5.3.7 and 5.3.8 of the R-Codes are satisfied as the works respond to the natural features of the site, there being an equal amount of cut and fill. The creation of the terraced area reduced the amount of excavation required and improves the effectiveness of the rear outdoor living area of the dwelling. As all the works are to the rear, there is no streetscape impact.

The amount of fill undertaken is also considered acceptable as the over filled portion is restricted to a small length along the southern boundary. At the rear boundary, the ground level has only been raised by 0.25m.

Whilst privacy is assured via the provision of landscaped planting and lattice screening, there is still potential for overlooking from the south eastern portion of the retained area to the southern adjoining property. In view of this, it is recommended that the non-compliant portion of the retained area be made to comply with Clause 5.4.1 of the R-Codes, so as to protect the amenity of the adjoining property. This requirement may be met by the installation of additional screening.

CONCLUSION

The retention of the retaining wall and associated site works is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies are satisfied. A condition is recommended to be imposed to require the south eastern portion of the development to comply with the visual privacy requirements of the R-Codes.

As such it is recommended that the application be approved via an Absolute Majority decision of Council pursuant to Clause 7.14(a) of CPS5.

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION (3611)****ABSOLUTE MAJORITY APPROVAL**

At 7.32pm Cr Hill moved, seconded Cr Robartson –

That the Council by Absolute Majority decision, approve the retrospective planning application for retaining wall and site works at Lot 99, (53) Curtis Road, Melville subject to the following conditions:

1. All stormwater generated on site is to be retained on site.
2. Within 28 days of the date of this approval, the portion of outdoor living area as indicated in RED on the approved plans shall be made to comply with the visual privacy requirements of Clause 5.4.1 of the R-Codes, to the satisfaction of the Manager Statutory Planning.
3. Within 28 days of the date of this approval, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.

Amendment

At 7.34pm, the Mover and Seconder agreed to incorporate the following amendment into the Officer Recommendation -

That Condition 2 in the Officer Recommendation of Report P15/3611 as below be deleted:

2. ***Within 28 days of the date of this approval, the portion of outdoor living area as indicated in RED on the approved plans shall be made to comply with the visual privacy requirements of Clause 5.4.1 of the R-Codes, to the satisfaction of the Manager Statutory Planning.***

That a revised Condition 2 as below, replaces the deleted words:

2. ***Within 28 days of the date of this approval, the southern and eastern proportion of the raised alfresco area, as indicated 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.***

**P15/3611 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 99 (53)
CURTIS ROAD, MELVILLE (AMREC) (ATTACHMENT)**Reasons for Amendment

In response to a request that was raised by Cr S Taylor-Rees at the Agenda Briefing Forum held on 3 March 2015.

In order to be consistent with visual privacy condition applied to another item attached to the March agenda, the wording is proposed to be amended as above.

COUNCIL RESOLUTION (3611)**ABSOLUTE MAJORITY APPROVAL**

At 7.34pm the Mayor submitted the substantive motion as amended -

That the Council by Absolute Majority decision, approve the retrospective planning application for retaining wall and site works at Lot 99, (53) Curtis Road, Melville subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. *Within 28 days of the date of this approval, the southern and eastern proportion of the raised alfresco area, as indicated 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.***
- 2. Within 28 days of the date of this approval, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.**

At 7.34pm the Mayor declared the motion

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

**P15/3612 – CONVERSION OF CARPORT TO GARAGE (RETROSPECTIVE) AT LOT 400
(4) TATE PLACE, KARDINYA (AMREC) (ATTACHMENT)**

Ward : University
 Category : Operational
 Application Number : DA-2014-1561
 Property : Lot 400 (4) Tate Place, Kardinya
 Proposal : Carport to Garage Conversion (Retrospective)
 Applicant : Tuscom Subdivision Consultants
 Owner : Jarrad Crugnale
 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

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

**P15/3612 – CONVERSION OF CARPORT TO GARAGE (RETROSPECTIVE) AT LOT 400
(4) TATE PLACE, KARDINYA (AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought to retain a garage, created via the conversion of a carport, at 4 Tate Place, Kardinya.
- The garage has been assessed in accordance with the relevant Design Principles of the Residential Design Codes (R-Codes), the policy provisions of Community Planning Scheme No. 5 (CPS5), and the requirements of Council Policy CP-078 Residential Development.
- The retention of the garage is deemed to be acceptable on the grounds that it does not adversely impact the neighbouring property, nor does it prejudice the existing streetscape.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective planning approval for the garage be granted.



**P15/3612 – CONVERSION OF CARPORT TO GARAGE (RETROSPECTIVE) AT LOT 400
(4) TATE PLACE, KARDINYA (AMREC) (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 : R25
 Use Type : Residential
 Use Class : 'P' – permitted

Site Details

Lot Area : 336m²
 Retention of Existing Vegetation : n/a
 Street Tree(s) : Yes, all retained
 Street Furniture (drainage pits etc.) : None applicable
 Site Details : Refer to aerial photo above

[3612 Site and Elevation Plans 4 Tate Place](#)

DETAIL

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Northern Boundary Setback (side)	1.5m	1.0m	Requires assessment against Design Principles of the R-Codes	Absolute Majority decision of Council
Setback of Garages (front)	Garages setback 4.5m from the primary street	4.23m setback	Requires assessment against Design Principles of the R-Codes	Absolute Majority decision of Council

**P15/3612 – CONVERSION OF CARPORT TO GARAGE (RETROSPECTIVE) AT LOT 400
(4) TATE PLACE, KARDINYA (AMREC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No public consultation was 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*.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Council Policy CP-078: Residential Development applies to this determination. The provisions of the policy, in so far as they apply to the development in question, have been addressed.

ALTERNATE OPTIONS AND 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 the Applicant considers unreasonable, the Applicant can apply to have the decision reviewed by the SAT.

**P15/3612 - CONVERSION OF CARPORT TO GARAGE (RETROSPECTIVE) AT LOT 400
(4) TATE PLACE, KARDINYA (AMREC) (ATTACHMENT)****COMMENT**

The development incorporates two minor variations to the deemed to comply setback provisions of the R Codes. These refer to the setback to the street, and that to the northern side boundary.

The discretion sought in respect of the front setback is very minor and is considered to have no adverse impact on the street scene. Similarly, the side setback discretion of 0.5m is minor, and has no adverse impact on the amenity levels enjoyed by the occupier(s) of the adjoining property. The application is recommended for support on that basis.

CONCLUSION

The carport to garage conversion is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies, are not compromised. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3612)
ABSOLUTE MAJORITY APPROVAL**

At 7.34pm Cr Foxtan moved, seconded Cr Willis—

That the Council by Absolute Majority decision approves the retrospective application for the conversion of a carport to a garage at Lot 400 (4) Tate Place, Kardinya subject to the following condition:

- 1. All stormwater generated by the subject development on site is to be retained on site.**

At 7.34pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

**P15/3614 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 200 (18)
STODDART WAY, BATEMAN (AMREC) (ATTACHMENT)**

Ward : City
 Category : Operational
 Application Number : DA-2014-1615
 Property : Lot 200 (18) Stoddart Way, Bateman
 Proposal : Minor Building (Cubby House) (Retrospective)
 Applicant : T Maxwell, L Maxwell & N Maxwell
 Owner : T Maxwell, L Maxwell & N Maxwell
 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

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

P15/3614 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 200 (18) STODDART WAY, BATEMAN (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought to retain a minor building (cubby house) which is located in the rear garden area of the property at 18 Stoddart Way, Bateman.
- The existing cubby house satisfies all of the requirements of Community Planning Scheme No. 5 (CPS5). In accordance with Clause 7.14(a) of CPS5; an Absolute Majority decision of Council is required for the approval of all retrospective planning applications.
- It is recommended that the application for the minor building be conditionally approved pursuant to Clause 7.14(a) of CPS5.



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	:	R20
Use Type	:	Residential
Use Class	:	P- Permitted use

**P15/3614 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 200 (18)
STODDART WAY, BATEMAN (AMREC) (ATTACHMENT)****Site Details**

Lot Area	:	768.76 m2
Street Tree(s)	:	n/a
Street Furniture (drainage pits etc.)	:	None
Site Details	:	Refer to aerial photo above

[3614 Site and Elevation Plans 18 Stoddart Way](#)**DETAIL**

Retrospective planning approval is sought to retain a minor building (cubby house) at 18 Stoddart Way, Bateman.

The cubby house has been installed in the northern area of the site and is setback 0.8m from the rear northern boundary.

Schedule 5 of CPS5 requires a planning application to be submitted where a minor building is greater than 2.4m in height.

Cubby houses are not considered habitable spaces or outdoor living areas and are therefore not subject to assessment under the privacy setback requirements of the R-Codes.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Advertising Required:	No
Neighbour's Comment Supplied:	One
Reason:	The application was not required to be the subject of public consultation in accordance with the R-Codes and Council Policy. However, the applicant obtained the northern adjoining neighbour's comment of support which was provided with the application.
Support/Object:	Support

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is 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*.

**P15/3614 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 200 (18)
STODDART WAY, BATEMAN (AMREC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this application.

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 the Applicant considers unreasonable, the Applicant can apply to have the decision reviewed by the SAT.

COMMENT

As stated, retrospective planning approval is sought for the retention of a minor building (cubby house).

The cubby house is located at the rear of the lot and adjacent to a garage.

Under the provisions of the R-Codes, a cubby house is excluded from the definition of building, and as such is generally exempted from planning control. Under the provisions of Schedule 5: Development Conditions of Exemption of CPS5, a cubby house is classed as a minor building for which the prior planning approval of the City is not required, unless the maximum height of the structure exceeds 2.4m height above natural ground level.

In this case the height of the cubby house exceeds 2.4m, and as such its retention must be assessed against the general amenity provisions of Clause 7.8 of CPS5.

In that respect, the height of the cubby house reaches a maximum of 3.2m. Given its design and siting on the lot, the impact that the cubby house has on amenity levels of owners and occupiers of adjoining properties, is negligible.

**P15/3614 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 200 (18)
STODDART WAY, BATEMAN (AMREC) (ATTACHMENT)**

In view of this, coupled with the fact that the rear neighbour has made a submission of support for the development it is considered that the amenity provisions of CPS5 are not compromised, and the development is considered to be acceptable on that basis.

It is concluded that the amenity provisions of CPS5 are not compromised, and the development is considered to be acceptable on that basis.

CONCLUSION

Approval of the minor building is supported on the grounds that the requirements of CPS5 and Council Policies are satisfied. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3614)
ABSOLUTE MAJORITY APPROVAL**

At 7.35pm Cr Aubrey moved, seconded Cr Schuster –

That the Council, by Absolute Majority decision, approves the retrospective application for the construction of a minor building (cubby house) at Lot 200, 18 Stoddart Way, Bateman subject to the following condition:

- 1. All stormwater generated by the subject development on site is to be retained on site.**

At 7.35pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2014-1305
 Property : Lot 27 (No.82) Tweeddale Road, Applecross
 Proposal : Three Storey Dwelling
 Applicant : Palazzo Exclusive Homes Pty Ltd
 Owner : Mr D Foti
 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

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

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- Planning Approval is sought for the construction of a three storey dwelling at 82 Tweeddale Road, Applecross.
- The proposed development requires assessment under the design principles of the R Codes in respect of setbacks, site works & visual privacy, and against the amenity provisions of Clause 7.8 of the Community Planning Scheme No. 5 (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 surrounding property owners. No submissions have been received.
- Planning approval was previously granted under delegation by the City for this development, (DA 2012-339 refers) and although the development was commenced via the implementation of site works, it was not substantially complete prior to the expiry of the approval on 30 August 2014.
- It is noted that the delegated approval granted in 2012 relied on the 10% discretion that was available at that time in respect of maximum eave height. This discretion was allowed under Delegation DA-020 Planning & Related Matters.
- Since then, Delegation DA-020 'Planning & Related Matters' has been the subject of review, which saw the removal of the 10% discretion. Whilst the development as now proposed is identical in height terms to that previously approved, the delegation to deal with the matter is effectively removed, hence the need to refer this current planning application to Council for an Absolute Majority decision. It is recommended that approval be granted subject to conditions.

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)



BACKGROUND

Approval was previously granted for a three storey dwelling on the lot under DA-2012-339, which was approved under delegation with the benefit of a 10% eave height discretion allowed under Delegation DA-020 Planning & Related Items.

Site works commenced in accordance with this approval however the building was not substantially commenced by the expiry date of the approval, which effectively lapsed on 30 August 2014.

The proposal now sought is essentially similar to that previously approved with the exception of minor changes to the gable roof design, articulation of the elevations and to visual privacy. The application has been assessed under the design principles of the R-Codes in respect of setbacks and site works, and against the amenity provisions of Clause 7.8 of CPS5 in respect of eave 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.

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

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

Site Details

Lot Area : 1,294sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : Not applicable
Street Furniture (drainage pits etc.) : None applicable
Site Details : Refer to site photo above

[3618 Site And Elevation Plans](#)

DETAIL

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	8m (Eave Height)	8.8m (Eave Height)	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Side Setbacks Second Floor Western Elevation	4.3m	3.4m	Requires assessment under Design Principles	Manager Statutory Planning (MSP)
Visual Privacy	7.5m	7.3m (Winter Terrace)	Requires assessment under Design Principles	Manager Statutory Planning (MSP)

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Clause 7.5 of CPS5 and Part 4 of the R-Codes.
 Support/Object: Nil

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	<ul style="list-style-type: none"> No Concerns relating to the height of the proposed development. Concerns regarding possible damage to existing retaining wall and boundary fence from proposed retaining wall running parallel to rear boundary. Substantial site works have been carried out with the construction of a cavity filled retaining wall in excess of 20m long. Site works have caused house to be regularly covered in sand which has incurred costs in cleaning house, grounds and cars on multiple occasions 	Nil	<ul style="list-style-type: none"> The site works and retaining walls associated with this development were approved for construction by the previous planning approval. The retaining wall was approved on the basis that it is setback 1.5m from the rear boundary which complies with the requirements of the Deemed-to-comply provisions of the R Codes. The Structural integrity of the retaining wall is a matter for the Building Licence. 	Not Uphold

**P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD,
APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

Required: Not Applicable
Reason: Not Applicable
Support/Object: Not Applicable

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT 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*.

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*Building Height*

As outlined above, the proposed eave height exceeds the CPS5 development requirement of 8m as it is a maximum of 8.8m. As stated, at the time of the previous approval for this development in 2012, it was possible, under the then Council Delegation, to allow a 10% variation to the maximum eave height. The eave height of 8.8m essentially represented the maximum eave height tolerated under delegation, without recourse to a meeting of the Council for a decision.

As the 10% rule has been removed, the current proposal, albeit identical in height terms to that previously approved, now represents a variation to the maximum eave height that cannot be dealt with under delegation, and an absolute majority decision of the Council is now required.

**P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD,
APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

The proposed eave height of 8.8m has been assessed 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. 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 6.5m falling from front to rear. This slope presents a substantial design constraint. However, it should be noted that the majority of the dwelling is considered compliant in height terms albeit a small portion of the second storey which is located to the rear of the dwelling.
- The area of the dwelling which exceeds the 8m eave height is restricted to a small portion of the second storey western elevation. The rest of the dwelling complies with the 8m eave height requirement and presents as a two storey dwelling within the street consistent with the existing streetscape 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.
- The properties located across Tweeddale Road to the south are all significantly elevated (a minimum of 4m 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 will not overlook its western neighbour and a consistent rear building line to the properties western elevation will ensure that the relationship to its western neighbour will remain aligned with one another.

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

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

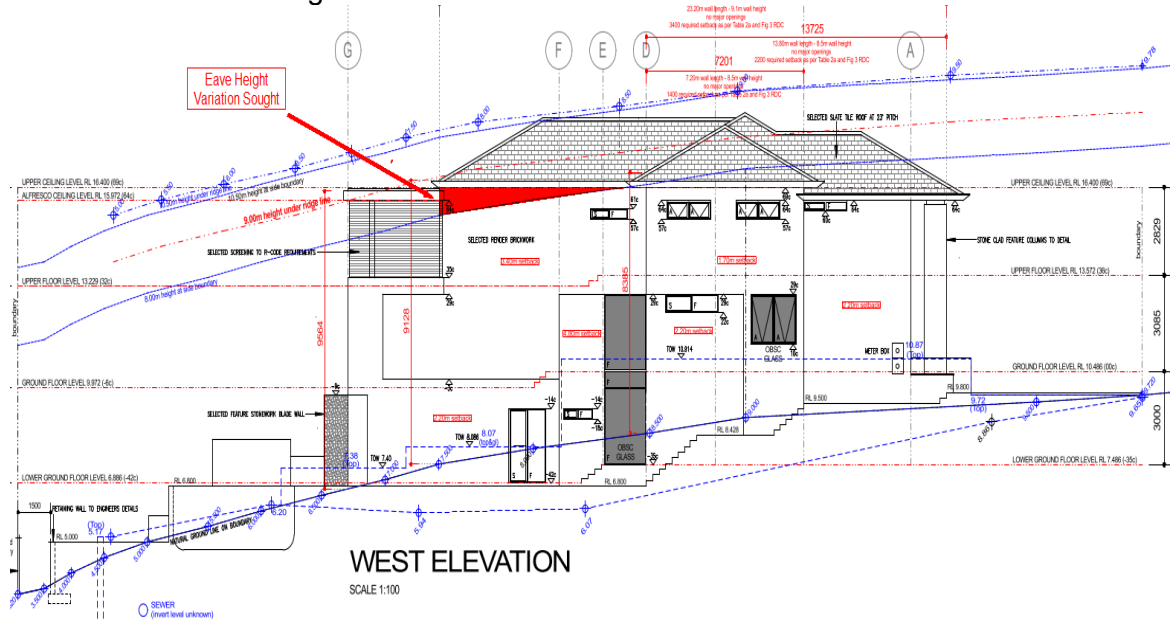


Figure 1: Eave Height Variation Sought

Lot Boundary Setbacks

As outlined above, the proposed setback of the second floor western elevation 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 3.4m and provides relief from two other portions of wall which are setback 1.75m & 2.2m from the boundary. This wall is well articulated through the use of the varied setbacks and openings which collectively combine to minimise the impacts of building bulk.
- The entire secondary storey elevation contains no major openings.
- The proposed development satisfies the Deemed-to-Comply requirements of the R-Codes in relation to overshadowing.

Visual Privacy

The proposal seeks to construct a winter balcony on eastern elevation of the ground floor which requires assessment against Design Principle 5.4.1 P1.1 and P1.2 of the R-Codes.

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

In respect of the relationship of the balcony with the neighbouring property to the west at 80 Tweeddale Road, the unscreened balcony is considered to satisfy the Design Principle for the following reasons:

- The area that will be overlooked from the balcony forms part of the front garden of the recently constructed dwelling which is set back on the northern boundary of the lot to maximise river and city views. The balcony will abut a small portion of the western elevation of the property which contains no major openings or primary outdoor living areas. The primary outdoor living area for the property is located to the north of the existing dwelling and this will not be visible from the balcony.
- No objection in relation to the position of the balcony, nor the lack of screening has been raised by the adjoining property owners.

As there is no overlooking to active habitable spaces or outdoor living areas no additional privacy measures are considered necessary in this case.

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.

3618 Addendum

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3618)
ABSOLUTE MAJORITY APPROVAL**

At 7.35pm Cr Schuster moved, seconded Cr Robartson –

That the Council by Absolute Majority Decision approves the planning application for the construction of a three storey dwelling at Lot 27 (No. 82) Tweeddale Road, Applecross subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. The development shall be serviced by concrete crossovers with a maximum width of 9m 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.**

P15/3618 - THREE STOREY DWELLING AT LOT 27 (NO. 82) TWEEDDALE ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.
4. 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.
5. 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.
6. Prior to the initial occupation of the development, the surface of the retaining walls 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.
7. Prior to the initial occupation of the development, the Northern elevation of the Ground Floor Balcony (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.
8. Prior to the initial occupation of the development, the Northern elevation of the Upper Floor Alfresco (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.
9. Prior to the initial occupation of the development, the Western & Northern boundaries of the lot (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 7.35pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

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

P15/3615 – INITIATION FOR ADOPTION OF ALL SAINTS COLLEGE MASTER PLAN AT LOT 3043 (28) EWING AVENUE, BULL CREEK (REC) (ATTACHMENT)

Ward : Bull Creek/Leeming
 Category : Policy
 Application Number : Not Applicable
 Property : 28 Ewing Avenue, Bull Creek
 Proposal : Initiation Adoption of All Saints College Master Plan
 Applicant : Parry & Rosenthal Architects
 Owner : All Saints College
 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

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

**P15/3615 – INITIATION FOR ADOPTION ALL SAINTS MASTER PLAN AT LOT 3043 (28)
EWING AVENUE, BULL CREEK (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

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



**P15/3615 – INITIATION FOR ADOPTION ALL SAINTS MASTER PLAN AT LOT 3043 (28)
EWING AVENUE, BULL CREEK (REC) (ATTACHMENT)****BACKGROUND**

In 2010, Planning Approval DA-2010-971 was granted for the construction of a performing arts centre and internal refurbishments at All Saints College. Condition 1 of this approval stated:

1. *A detailed Master Plan is to be prepared having regard to future car parking, bicycle parking, pedestrian movements, traffic movements and related matters and approved by the City of Melville prior to occupancy of the new theatre.*

In 2012, an amendment to Planning Approval DA-2010-971 was granted amending condition 1, which stated:

1. *A detailed Master Plan is to be prepared and submitted to the City of Melville having regard to future car parking, bicycle parking, pedestrian movements, traffic movements and related matters within twelve months of initial occupancy of the new theatre.*

Scheme Provisions

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

Site Details

Lot Area	: 183,499m ²
Street Tree(s)	: n/a
Street Furniture (drainage pits etc.)	: n/a
Site Details	: See aerial photo above

[3615 All Saints College Masterplan](#)

**P15/3615 – INITIATION FOR ADOPTION ALL SAINTS MASTER PLAN AT LOT 3043 (28)
EWING AVENUE, BULL CREEK (REC) (ATTACHMENT)****DETAIL**

The proposed future redevelopment of the All Saints College site involves the following:

- New hard courts with tiered seating and pathway link to sports centre (Planning Approval DA-2014-1402 granted 1 December 2014)
- Demolition of existing Junior School Years 5 & 6 classroom block and replacement with three storey classroom development (JDAP application DA-2015-81 currently under assessment)
- Replacement/refurbishment of the following buildings:
 - Junior School Administration
 - Junior School Library
 - Years 7 & 8 classroom blocks
 - Science building
 - Design & Technology building
 - 'Block F'

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

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

Pursuant to Clause 9.6(b) of CPS5, should the Council resolve to adopt the Master Plan for public consultation, the plan will be advertised via a notice in a local newspaper. In addition it is proposed to consult with all owners/occupiers within a 50m radius of the College campus and install signage on site at the entrances on Ewing and Brockman Avenues.

II. OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (iii) of CPS5 requires the Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The proposed Master Plan for All Saints College is not considered to have regional significance therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

Once adopted, the Master Plan will be applied through the planning approval process.

FINANCIAL IMPLICATIONS

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

**P15/3615 – INITIATION FOR ADOPTION ALL SAINTS MASTER PLAN AT LOT 3043 (28)
EWING AVENUE, BULL CREEK (REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

COMMENT

The conditions of the previous planning approval require that the Master Plan include traffic and parking assessments. In that vein, the Master Plan provides information in respect of:

- The separation of pedestrian and vehicle traffic,
- Clarity of vehicle egress and ingress and parking,
- The exclusion of vehicles from the centre of the site,
- The provision of parking and drop-off which caters for all of the College's future requirements,
- The provision of a single, identifiable entry statement, and
- The provision of clear and legible pedestrian circulation throughout the site

However, it is noted that it is not feasible at the Master Planning stage to fully appreciate the traffic implications of development proposals without more detailed information. Such information can only be expected to be provided at the detailed planning application stage.

The Master plan indicates that future development of the school campus will be essentially two and three storey in character. This built form is intended to retain and protect the outdoor spaces surrounding the buildings. A consistency of building form and detail will be adopted to ensure that a visually cohesive campus is maintained.

**P15/3615 – INITIATION FOR ADOPTION ALL SAINTS MASTER PLAN AT LOT 3043 (28)
EWING AVENUE, BULL CREEK (REC) (ATTACHMENT)**

The Master plan also provides detail on the provision of a consistent palette of materials and finishes which is proposed for adoption and implementation at the school. This will ensure visual consistency across all school buildings.

It is considered that the detail provided in the Master Plan will deliver the benefits envisaged, and suitably guide the future development of the school site. It is recommended that the Master Plan be endorsed for advertising.

CONCLUSION

It is recommended that the Council adopts the draft All Saints Master Plan for the purpose of public consultation.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3615)**ADOPTION****That the Council;**

- 1. Resolves, pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, to adopt the All Saints College Master Plan, for the purposes of public consultation for a period of no less than 21 calendar days.**
- 2. Where no submissions in objection are received in response to the consultation undertaken, the decision on the final adoption of the policy to be taken under delegation by the Chief Executive Officer.**

At 7.36pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

At 7.49pm, Mr Prendergast left the meeting, and returned at 7.54pm

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

Disclosure of Interest

Item No.	T15/3583
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	A good friend of Cr Schuster owns a property adjoining the Canning Bridge Senior Citizens Centre
Decision of Council	Not Applicable

Ward	: Applecross/Mt Pleasant, Bicton/Attadale
Category	: Operational
Subject Index	: Buildings
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
Funding	: 2014/2015 & 2015/2016 Capital Works Budget
Responsible Officer	: Paul Kellick Manager Asset Management

AUTHORITY / DISCRETION

DEFINITION

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

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)**KEY ISSUES / SUMMARY**

- The City has a Strategic Property Management Group (SPMG) that regularly reviews the City's property portfolio.
- Demolishing under utilised buildings and promoting multi use facilities is a guiding principle for the City's property portfolio. The City has been considering a number of opportunities for the use of its strategic land holdings to create alternative revenue streams and reduce reliance on rates.
- Three City owned buildings have reached the end of their economic life and SPMG have recommended their demolition.
- The land on which the Canning Bridge Senior Citizen's Centre is located at 13 The Esplanade Mount Pleasant, is one of the 'strategic properties' subject to an 'Expression of Interest' process previously approved by Council.
- The building has deteriorated over the years and requires significant works, in the order of \$85,000, to keep it safe and operational. There is also asbestos present which provides additional challenges.
- The Canning Bridge Senior Citizen's Club (CBSCC) is now diminishing in memberships and the City determined not to renew their current management licence beyond July 2015.
- 3 Willcock Street is a residential property currently leased for a market rent. The condition of the building, and the presence of asbestos, requires substantial works to keep the building in an acceptable condition. As such, the property has been recommended for demolition and the tenants have been advised.
- The demolition of Attadale Pre-Primary School is listed in the 2014/2015 Capital Works Program, but was deferred pending a 'strategic review'. The matter was reviewed again at SPMG who again supported the building's demolition.
- The land on which it sits is freehold and SPMG agreed that the site has greater potential as a vacant site, either as a land lease or sale.
- This report recommends the demolition of all three buildings.

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)**BACKGROUND**

The City of Melville continually monitors the condition and utilisation of its building portfolio to ensure that community and financial benefits are optimised. In the past five years the following buildings have been demolished as a result of this process.

- Ardross Child Health Centre
- Applecross Pre-Primary
- Stock Road Child Health Centre
- Mount Pleasant Pre-Primary
- St Michaels Terrace Child Health Centre
- Carawatha Primary School
- Palmyra Scout Hall
- Attadale Pre-Primary

This process continues and has identified another three buildings.

A recent amendment to the 'Grant of Demolition Permit Delegated Authority (DA-090) requires Council approval for buildings owned by the City of Melville.

DETAILCanning Bridge Senior Citizen's Centre (CBSCC)

The Canning Bridge Senior Citizens Club (CBSCC) was established in 1973 and offered bingo, carpet bowls, card games and many outings on a monthly and weekly basis. The majority of the current members live in the City of Melville. Numbers attending the Senior Citizens Club have declined significantly over a number of years with a lessening of demand for this type of activity from seniors.

The City of Melville continued to manage the front area of the building that was previously used to provide a Meals on Wheels (MoW) service. This area contained a dining room and commercial kitchen. Since the City transitioned the provision of this service at Canning Bridge the area has been leased to the Swan River Rowing Club for the purposes of a gymnasium.

Due to its age, the building has deteriorated significantly over recent years and repairs required to the roof, general maintenance and gutters are estimated to cost over \$85,000. There is also some asbestos present and as a result, it was decided not to renew their current management licence beyond July 2015.

Over the last six months, officers commenced discussions with the CBSCC in relation to the future of the building. The Club has known for several years that the building would be decommissioned and demolished.

Officers worked with the group to investigate other facilities for their use including Council and other facilities. The CBSCC have decided to relocate to the St David's Church in Ardross using their well equipped hall.

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

The CBSCC has been issued with a formal notice that their lease will expire on 31 March 2015 and will relocate by this time to the St David's Church. Officers are assisting with this relocation as required.

The land on which the facility sits is a strategic land holding of the City with considerable value. There is a large opportunity cost as a result of this property not being used to its full potential.



Canning Bridge Senior Citizens Club

3 Willcock Street Ardross

The City purchased 3 Willcock Street in December 2006 for \$840,000. The site contains a 1940's era fibro house which is nearing the end of its economic life. Both the site and house are shown below. The property has a total area of 647m².

The City originally purchased the property in order to extend the existing car park at 1 Willcock Street, which currently has 26 car bays. A preliminary design was prepared in 2006 for an extended car parking station over both lots and the rear right of way (laneway), which is also owned by the City in freehold title.

The property is currently leased to a private tenant for \$400 a week and the lease expires on 26 March 2015.

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)



3 Willcock Street (location)



3 Willcock Street (elevation)

The lot is located in the Riseley Centre Structure Plan area and will be rezoned through the proposed scheme amendment process, which was initiated by Council on 17 June 2014 in conjunction with adopting the Structure Plan.

The house is in very poor condition and requires significant work if it is to remain safe and habitable in the medium term. Required work includes:

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

- Structural inspection (\$10,000)
- Replacement of plasterboard (\$7,200)
- Replacement of flooring (\$3,600)
- Replacement of air conditioner (\$5,000)

Due to the value of this work, it was previously determined that the current tenants should be given a 12 month extension to their lease which would take it to March 2016.

More recently, it has been identified that the asbestos cladding requires repainting and the cost to do this exceeds the annual rent. As a result of the increased cost of works, and asbestos risk, it was agreed that no extension to the current lease is given and that the building is demolished on vacant possession in early 2015. The tenants are aware of this. Demolition is recommended as the improvements are not required for any future potential use of the site; will remove the need for any further maintenance costs on the building; and remove the risk of asbestos contamination.

In the meantime, the City will investigate the commercial opportunities for the property and prepare a Parking Management Plan for the Riseley Centre, including consideration of this site and the adjoining property at 1 Willcock Street.

Attadale Pre-Primary School

The building, located at 2 Lawlor Road Attadale, was used by the Department of Education as a Pre-Primary School until 2013 when the service was relocated and the building was vacated.

The demolition of the building, shown below, was originally listed on the 2014/2015 draft Capital Works program. Following enquiries from Ward Councillors, including a site visit, the demolition was deferred pending a 'strategic review'. The matter was reviewed again at SPMG who again supported the building's demolition.

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)



Attadale Pre-Primary School (location)



Attadale Pre-Primary School (elevation)

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

A building condition audit of the facility has indicated that there is over \$140,000 of works to be undertaken to return the building to an acceptable standard, this included:

- Roof Replacement \$60,000
- External Refurbishment \$14,000
- Internal Refurbishment \$24,000
- Asbestos removal \$45,000

External works include plumbing replacements, painting, and a new boundary fence. Internal works include painting, floor coverings, kitchen units and toilet works.

These works do not include any upgrades to improve the buildings functionality.

SPMG has previously reviewed the possible uses of the building which included:

- Leasing existing as a (possible) child care centre (subject to works being undertaken)
- Demolishing building and land leasing
- Investigating the option of relocating the sump and sub dividing

It was agreed that the building was in poor condition with limited functionality for anything other than a child care. This is due to the toilet facilities being constructed for mainly four year olds. Additionally, the cost of the works would take many years to recover through rent.

Another consideration was that the property was freehold and that the City manages its land via a guiding principle of using freehold land for investment and allocating Crown land for community uses if required.

In the meantime, the building is subject to vandalism and graffiti and the asbestos in the building also poses a risk. All of this comes at a financial and reputational risk to the City.

The recommendation is that the building should be demolished whilst the issue of the sump relocation is investigated.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

With the exception of discussions with the Canning Bridge Senior Citizen's Club, there has been no community engagement on this matter.

II. OTHER AGENCIES / CONSULTANTS

No other agencies or consultants have been engaged in this process.

STATUTORY AND LEGAL IMPLICATIONS

Delegated Authority 'DA-090 Grant of Demolition Permit' requires any property (Buildings) owned by the City of Melville and recommended for demolition, be referred to the Council for approval, prior to demolition.

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

At the Ordinary Meeting of Council held on 20 August 2013, Council resolved (amongst other things):

That the Council

- 1. Authorise the following strategic properties to be market place tested, via an Expression of Interest Process, with a view to delivering better outcomes to the community where possible, cost reductions, revenue increases and better use of strategic resources:***

Canning Bridge Senior Citizens Site

- Lot 30 (13) The Esplanade, Mt Pleasant*
- Lot 24 Kishorn Road, Mt Pleasant ...*

Grant of Demolition Permit Delegated Authority (DA-090)' requires Council approval for buildings owned by the City of Melville.

FINANCIAL IMPLICATIONS

The demolition of the three buildings is expected to cost approximately \$100,000.

\$25,000 for the demolition of Attadale Pre-Primary is included in the 2014/2015 Capital Works Program.

\$40,000 for the demolition of 3 Willcock Street is listed in the 2015/2016 draft Capital Works Budget.

Funds for the demolition of the Canning Bridge Senior Citizen's Centre will be funded by the 'Minor Capital Renewal Budget' (BCR 1924) so the works can proceed this financial year.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The demolition of the three buildings will reduce the environmental and health risks associated with asbestos contamination. Any asbestos contained in the buildings will be removed prior to mechanical demolition in accordance with the Code of Practice for the Safe Removal of Asbestos.

There is also a reputational risk if the reason for the demolitions is not communicated to the community effectively. This is considered a low risk as the City has previously demolished seven sites with no adverse media response.

POLICY IMPLICATIONS

There are no policy implications.

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could choose not to approve the demolition on any or all of the buildings discussed. Implications would include additional maintenance costs, increased risk of asbestos contamination and lost development opportunities.

CONCLUSION

The three buildings that are the subject of this report are all at the end of their economic life. All three buildings require significant works and contain asbestos and it is not financially viable to upgrade the buildings considering the financial returns this would provide.

Demolition of these facilities would remove the cost of maintaining them, remove the risk of asbestos contamination and provide the City the opportunity to develop the sites for more cost effective uses.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3583) APPROVAL

At 7.37pm Cr Schuster moved, seconded Cr Macphail

That the Council approves the demolition of the following City owned buildings:

a. Canning Bridge Senior Citizen’s Centre, 13 The Esplanade Mount Pleasant

At 8.08pm the Mayor submitted the motion which was declared

CARRIED (9/2)

Vote Result Summary	
Yes	9
No	2

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

b. 3 Willcock Street, Ardross

At 8.08pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (11/0)

T15/3583 – APPROVAL TO DEMOLISH THREE CITY BUILDINGS (REC)

c. Attadale Pre-Primary School, 2 Lawlor Road, Attadale

At 8.08pm the Mayor submitted the motion which was declared

CARRIED (10/1)

Vote Result Summary	
Yes	10
No	1

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

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Melville Digital Hub
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	: \$59,010 per annum over two years
Responsible Officer	: Leeann Reid Manager Cultural Services

AUTHORITY / DISCRETION

DEFINITION

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

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Melville Digital Hub will cease to be funded by the Federal Department of Communications at the end of this financial year.
- Digital literacy training is an important service to create equity, wellbeing and community resilience.
- Digital technology and the internet have now become a normal part of day to day life and digital literacy is becoming crucial for an individual's social connectedness, civic engagement and economic opportunity.
- Future funding of the digital hub is required to ensure its continued success and achievement of key community outcomes.

BACKGROUND

The Future Plan for Libraries, Museums and Local History 2010-2015 (the City's strategic plan for library services) identified digital literacy training as a growing need in our changing digital world. The Future Plan outcome 'building a learning community' outlined our need as a service to encourage lifelong learning and in particular focus on the growing digital divide. A learning community is one that creates formal and non-formal lifelong learning opportunities for individuals and groups to acquire the knowledge, skills, attitudes and values that will enable sustainable economic development and build social inclusion and cohesion.

The City of Melville has recognised the growing need for digital literacy training over many years and has responded by providing successful computer classes from the Willagee Community Centre. The existing program consists of four volunteer trainers who offer iPad training, mobile tuition, and six week courses on computing. The program has been successful in gaining a high demand for classes through word of mouth; however large waiting lists have meant restricted access. Marketing of the program to the wider community has also been restricted due to capacity to deliver. The computers used for training, originally purchased with grant funding, are at the end of their lifespan and a plan for their renewal is required (currently unfunded).

Over the previous five years, our library services have noted a significant increase in customer requests for support on public computers, mobile devices and the need for support in everyday transactions online. Library staff have found these requests overwhelming in terms of time and required skills, prompting a need for a more formalised community training plan. It was evident through the high demand for the Willagee Community Centre classes, increasing technology related questions by library patrons, and results from the Directions from Seniors, that residents wanted 'more opportunities to learn and update their technology skills.

The Australian Government, under the Department for Communications, introduced a Digital Hubs Program to provide communities with access to free technology tuition. Alignment of the grants outcomes to the City's outcomes created the opportunity to fund this important community outcome.

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

The City of Melville took this opportunity to provide a wide reaching digital literacy program with up to date technology and was successful in their application and received \$391,090 funding to create the Melville Digital Hub. The funding received allowed the City's libraries to become equipped with specialised staff and the latest technology including PCs, laptops, smart TVs, video conferencing equipment, tablets, and smart phones. The aim of the program is to increase online engagement by improving digital knowledge and skills through training.

Since training commenced in February 2013, the Melville Digital Hub has trained over 3,500 people through group or one-on-one sessions, with an average of 147 people per month receiving training. Most months the sessions are booked out prior to the month starting, showing the extraordinary need for accessible digital training.

The Melville Digital Hub was initially based at Canning Bridge Library Lounge but soon expanded to all five City of Melville libraries. Having multiple locations for training within the City not only makes the service more accessible, it also supports the communities well established association of libraries as safe and trusted places for learning (2014 Library Wellbeing survey). The Melville Digital Hub increases residents' skills and confidence in using digital technology and the internet, that not only promotes life long learning to adults, but also provides much needed assistance to seniors, low income earners, and people from Culturally and Linguistically Diverse (CALD) backgrounds. Training covers a wide range of topics based on the communities needs including computer basics, introduction to the internet, social media, internet safety, online job seeking, MyGov, email, tablets and smartphones.

To assess the effectiveness of the Digital Hubs program, an independent review was commissioned by the Department of Communications which has found the Digital Hubs program increased online engagement among those who have taken part. More specifically, those who took part in the review (over 600 participants from Melville Digital Hub) said they were using the internet more and had increased the range and scope of their online activities (MarketScape, 2014).

The funding agreement with the Department of Communications will end this financial year 2014/2015. No additional funds beyond this point will be available from the Department of Communications for the Digital Hubs Program. Under our agreement with the Department of Communications, after this period we are able to keep the branding of the 'Melville Digital Hub' and all equipment purchased with the funding, however, if we are to continue we need an alternative funding source. Other funding sources have been investigated; being Lotterywest, Telstra Foundation and partnerships with profit and not for profit technology providers. Unfortunately, to date, no external funding has been received. The service is seen as operational and currently provided by many other local governments as core business and therefore it has been more complex to seek ongoing salary related funding.

DETAIL

Digital literacy can be defined as the ability to locate, evaluate, and use digital information. Those with digital literacy skills can efficiently find the information they seek, evaluate that information, and use that information effectively. Digital literacy also includes the ability to effectively use a range of technologies such as computers, tablets, and mobile devices, as well as internet-enabled services such as Blogs, Twitter, Facebook, and YouTube (iPAC, 2014).

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

Digital technology and the internet have now become a normal part of day to day life and digital literacy is becoming crucial for an individual's social connectedness, civic engagement and economic opportunity (Gurstein, 2003). Increased access to the internet provides more opportunities to access information and entertainment, conduct transactions, communicate, as well as access health and education services. It is important that individuals have the digital skills and confidence to do so safely and productively, and that they are as capable and confident interacting and engaging online as they are offline.

Between 2010 and 2012, the City surveyed over 600 seniors from diverse groups across all suburbs in the City of Melville and they told us they would like 'to remain in your own home independently for as long as possible.' For older people constrained by age related limitations, the internet can provide opportunities to maintain independence (Kiel, 2005) by:

- Facilitating on-line grocery shopping, bill paying and banking;
- By allowing them to more easily access doctors and health advice over the internet, no matter where they live. As the population ages, e-health technologies can be used to manage chronic conditions such as diabetes and dementia in the home rather than in aged care facilities, reducing costs substantially;
- Keeping in contact with family through email, cheap phone calls or social networking sites is especially important for seniors who may live alone or who are unable to drive; and
- Easier participation in community events and with interest groups, an important part of productive ageing.

(National Seniors Australia, 2011)

In order to experience the benefits that the internet can have on one's independence they must have the digital literacy skills necessary. Those surveyed also indicated they would like 'more opportunities to learn and update their technology skills for phones and computers' indicating they do not have the skills to perform these activities online. Eighty two percent of the Melville Digital Hub participants are aged 55 years and over, showing a strong demand for training needed for this age group.

Another barrier to internet use is concerns about online safety. Cyber Crime is on the rise with threats such as malicious spam, phishing and spyware that can lead to identity theft and financial loss. A study by the Australian Institute of Criminology showed that one in five Australians have had their personal information misused showing 'there is a need for more formal and continuing education to address knowledge gaps about appropriate and available technical and behavioural measures to mitigate online risks' (ACMA, 2013).

The Melville Digital Hub has become a vital service at the City's libraries and has helped over 3,500 people increase their digital literacy skills to date. Without this important community service we run the risk of our community falling further behind. In our changing digital world this is a service to assist our community to engage actively as citizens in everyday life. The Libraries provide the trusted and safe location for a learning opportunity that can otherwise be a very daunting experience.

Two models of operation have been considered. Option one is based on the current federally funded model of a paid coordinator and paid trainer plus volunteer trainers. Option two is a lower cost model with a paid coordinator and volunteer trainers.

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

The Digital Hub would run for two years and during that time library staff will be up-skilled and the model will be reviewed. The review will determine the most appropriate future model to suit our changing digital world.

Option One: Current Model

To continue the operation of the Melville Digital Hub in the same manner as it currently is with a 0.5 FTE Coordinator, a 0.5 FTE experienced Trainer, existing volunteer Trainers, and the inclusion of the volunteers from the Willagee Computer Classes.

The benefits of having a paid trainer include providing participants with a wider range of knowledge, greater reliability and consistency. The current paid trainer has over 20 years experience in this field and the City has received many compliments about the service provided (see feedback section of this document, page 9).

The Digital Hub Trainer will also play an important role in up skilling of library staff with digital literacy training.

Volunteers play an important role in this service and provide the opportunity for the service to be a wide reaching community service. The volunteering opportunities provided through this program also offer many great community outcomes. The volunteers have the opportunity to share skills and contribute to their local community.

Annual Cost for Melville Digital Hub - Option One	
Operational costs:	
Staff	\$94,848.00
IT Chargeback	\$12,166.00
OPERATIONAL TOTAL	\$107,014.00
Potential income	- \$5,580.00
REQUIRED TOTAL	\$101,434.00 pa

Option Two: Volunteer Model

To continue the operation of the Melville Digital Hub with a 0.5 FTE Coordinator, existing volunteer Trainers, development of increased volunteer training roles to cover the existing paid trainer, training support and the inclusion of the volunteers from the Willagee Computer Classes.

This model would see the Coordinator manage a group of volunteers and coordinate the development and delivery of training content, marketing, partnerships and over all planning and development of the digital hub.

Annual Cost for Melville Digital Hub - Option Two	
Operational costs:	
Staff	\$47,424.00
Training Support	\$5,000.00
IT Chargeback	\$12,166.00
OPERATIONAL TOTAL	\$64,590.00
Potential income	-\$5,580.00
REQUIRED TOTAL	\$59,010.00 pa

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The level of communication in accordance with the Stakeholder Engagement Policy CP-002 for this item has included opportunities to 'inform' our community through to extensive 'involvement' in the development of key informing documents for the City of Melville.

The community was extensively involved in the development of the 'Future Plan for Libraries, Museums and Local History Services 2010-2015' with surveys, workshops and focus groups. The plan details the communities need for learning opportunities and in particular in the area of digital literacy.

The community accessing the Melville Digital Hub since its inception in 2013 have also been consulted in regard to the hubs impact on them personally. Their extensive feedback has been captured and overwhelming supports the positive impact the hub has had on these individuals' lives (see Melville Digital Hub Business Case for community feedback).

[8066 Melville Digital Hub Business Case](#)

The City of Melville's Directions from Seniors strategies were based on information received from senior's focus group participation to progress towards the establishment of an Age-Friendly City. This document clearly outlined that residents wanted 'more opportunities to learn and update their technology skills.

The World Health Organisation Age-Friendly Cities Project – City of Melville Summary also outlined the consulted strategies outlined by the community in regard to computers. Below is a list of the summary statements:

- Provide computer training for older people (possibly Council could organise).
- Teach older people how to use computers in their own home.
- Teach older people how to deal with SPAM emails.
- Inform older people about free internet services.
- Educate older people about the need to do exercises if spending large amounts of time sitting in front of a computer.
- Families should not pressure older people to use technology as a form of communication.

II. OTHER AGENCIES / CONSULTANTS

Global Age-friendly Cities: A Guide by the World Health Organisation (WHO) is a document that gives guidelines to achieving an Age-friendly City. The document outlines affordable public access to computers for older people in community centres, older people's clubs, public services and libraries as an important age-friendly feature. Computer training preferably adapted to individual needs and pace of learning and given by a trusted person is strongly advised.

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

There are no up front capital financial implications for the Council in this application. The capital costs of the digital hub have been funded by the Department of Communications as part of the original Digital Hubs funding grant.

The annual operational costs for continuing the Digital Hub program are:

Year One Cost for Melville Digital Hub - Option One	
Operational costs:	
Staff	\$ 94,848.00
IT Chargeback	\$ 12,166.00
OPERATIONAL TOTAL	\$107,014.00
Potential income	- \$ 5,580.00
REQUIRED TOTAL	\$101,434.00 pa

Year One Cost for Melville Digital Hub - Option Two	
Operational costs:	
Staff	\$47,424.00
Training Support	\$ 5,000.00
IT Chargeback	\$12,166.00
OPERATIONAL TOTAL	\$64,590.00
Potential income	-\$ 5,580.00
REQUIRED TOTAL	\$59,010.00 pa

Funding is proposed for two years. Year Two would be the salary adjusted equivalent amount.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no significant strategic, or environment management implications associated with this item.

Please see key service risks classified below.

Lack of Volunteer Trainers

Risk Statement	Level of Risk	Risk Mitigation Strategy
Due to the reliance on volunteers to run the service, volunteer numbers may fluctuate which would lead to service interruptions.	Moderate consequences which are unlikely, resulting in a Medium level of risk.	Work with Melville Volunteer Resource Centre to establish volunteer positions. Established Volunteer base.

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

Lack of Funding

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of having to discontinue the service due to no funding source.	Moderate consequences which are possible, resulting in a Medium level of risk	Seek council support for the service. Continue to investigate alternative funding sources and partnerships.

POLICY IMPLICATIONS

CP-038 Discretionary Services Policy applies to this item. Officers have assessed the proposed Digital Hub service against the Community Benefit Assessment outlined in the Policy. The Community Benefit Assessment considers:

- the role of the City in the provision of the service (i.e. one of monitor, advocate, facilitator, funder, or provider);
- the level of need for the service determined by a needs/gap analysis;
- the level to which the community wants and values the service;
- delivery options;
- social, environmental, economic and governance implications;
- the Executive Functions Test; and
- Stakeholder relationship management and engagement.

The Community Benefit Assessment indicated a need for such a service demonstrated by the previous and current demand to use such a service; and that such services, provided at very low cost or free, are not provided to the general community by other providers.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Two models of operation have been proposed. Option One is based on the current federally funded model of a paid coordinator and paid trainer plus volunteer trainers. Option Two is a lower cost model with a paid coordinator that would over see a group of volunteer trainers.

The Digital Hub would run for two years and during that time library staff will be unskilled and the model will be reviewed. The review will determine the most appropriate future model to suit our changing digital world.

The alternate option would be to have no training delivered by the City of Melville. By having no digital training delivered by the City the potential for the digital gap to widen in terms of digital literacy in our community is likely. The flow on impacts of this widening digital divide is widespread in terms of community isolation, employment, access, equality and impacts on overall community wellbeing.

CD15/8066 - MELVILLE DIGITAL HUB (REC) (ATTACHMENT)

Digital literacy training is available from alternative providers in terms of longer term TAFE courses or offered by some computer retailers when purchasing a device. These models have shown to be effective for certain segments of the population. Those targeted by our proposed Digital Hub model find in many cases these other service providers restrictive by cost, learning style or are not seen to be provided by a safe and trusted provider.

Outsourcing digital training to another provider/contractor to be provided within our facilities is also an option. This would cost between \$40 and \$50 per person/session. This is not the recommended model as it limits the amount of training that could be provided for the same budgeted amount. With the use of volunteers in our proposed models we are able to have a much greater number of sessions and also provide enriching volunteer roles for our community.

CONCLUSION

The Melville Digital Hub is an important service in our modern digital society. The City has been fortunate to have secured funding for this service for the previous two years. This funding has allowed us to invest expenditure into significant technology and expertise to provide a service to over 3,500 customers. The outcomes achieved through this training are significant to the wellbeing and resilience of our community.

Digital literacy training is identified as a clear need in our community. We as a government body and trusted library service are best placed to provide the safe and trusted place that is conducive to the learning environment our community request.

The ability to confidently interact, access information, complete everyday transactions and engage online is now essential in our society. The Melville Digital Hub gives our community the basic modern day skills to ensure we create a resilient community.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8066)**APPROVAL**

At 8.10pm Cr Robartson moved, seconded Cr Willis –

That the Council:

- 1. Requests that \$59,010 in accordance with Option Two be included in the 2015/2016 annual budget and the cost adjusted equivalent amount in the 2016/2017 annual budget.**
- 2. Requests the Chief Executive Officer to conduct a review of the Melville Digital Hub before the conclusion of the two year period to determine a recommended future model.**

At 8.22pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (11/0)

M15/5000 – 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

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 20 January 2015 up to and including 16 February 2015 and recommends that the information be noted and endorsed.

M15/5000 – 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
1034	The City of Melville and McLeod's Barristers and Solicitors	Request for Consent to Surrender of Easement - 8 & 8A Pickering Way Booragoon	3417666

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.

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.*

M15/5000 – COMMON SEAL REGISTER (REC)**FINANCIAL IMPLICATIONS**

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members' information.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000) NOTING

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the document listed under the Common Seal of the City of Melville from 20 January 2015 up to and including 16 February 2015.

At 8.22pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Financial Statements and Investments
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : C14/6069 – Consideration and Adoption of the 2014/2015 Budget 24 June 2014 – Special Meeting of the Council
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Wayne Nicholls
 Acting Senior Management Accountant

AUTHORITY / DISCRETION

DEFINITION

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

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents the Mid Year Budget Review for the period 1 July 2014 to 31 December 2014.
- A Mid Year Budget Review is required under the Financial Management Regulations to identify both positive and negative variances across the organisation.
- This report recommends that the 2014/2015 Budget be adjusted accordingly.

BACKGROUND

The City of Melville reviews its budget position on an ongoing basis, with a budget variations listing and a budget variance report forming part of the monthly financial statements submitted to the Council. The Financial Management Regulations (33A) specify that Local Governments must undertake a formal budget review between 1 January and 31 March, have it reviewed and adopted by the Council and submit the findings to the Department of Local Government. The City of Melville has undertaken this formal budget review during this period based on the financial position as at the conclusion of December 2014.

DETAIL

The Mid Year Budget Review has been undertaken by Budget Responsible Officers and reviewed by Management Accounting and the Executive Management Team. The financial position for the City of Melville as at 31 December 2014 is an overall \$635,332 positive variance. This is the net result of both positive and negative variances, across both operating and capital budgets and transfers to and from specific purpose Reserve Accounts.

The positive variance referred to above does not include the 2014/2015 opening funds surplus net positive variance of \$1,316,790 brought forward from the 2013/2014 financial year. That amount has been dispersed by transferring it to the Rates Equalisation Reserve which enables it to be used, in whole or part, to help fund the 2015/2016 Budget.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

The following table is a summary of the Mid Year Review results, with positive variances shown as \$xxx:

Operating	
Management Services	(\$41,232)
Corporate Services	\$264,288
Community Development	(\$122,817)
Urban Planning	\$8,436
Technical Services	\$174,389
General Purpose Funding	\$695,139
Net Operating Variance	\$978,203
Capital	
Corporate Services	(\$7,500)
Community Development	(\$2,430)
Technical Services	\$1,322,141
Net Capital Variance	\$1,312,211
Sub-total Net Operating and Capital Variance from Mid Year Review	\$2,290,414
Net Transfers To Reserve Accounts	(\$1,655,082)
2014/2015 Opening Funds adjustment to reflect actual 2013/2014 audited closing funds (positive variance) – Transferred to the Rates Equalisation Reserve	\$1,316,790
	(\$1,316,790)
Net Positive Variance as at 31 December 2014	\$635,332

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in attachment: 6064 Mid Year Review Summary Amendments.

[6079 Mid Year Budget Review Summary Amendments](#)

Whilst the reporting variance levels adopted by the Council when adopting the 2014/2015 Budget, at its Special Meeting of the Council held on 24 June 2014, were 10% or \$50,000 (whichever is greater), some commentary has been provided on variances less than these numbers where considered necessary to gain a full understanding of the net position.

Key findings in Operating Budget:

Management Services – (\$41,232) Net Negative Variance

Chief Executive Officer – (\$5,000) Net Negative Variance

- Donation to Applecross Primary School for preservation of an historical building formerly used as headmasters residence that at the Ordinary Meeting of Council held on Tuesday 21 October 2014 was requested by the Council be considered for funding in the mid-year budget review.

Organisational Development - \$50,000 Net Positive Variance

- Salary savings due to the Risk Services Coordinator vacancy.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Property and Governance – (\$86,232) Net Negative Variance**

- (\$31,660) negative variance in commercial leases due to the termination of the lease at the old Melville Roads Board building.
- Other Revenue – (\$71,820) negative variance due to revised turnover income from Blue Water Grill restaurant. \$6,000 positive variance due to other rent increases.
- Other less material variances - \$17,249 positive variance

Corporate Services – \$264,288 Net Positive Variance**Director Corporate Services – \$282,108 Net Positive Variance**

- Insurance – \$132,302 positive variance a result an LGIS Insurance dividend. This amount is to be transferred to the Risk Management Reserve. \$161,774 positive variance as a result of reduced premiums being lower than budget estimates. This has been largely offset by reductions in internal recoveries of (\$102,700).
- Other – \$100,000 positive variance due to a payment from the Water Corporation for an easement on Shirley Strickland Reserve. This amount is to be transferred to the Community Facilities Reserve to fund improvement works on the reserve.
- Other less material variances – (\$9,268) negative variance.

Information Technology – (\$16,100) Net Negative Variance

- Software licensing and data line charges – (\$16,100) negative variance.
- Employee Costs – \$130,000 positive variance in salaries due to staff vacancies.
- Contractors – (\$130,000) negative variance to fill the staff vacancies referred to above. There is no net variance between employee and contractor costs.

Financial Services – (\$1,720) Net Negative Variance**Community Development – (\$122,817) Net Negative Variance****Director Community Development - \$30,775 Net Positive Variance**

- Professional Consultancies – \$26,775 budgeted for community group relocation consulting not required.
- Other less material variances – \$4,000 positive variance.

Recreation Services – (\$71,964) Net Negative Variance

- Point Walter Golf Course – Nil net variance arising from changes in contract funding arrangements. Negative variance of (\$125,000) in contractor payments is offset by a similar positive variance in Green Fees.
- Sports, Gymbakids & Creche portfolio – (\$79,141) negative variance due to reduction in enrolment income.
- Recreation and Aquatic Centre memberships – (\$104,000) negative variance due mainly to a fall in memberships due to increased competition and a reduction in swim shop sales.
- Health and Fitness programs – (\$75,600) negative variance due to a reduction in personal training and club fees. This has been offset by a positive variance of \$102,228 in operating expenditure for these programs, mainly in reduced employee costs resulting from the lower demand for fitness instructors.
- Other less material variances – \$84,549 positive variance.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Health Services - (\$2,448) Net Negative Variance**

- Health Licensing – \$30,090 positive variance due to new health licensing applications.
- Health Clinics – \$19,000 positive variance in clinic operating costs as a result of the Health Department taking over various contracts.
- Salaries – (\$12,000) negative variance as a result of salary reviews undertaken.
- Other less material variances – (\$39,538) negative variance.

Library Services- (\$7,000) Net Negative Variance

- Employee Costs – (\$7,000) Net Negative Variance'.

Neighbourhood Development - \$14,267 Net Positive Variance

- Training and Travel Costs – \$12,450 positive variance due to reduced requirement for staff training.
- Printing expenses – \$8,000 positive variance
- Other less material variances – (\$4,496) negative variance.

Cultural Services – (\$70,000) Net Negative Variance

- Professional Consultancies – (\$70,000) negative variance due funds required for work on the Garden City Development and Cultural Centre.

Neighbourhood Amenity – (\$16,447) Net Negative Variance

- Community Security – \$11,450 positive variance due to higher than anticipated revenue security charges actually levied.
- Parking – (\$95,000) negative variance in parking fees and fines due to the closure of the Raffles Hotel for renovations and subsequent reduced use of parking facilities.
- Cat control – (\$10,000) negative variance in cat licence fees due to large take-up of lifetime registrations in 2013/2014. \$12,000 positive variance in cat control expenditure due to savings across the program.
- Law Order and Public Safety – \$30,903 positive variance due to reduced overtime, annual leave and other employee costs in the Rangers team.
- Other less material variances – \$34,200 positive variance.

Technical Services – \$174,389 Net Positive Variance**Director Technical Services – Net Positive Variance \$439,000**

Fiona Stanley Infrastructure maintenance budget– \$239,000 transferred to Works Services, who will be undertaking some of the maintenance work with the balance of \$200,000 positive variance flowing through to the overall net positive variance. These savings arose from Fiona Stanley Hospital agreeing to maintain the landscaping until the end of their contract period.

Fleet Services – (\$14,369) Net Negative Variance

- Fuel - \$157,895 positive variance due fall in fuel prices.
- Stores and materials - \$143,786 positive variance due to improvements in the allocation of stores to fleet assets.
- Internal Recovery – (\$301,681) negative variance due to the reduced recovery required due to the above savings.
- Storeroom – (\$8,639) negative variance due to increased employee costs
- Other less material variances – (\$5,730) negative variance.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Waste Services – (\$30,898) Net Negative Variance**

- Waste Income – (\$30,898) negative variance due to correction in the waste collection amount charged to the Civic Centre by Waste Services. A corresponding adjustment has been made to the Civic Centre maintenance budget.

Works Services – (\$231,625) Net Negative Variance

- Fiona Stanley - (\$239,000) negative variance due to the transfer of responsibility for contractor and ordinary time expenditure budgets from the Director of Technical Services.
- Footpath and Parks Maintenance – Net nil variance. Total budget of \$250,795 in ordinary time and on costs transferred from Footpath Maintenance to Parks Maintenance due to a change in focus.
- Other less material variances – \$7,375 positive variance.

Parks and Environment – \$6,263 Net Positive Variance

- Refuse Collection (Litter) – (\$50,000) negative variance due to increased waste volume and disposal costs.
- Stores and Materials – (\$15,000) negative variance due to additional purchase of tree measuring equipment.
- Contractors expenses – \$66,816 positive variance due to reduced scope of works and contract savings.
- Other less material variances – \$4,447 positive variance.

Asset Management -\$6,018 Net Positive Variance

- Minor Variances in materials and contracts, other expenditure and internal allocations.

Urban Planning – \$8,436 Net Positive Variance**Statutory Planning Services – (\$2,000) Net Negative Variance**

- Non material variances – (\$2,000) negative variance.

Strategic Urban Planning – \$17,936 Net Positive Variance

- Strategic Property and Land Services – \$129,629 positive variance due to delays in recruitment for the Strategic Property and Land Officer. This is offset by a (\$129,629) reduction in the transfer from the Land & Property Reserve account which funds this position.
- SUP Project: Property Rationalisation – (\$172,723) negative variance in professional consultancies to fund additional projects and projects brought forward from 2015/2016.
- SUP Project: Heritage Assessments - \$22,199 positive variance due to savings in professional consultancies following the completion of the Municipal Inventory Review.
- SUP Project: Greater Murdoch - \$22,350 positive variance due to savings in professional consultancies following delays in State Government progress on the Mixed Use Precinct study.
- SUP Project: Garden City – (\$34,735) negative variance in professional consultancies due to additional studies being required for streetscapes and artworks.
- SUP Project: LCS –\$18,560 positive variance in professional consultancies following completion of the Local Commercial Strategy.

Director Urban Planning – (\$7,500) Net Negative Variance

- Training and Development – (\$7,500) negative variance due to additional training requirements.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**General Purpose Funding – \$695,139 Net Positive Variance**

- Rates – \$659,134 positive variance due to additional interim and back rates generated in the Fiona Stanley Hospital Precinct.
- Instalment Interest and Administration Fees – \$36,005 positive variance due to more ratepayers taking up the instalment payment option than anticipated.
- Investment Earnings – Municipal fund interest is showing a net negative variance of **(\$250,000)** due to the historically low interest rates.
- Interest earned on Reserve accounts is showing a \$250,000 positive variance due to Reserve account balances being higher than anticipated when the 2014/2015 budget was prepared. As all interest earned on Reserve accounts is credited to those accounts there has been a corresponding increase in the transfer to reserves of \$250,000.

Net transfers from/to Reserve – (\$2,971,872) Net transfers to reserve

- Refuse Facilities Reserve – \$100,000 transfer from Reserve to fund an increased scope of works for contaminated sites investigations.
- Risk Management Reserve – **(\$132,202)** transfer to Reserve. This represents the transfer of LGIS insurance dividend received in the Director of Corporate Services budget.
- Community Facilities Reserve – **(\$100,000)** transfer to Reserve. This represents the transfer of funds received from the Water Corporation for the easement on Shirley Strickland Reserve and will be used to help fund future capital work at Shirley Strickland. Contra's unbudgeted income shown in Director of Corporate Services budget.
- Public Open Space Reserve - \$202,500 transfer from Reserve to fund works undertaken at Carawatha.
- Infrastructure Asset Management Reserve – **(\$858,826)** transfer to Reserve due to the deferral of projects to be undertaken in the 2014/2015 Capital Works program. It should be noted that this amount only relates to the renewal component of the works that was identified as reserve funded in the 2014/2015 Annual Budget. Details of the movements are shown in the attachment [6079 Capital Works Budget Amendments](#).
- Rates Equalisation Reserve – **(\$1,316,790)** transfer to Reserve. This amount represents the setting aside of the non budgeted amount of the 2013/2014 closing funds surplus some or all of which can then be used to help offset the level of rate increases in the 2015/2016 annual budget.
- Reserve Interest - \$250,000 transfer to reserve represents the transfer of reserve interest discussed above in General Purpose Funding to the reserve accounts.

Key findings in Capital Budget:**Corporate Services – (\$7,500) Net Negative Variance**

- Computer Equipment and Software – **(\$7,500)** negative variance due to provision of three Apple Mac computers as requested by Cultural Services for use in Libraries.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)***Community Development – (\$2,430) Net Negative Variance******Recreation Services – (\$6,839) Net Negative Variance***

- Contractors – (\$6,839) negative variance due to additional costs incurred in strengthening the Melville Aquatic roof to support the solar heating equipment.

Health Services – (\$63,081) Net Negative Variance

- Professional Consultancies – (\$63,081) negative variance. \$36,919 positive variance arising from transfer of funds for the Len Shearer synthetic turf study, to operating funds required for a study of the City's active reserve requirements in its entirety.
- A negative variance of (\$100,000) has arisen due to higher than anticipated costs associated within an increased scope of works for contaminated sites. It should be noted that this amount is funded from the Refuse Facilities Reserve as described above.

Neighbourhood Development - \$40,000 Net Positive Variance

- Public Arts program – \$40,000 positive variance to be transferred to the Trust fund, titled Artwork Developer Contribution Account.

Neighbourhood Amenity- \$27,490 Net Positive Variance

- Plant program – \$27,490 positive variance due a savings in the supply of parking meters to the Fiona Stanley Precinct. As this expenditure was reserve funded, these savings have been transferred back to the Parking Facilities Reserve.

Technical Services – \$1,322,141 Positive Net Variance***Fleet Services –\$3,881 Positive Net Variance***

- Light Vehicle program –\$3,881 positive variance. This variance is due to higher than budgeted proceeds from disposal of vehicles, and offset by additional funds required to replace a vehicle written off.

Engineering Design – \$1,318,260 Positive Net Variance

- Capital Works program – \$1,318,260 positive variance due to the deferral of projects to be undertaken in the 2014/2015 Capital Works program. Details of the movements are shown in the attachment [6079 Capital Works Budget Amendments](#).

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The *Local Government (Financial Management) Regulations 1996* stipulate the following:

“33A. Review of budget

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
 - (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
 - (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
 - (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

FINANCIAL IMPLICATIONS

After taking into account the various positive and negative variances and transfers to Reserve accounts, the Mid Year Budget Review has identified a positive net budget variance of \$635,332.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Following a review of the risk implicit in the subject of this agenda, no high or extreme risks have been identified.

POLICY IMPLICATIONS

Not applicable.

C15/6079 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

After considering the review Council is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

CONCLUSION

The Budget Review has identified a number of programs requiring budget amendments. Overall, the net impact on the 2014/2015 budget is a positive variance of \$635,332.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6079)**ABSOLUTE MAJORITY APPROVAL**

At 8.22pm Cr Schuster moved, seconded Cr Macphail –

That the Council by Absolute Majority decision adopts the Mid Year Budget Review amendments as listed in attachment

[6079 Mid Year Budget Review Summary Amendments.](#)

At 8.22pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

C15/6000 - INVESTMENT STATEMENTS FOR JANUARY 2015 (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

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 January 2015 for the Council's information and noting.

C15/6000 - INVESTMENT STATEMENTS FOR JANUARY 2015 (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 January 2015 are shown in the tables below.

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 JANUARY 2015	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 44,102,502
RESERVE	\$ 80,257,474
TRUST	\$ 272,939
CITIZEN RELIEF	\$ 204,517
	\$ 124,837,432
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 3,509,761
TERM DEPOSIT	\$ 116,097,026
BOND	\$ 2,000,000
FRTD	\$ 3,000,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 124,837,432
SUMMARY BY CREDIT RATING	AMOUNT \$
AA	\$ 9,000,000
AA-	\$ 67,906,787
A+	\$ 14,500,000
A	\$ 1,900,000
A-	\$ 31,300,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	\$ 124,837,432

C15/6000 - INVESTMENT STATEMENTS FOR JANUARY 2015 (REC)

The following statements detail the investments held by the City for the period ending 31 January 2015.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JANUARY 2015						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$2,200,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$305,589	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,004,172	On call
					\$3,509,761	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$1,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$9,500,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$14,284,834	Various
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$6,000,000	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$10,500,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$20,300,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$1,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$23,290,784	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-	\$6,721,408	Various
					\$116,097,026	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	\$3,000,000	Various
					\$3,000,000	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.76%	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					\$124,837,432	

CREDIT RISK COMPARISON						
CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments		
AA	\$9,000,000	7%	80%			
AA-	\$67,906,787	54%	80%			
A+	\$14,500,000	12%	50%			
A	\$1,900,000	2%	50%			
A-	\$31,300,000	25%	50%			
BBB+	\$0	0%	20%			
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%			Council Decision
TOTAL	124,837,432	100%				

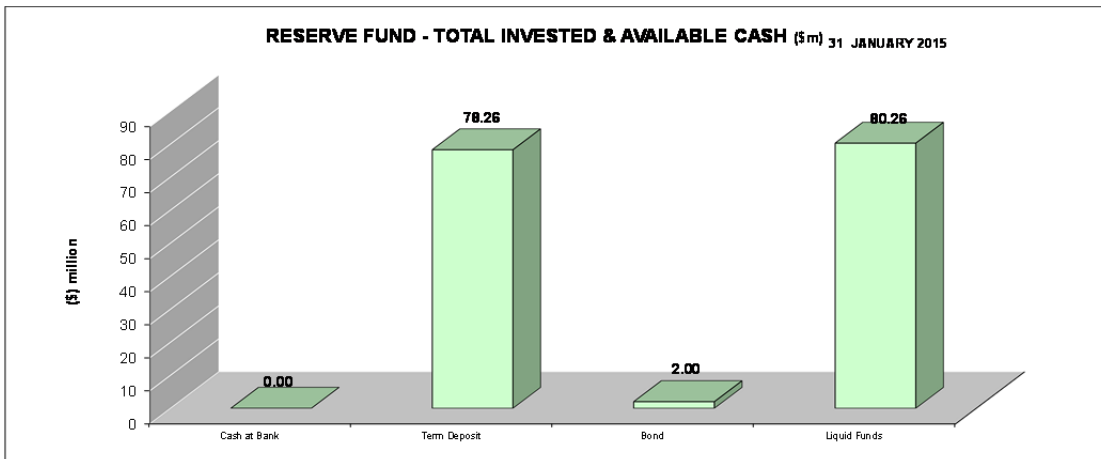
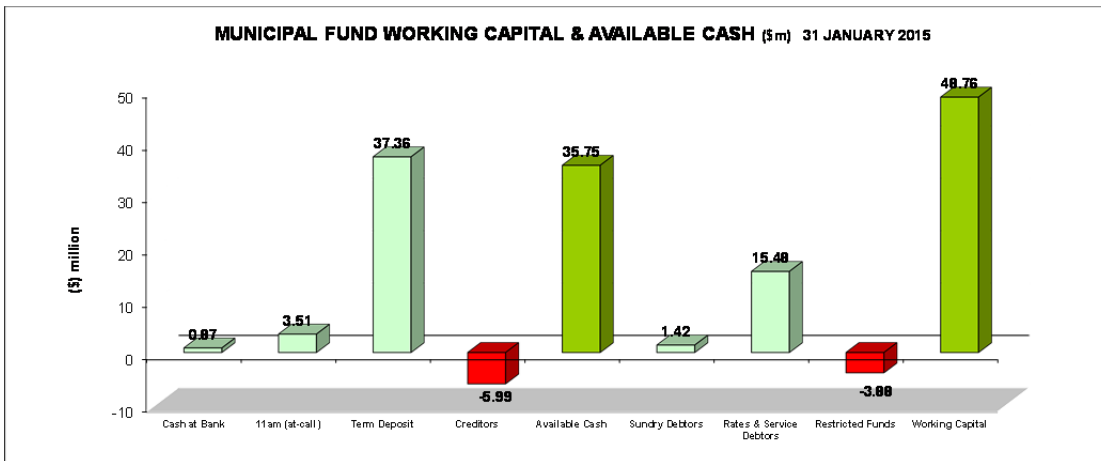
DIVERSIFICATION RISK						
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION
ANZ BANK (TERM)	TERM	AA-	5,000,000	4.01%	4.01%	20%
AMP BANK (TERM)	TERM	A+	10,500,000	8.41%	8.41%	15%
BANKWEST (11AM)	11AM	AA-	-	0.00%		20%
BANKWEST (TERM)	TERM	AA-	2,000,000	1.60%	1.60%	20%
BANK OF QUEENSLAND (TERM)	TERM	A-	1,500,000	1.20%	1.20%	15%
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	9,500,000	7.61%	7.61%	15%
CITIBANK (TERM)	TERM	AA-	14,284,834	11.44%	11.44%	20%
COMMONWEALTH BANK (TERM)	TERM	AA-	6,000,000	4.81%		20%
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.60%		20%
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	6.41%	20%
ING BANK (TERM)	TERM	A-	20,300,000	16.26%	16.26%	15%
MACQUARIE BANK (TERM)	TERM	A	1,900,000	1.52%	1.52%	15%
NAB (TERM)	TERM	AA-	23,290,784	18.66%	18.66%	20%
RABODIRECT (TERM)	TERM	AA	7,000,000	5.61%	5.61%	15%
ST GEORGE BANK (TERM)	TERM	AA-	4,100,000	3.28%	3.28%	20%
SUNCORP METWAY LTD (TERM)	TERM	A+	4,000,000	3.20%	3.20%	15%
WESTPAC (MAXI BONUS 1)	11AM	AA-	305,589	0.24%		20%
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,004,172	0.80%		20%
WESTPAC (MAXI DIRECT)	11AM	AA-	2,200,000	1.76%		20%
WESTPAC (FRTD)	FRTD	AA-	3,000,000	2.40%		20%
WESTPAC (TERM)	TERM	AA-	6,721,408	5.38%	10.60%	20%
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.18%	0.18%	
			124,837,432	100%	100%	

C15/6000 - INVESTMENT STATEMENTS FOR JANUARY 2015 (REC)

MATURITY COMPARISON			
TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR
MUNICIPAL & TRUST FUNDS			
< 1 year	44,144,796	100%	100%
	44,144,796	100%	
RESERVE FUNDS			
< 1 year	80,257,474	100%	100%
	80,257,474	100%	

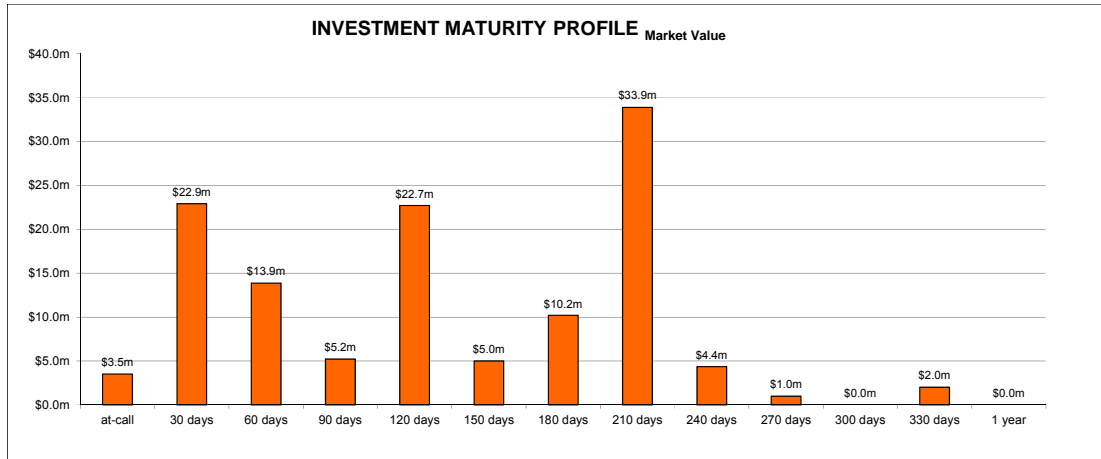
Net Funds Held

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 January 2015.



C15/6000 - INVESTMENT STATEMENTS FOR JANUARY 2015 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 31 January 2015.



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)

FINANCIAL IMPLICATIONS

For the period ending 31 January 2015:

- Investment earnings on Municipal and Trust Funds were \$739,828 against a budget of \$857,500 representing a \$117,672 negative variance.
- Investment earnings on Reserve accounts were \$1,960,939 against a budget of \$1,458,333 representing \$502,606 positive variance.

Due to the decreasing 'Cash' rate and the legislative restrictions that have been placed by State Government, the City's revenue earned from investment earnings is expected to decrease in the foreseeable future.

C15/6000 - INVESTMENT STATEMENTS FOR JANUARY 2015 (REC)**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.

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

Future investment earnings are expected to continue to decrease when compared to previous years as interest rates continue to decrease, 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 not being able to invest in term deposits with the higher interest rates that are available on longer term investments.

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

That the Investment Report for the month of January 2015 be noted.

At 8.23pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2015 (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	:	2014/2015 Budget
Responsible Officer	:	Bruce Taylor – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of January 2015 and recommends that the Schedule of Accounts Paid be noted.

BACKGROUND

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

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2015 (REC)
(ATTACHMENT)**

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 January 2015 ([6001 January 2015](#)), including Payment Registers numbers, Cheques 440 to 443 and Electronic Funds Transfers batches 357 to 358 was distributed to the Elected Members of the Council on 27 February 2015.

Payments in excess of \$25,000 for the month of January 2015 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Asphaltech Pty Ltd	E042496	Road resurfacing at North Lake Road, Clifford Way and Westminster Road	\$587,761.88
Cardno (WA) Pty Ltd	E042433	Analysis of contaminated sites and construct landfill gas monitoring at John Connell Reserve	\$ 49,632.00
Carringtons Traffic Services WA	E042549 & E042726	Traffic management services	\$ 28,763.07
City of Cockburn	E042563	Tip fees for December	\$118,559.10
DVG Mountway Melville Hyundai	E042367 & E042584	Purchase of Jeep Grand Cherokee Laredo and Hyundai Santa Fe Wagon	\$ 97,183.05
Fire & Emergency Services Authority WA	E042487	ESL remittance for December	\$545,968.90
Flexi Staff	E042371 & E042588	Temporary employment	\$ 60,303.69
Forrest Hills Spraying Services	E042695	Weed spraying	\$ 53,955.00
Greenspan – MCE	E042377 & E042591	Irrigation controllers	\$210,888.70
Hays Specialised Recruitment	E042495 & E042689	Temporary employment	\$ 31,763.70
Hydroquip Pumps	E042593	Installation of irrigation at John Connell Reserve and service to irrigation pumps at various places	\$118,842.90
JMG Air Conditioning & Electrical Services Pty Ltd	E042485 & E042681	Servicing and maintenance to air conditioners at various places	\$ 87,883.25
Landscape Elements Pty Ltd	E042585	Progress claim 6 for Carawatha Park	\$104,788.46
Major Motors Pty Ltd	E042357 & E042573	Purchase of Isuzu NLS200 Truck and replaced head gasket to Isuzu Truck	\$ 64,137.31
Melville Mazda	E042528	Purchase of Mazda CX5 Sports Wagon	\$ 40,614.99
PNM Superior Floors	E042650	Replaced carpet at Civic Centre	\$ 70,275.15
Rhysco Electrical Services	E042451 & E042660	Electrical services	\$ 53,240.83
Roads 2000 Pty Ltd	E042497	Asphalt to Parry Avenue	\$ 34,827.40
Robinson Buildtech	E042362 & E042576	Building maintenance	\$ 48,214.89
South West Group	E042392	Contribution for NRM program	\$ 32,500.00
Southern Metropolitan Regional Council	E042424 & E042633	MSW gate fees, over compaction charges, recyclables gate fees, and green waste gate fees for December	\$847,204.78
Synergy	E042370 & E042587	Electricity charges	\$468,767.41

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2015 (REC)
(ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
TJS Cleaning Services Perth Pty Ltd	E042512	Cleaning of LeisureFit Booragoon and LeisureFit Melville	\$ 25,199.99
Tree Amigos Tree Surgeons	E042658	Tree pruning services	\$ 40,056.86
Tree Care WA Pty Ltd	E042534	Tree pruning, chipping & removal services	\$ 35,890.80
Tree Planting & Watering	E042493 & E042688	Street tree watering	\$ 96,659.65
Trisley's Hydraulic Services Pty Ltd	E042531 & E042718	Replaced sand filter and UV pipework to pool at LeisureFit Booragoon	\$ 36,413.64
Water Corporation	Chq 060831	Water charges	\$ 52,066.07
Western Australian Local Government Association	E042426 & E042634	Subscriptions, advertising and training	\$ 41,575.45
Worley Parsons	Chq 060787	Study and concept plan for Deep Water Point boat ramp	\$ 29,106.00

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.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2015 (REC)
(ATTACHMENT)****CONCLUSION**

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

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

That the Council notes the Schedule of Accounts paid for the month ending 31 January 2015 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 January 2015](#)

At 8.23pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2015 (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

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 31 January 2015 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 January 2015 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of January 2015 and recommends that they be noted by the Council.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2015 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 January 2015 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 January 2015, net operating positive variances of \$8.286m and net capital positive variances of \$4.135m were recorded.

Variances

A summary of variances and comments are provided in attachment [6002H January 2015](#).

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015							
	January Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	213,960	999,318	1,389,561	390,243	39%	6,495,230	6,632,842
General Purpose Funding	474,270	8,611,756	9,209,086	597,330	7%	12,112,400	12,112,400
Recreation and Culture	929,829	6,138,599	5,952,758	(185,842)	-3%	10,147,119	10,148,119
Transport	105,887	3,396,264	2,740,265	(655,998)	-19%	4,231,564	5,486,569
	1,835,224	23,426,527	23,595,656	5,022	1%	37,998,637	39,296,530
Expenses							
Governance	(699,607)	(7,801,620)	(6,217,756)	1,583,863	-20%	(16,642,685)	(16,602,619)
General Purpose Funding	(32,940)	(2,008,408)	(1,751,002)	257,405	-13%	(4,501,714)	(4,501,714)
Law, Order, Public Safety	(292,427)	(2,320,692)	(2,123,292)	197,399	-9%	(4,105,440)	(4,088,571)
Education & Welfare	(382,982)	(3,248,608)	(2,871,865)	376,742	-12%	(5,637,590)	(5,652,199)
Community Amenities	(1,505,531)	(12,555,204)	(11,454,669)	1,100,535	-9%	(21,193,172)	(21,601,954)
Recreation and Culture	(2,387,824)	(17,759,968)	(16,546,148)	1,213,820	-7%	(29,964,882)	(30,387,289)
Transport	(520,000)	(6,729,240)	(5,357,853)	1,371,387	-20%	(11,348,408)	(11,462,577)
Other Property and Services	(757,972)	(5,594,028)	(5,422,742)	171,285	-3%	(8,524,746)	(9,067,374)
	(6,618,566)	(58,662,863)	(52,364,651)	9,524,587	-11%	(103,021,227)	(104,466,790)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	7,172	0	37,451	37,451	0%	-	-
Depreciation on Assets	1,337,207	9,377,747	8,890,220	(487,527)	-5%	14,256,544	15,076,471
Plant Capital Charge	23,984	167,890	167,890	-	0%	287,811	287,811
Movement in Deferred Rates	8,401	-	46,144	46,144	100%	-	-
	1,376,764	9,545,637	9,141,705	(711,545)	-4%	14,544,355	15,364,282
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(20,059)	(843,890)	(404,327)	439,564	-52%	(1,593,524)	(2,035,585)
Purchase of Plant & Equipment	(170,991)	(6,057,466)	(4,275,358)	1,782,108	-29%	(4,702,747)	(8,016,944)
Purchase of Land & Buildings	(217,307)	(1,421,605)	(933,624)	487,981	-34%	(2,034,000)	(3,900,291)
Purchase of Infrastructure Assets	(1,058,660)	(8,952,658)	(6,913,977)	2,038,680	-23%	(16,125,081)	(21,337,491)

Revenue

\$77.732m in Rates was raised to 31 January 2015. This is compared with a year to date budget of \$76.866m, resulting in a positive variance of \$866K.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2015 (AMREC)
(ATTACHMENTS)****Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for January 2015.

Budget Amendments

Details of the above and other Budget Amendments requested for the month of January 2015 are shown in attachment [6002J January 2015](#). 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 \$5.3m were collected over the course of the month. Rates collection progress for the month of January is 0.9% above target which represents a dollar value of \$876,915. As at 31 January, 84.9% of 2014/2015 rates had been collected. This was 0.3% less than collected for the same time last year.

Total sundry debtor balances decreased by \$72,054 over the course of the month. The 90+ day's debtor balance increased by \$1,525.

Granting of concession or writing off debts owed to the City

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

No debts were written off under delegated authority in the month of January 2015.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2015 (AMREC)
(ATTACHMENTS)**

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

DESCRIPTION	LINK
Rate Setting Statement January 2015	6002A January 2015
Statement of Financial Activity – January 2015	6002B January 2015
Representation of Net Working Capital – January 2015	6002E January 2015
Reconciliation of Net Working Capital – January 2015	6002F January 2015
Notes on Rate Setting Statement reporting on variances of 10% or greater – January 2015	6002H January 2015
Details of Budget Amendments requested – January 2015	6002J January 2015
Summary of Rates Debtors – January 2015	6002L January 2015
Graph Showing Rates Collections – January 2015	6002M January 2015
Summary of General Debtors aged 90 Days Old or Greater – January 2015	6002N January 2015

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:

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2015 (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 subregulation (2), are to be —

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

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

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 January 2015](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2015 (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 January 2015.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 8.23pm, moved Cr Willis, seconded Cr Reynolds –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 January 2015 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement January 2015	6002A January 2015
Statement of Financial Activity – January 2015	6002B January 2015
Representation of Net Working Capital – January 2015	6002E January 2015
Reconciliation of Net Working Capital – January 2015	6002F January 2015
Notes on Rate Setting Statement reporting on variances of 10% or greater – January 2015	6002H January 2015
Details of Budget Amendments requested – January 2015	6002J January 2015
Summary of Rates Debtors – January 2015	6002L January 2015
Graph Showing Rates Collections – January 2015	6002M January 2015
Summary of General Debtors aged 90 Days Old or Greater – January 2015	6002N January 2015

- 2. By Absolute Majority Decision adopts the budget amendments, as listed in the Budget Amendment Reports for January 2015, as detailed in attachment [6002J January 2015](#).**

At 8.23pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

At 8.24pm Mr Tieleman left the meeting and returned at 8.27pm

At 8.26pm Dr Silcox left the meeting and returned at 8.27pm

**LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE
POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Adoption of Outdoor Advertisements and Signage Policy for Public Consultation
Applicant	:	Not applicable
Owner	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	<ul style="list-style-type: none">• P13/3371 - Adoption of Outdoor Advertisements and Signage Policy For Public Consultation (Ordinary Meeting of Council 19 February 2013)• P11/3210 – Stage Four Review of Urban Planning Policies (Ordinary Meeting of Council 17 May 2011)
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt policies and undertake regular policy reviews.
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- At the Ordinary Meeting on 17 May 2011, the Council adopted a draft Outdoor Advertisements and Signage policy for public consultation.
- The policy was advertised and no submissions were received, however upon further review by Officers, it was determined that further research and amendments were required prior to formal adoption of the policy by the Council.
- At the Ordinary Meeting on 19 February 2013, the draft Outdoor Advertisements and Signage, the Council adopted the amended policy for further public consultation.
- Public consultation was undertaken and no submissions were received.
- At this time it was determined that the proposed policy could not be adopted as the Local Law relating to Signs, Hoarding and Billpostings was required to be repealed.
- At the Ordinary Meeting on 18 February 2014, the Council approved advertising of the repeal of the Signs, Hoarding and Billpostings Local Law for public consultation. No submissions were received. At the Ordinary Meeting on 9 December 2014, the Council approved the repeal of the Signs, Hoardings and Billpostings Local Law.
- The City of Melville Activities in Thoroughfares, Public Places and Trading Local Law was gazetted on 2 December 2014.
- The draft policy has been considered to be a significantly entertained document which carries statutory weight as part of assessment of signage applications.
- The draft policy has been amended to provide further clarification on particular signage types and clarify the draft policy's relationship with the City of Melville Thoroughfares, Public Places and Trading Local Law.
- It is recommended that Council adopt the revised 'Outdoor Advertisements and Signage' policy for public consultation in accordance with Clause 9.6(b) of CPS5 for a period of 21 days.

BACKGROUND

At the Ordinary Meeting of the Council on 19 February 2013, the Council adopted a draft Outdoor Advertisements and Signage policy for public consultation. The policy was subsequently advertised in a local newspaper and on the City's website for a period of 21 days. No submissions were received.

At this time it was determined that the proposed policy could not be adopted as the Local Law relating to Signs, Hoarding and Billpostings was required to be repealed prior to Council final adoption.

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)

At the Ordinary Meeting on 18 February 2014, the Council approved advertising of the repeal of the Signs, Hoarding and Local Law for public consultation. No submissions were received. At the Ordinary Meeting on 9 December 2014, the Council approved the repeal of the Signs, Hoardings and Billpostings Local Law.

The City of Melville Activities in Thoroughfares, Public Places and Trading Local Law was gazetted on 2 December 2014.

DETAIL

The purpose of the policy is to encourage good quality, well considered advertising signage within the City of Melville. The policy provides criteria against which all applications for the display of signage will be assessed.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Public consultation is required for all Council planning policies which are non-operational in nature in accordance with Clause 9.6 of CPS5. The modified policy will, subject to Council resolution, be advertised pursuant to Clause 9.6 of CPS5 via a notice in a local newspaper and on the City's website.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

Since being advertised after the Council adopted the policy for public consultation in February 2013, the draft policy has been treated as a seriously entertained document. The draft policy has been used in the assessment of signage applications and used as a basis for an application for review at the State Administrative Tribunal. The draft policy is considered to have statutory weight.

The adoption of the City of Melville's Thoroughfares, Public Places and Activities Local Law 2014 and recommended changes to the draft policy address previous conflicts and duplication between the draft policy and the repealed Local Law relating to Signs, Hoarding and Billpostings.

FINANCIAL IMPLICATIONS

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

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

The adopted policy will provide greater guidance to both applicants and Council officers assessing signage applications as to what is acceptable. The policy once finally adopted by the Council, will in effect carry similar power and weight to CPS5.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council can request further changes to the policy prior to advertising, or alternatively, resolve not to adopt the draft policy for advertising, however this is not recommended as a policy is required to aid the assessment of signage applications.

COMMENTS

The proposed policy provides different criteria for the assessment of signage on Residential, Commercial and Mixed Use properties.

At present, it is considered that signage located within commercial areas is often ad-hoc, dominant and detrimental to the streetscape. The intention of the proposed policy is to encourage the display of good quality advertising, which is designed to relate well in terms of scale and visual impact to the use, or activity it will serve and support. The policy will encourage the rationalisation of existing signage and will limit the number and size of signs capable of being displayed.

The policy is set out to provide specific criteria against which an application for signage approval will be assessed. This criteria is effectively the equivalent of deemed to comply provisions. Planning applications for signage that meet the objectives of the deemed to comply criteria will be supported in principle.

Where a signage proposal incorporates signage characteristics that fall outside the deemed to comply parameters established by the policy, then the application will be treated on its merit taking into account the performance criteria provided in Part 8 of the policy.

The policy also outlines the types of business signage that the City discourages from being displayed. For the purposes of the Council Policy, these signs are termed 'prohibited'. Prohibited signs include above awning and roof mounted signs, as these are considered to have the greatest potential to create an adverse visual impact within the streetscape. The impacts of signs such as these are compounded where a proliferation of such signage occurs within a particular area. In planning terms, it is considered that the adverse visual impacts that can result where such proliferation takes place are such that the social and economic vitality and viability of centres can be compromised.

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)

Where the City receives an application for a signage display that incorporates one or more of these 'prohibited' signage types, the application will be assessed and determined in accordance with the performance criteria listed in Part 8. The application will be treated with merit relative to these requirements.

Amendments Proposed

The amendments proposed to the latest version of the draft policy which was presented to the Council on 19 February 2013 are as follows:

- Additional signage excluded from requiring approval:
 - Signage on construction sites where they meet certain parameters;
 - Signage installed in thoroughfares as these are now covered by the provisions of the City of Melville Thoroughfares, Public Areas and Activities Local Law;
- Clarification to the maximum permitted amount of signage in commercial precincts;
- Additional requirements relating to ground based signage;
- Separation of pylon and monolith signage and additional provisions relating to each type;
- Additional provisions to below-awning signage to be consistent with Council's Non-Residential Development Policy;
- Additional requirements for tethered signage;
- Prohibition of portable illuminated signage;
- Prohibition of tethered kite and flag signs where proposed to be installed for longer than 30 days;
- Additional examples added to Figure 1 for information purposes.

CONCLUSION

It is considered that the additional amendments to the draft policy provide further guidance for the assessment of outdoor advertisements and signage applications. The intent of the draft policy remains unchanged: to encourage good quality, well considered advertising signage within the City of Melville and ensure all commercial signage is designed to be consistent with, and appropriate to, the location and function of the site it serves. Accordingly, it is recommended that the Council adopt the draft policy for the purposes of public consultation.

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3617)****ADOPTION**

At 8.24pm Cr Robartson moved, seconded Cr Foxtan –

That the Council:

- 1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves to adopt the Outdoor Advertisements and Signage Policy, for the purposes of public consultation for a period of no less than 21 calendar days.
3617 Outdoor Advertisements and Signage Policy**
- 2. Where no submissions in objection are received in response to the consultation undertaken, the decision on the final adoption of the policy to be taken under delegation by Chief Executive Officer.**

Amendment

At 8.24pm Cr Schuster moved, seconded Cr Pazolli –

That the Council resolve to amend the draft Outdoor Advertisement and Signage Policy as follows in Clause 1 and 2 below:

That the following Clause 1 be inserted as Recommendation 1:

- 1. “In the heading of Clause 6 the words “Prohibited Signs” be deleted and replaced with “Signs needing specific approval in each instance”; and the first paragraph under Clause 6 commencing with the words “The following signs ---“ be deleted and replaced with the following words “The following signs are only permitted in the City of Melville after specific consideration of the proposed sign against the provisions of Clause 8 of this policy titled “Variations””; and,”***
- 2. That the existing Clause 1 in the Officer Recommendation be renumbered 2 and amended by inserting the words “as amended” after the words “Signage Policy” in the second line, and the existing Clause 2 in the Officer Recommendation be renumbered 3.***

At 8.31pm the Mayor submitted the amendment, which was declared

CARRIED UNANIMOUSLY (11/0)

LATE ITEM - P15/3617 – ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)Reasons for Amendment

Cr Schuster provided the following reasons in support of the amendment –

1. Elected Members will recall that in recent months we have approved some roof signs in the Applecross Village and Riseley Centre precincts – in each case I moved for approval and I thank the Council for supporting my motions. In all these cases it is my view that the signs as approved add to the vibrancy and “feel” of the retail centre and do not in any way conflict with orderly planning –the signs in question are also very similar to a multitude of signs found in retail and inner city precincts around Australia ie they are not unusual;
2. Elected Members will recall that in each debate I indicated I would move to amend the relevant draft policy when it came back to Council for approval – I apologise for the lateness of this proposed amendment, but the item itself took me by surprise as a late item and some surgery last week then took care of most of my available days;
3. The intent of my amendment is simply to remove the very clear perception that the current words “Prohibited Signs” and “The following signs are not permitted –“ in Clause 6 of the draft policy mean anything other than Prohibited, which itself has a very clear meaning. We were advised at EMIS last week that the signs listed in Clause 6 could be approved by assessment against the specific variation conditions – my view is that the current wording sends a very clear message to potential proponents that these signs **are Prohibited** and there is no alternative, hence many signs that could be considered may not even be applied for to the detriment, in my view, of our retail centres and their commercial success; and,
4. My proposed amendment does not suggest these signs should be approved as of right, but rather if approved will make it clear that there is a direct pathway against which the signs listed in Clause 6 can be considered.

COUNCIL RESOLUTION (3617)**ADOPTION**

At 8.32pm the Mayor submitted the substantive motion as amended -

That the Council:

1. ***In the heading of Clause 6 the words “Prohibited Signs” be deleted and replaced with “Signs needing specific approval in each instance”; and the first paragraph under Clause 6 commencing with the words “The following signs ---“be deleted and replaced with the following words “The following signs are only permitted in the City of Melville after specific consideration of the proposed sign against the provisions of Clause 8 of this policy titled “Variations”.***
2. ***Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves to adopt the Outdoor Advertisements and Signage Policy as amended, for the purposes of public consultation for a period of no less than 21 calendar days. [3617 Outdoor Advertisements and Signage Policy as amended](#)***
3. ***Where no submissions in objection are received in response to the consultation undertaken, the decision on the final adoption of the policy to be taken under delegation by Chief Executive Officer.***

At 8.32pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

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.

P15/3620 - FRONT WALL ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT, 25 DONEY STREET, ALFRED COVE (AMREC) (ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2014-1635
 Property : No.25 Doney Street, Alfred Cove
 Proposal : Front Fence (Retrospective)
 Applicant : Peter Hard
 Owner : P. and J. Hard
 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

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

P15/3620 - FRONT WALL ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT, 25 DONEY STREET, ALFRED COVE (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the retention of front fence.
- The fence is of solid masonry construction, with a render finish. It is approximately 1.8m in height.
- The fence was constructed without the benefit of planning approval in approximately 2000 by the previous owner of the property.
- The fence has been assessed under the provisions of Council Policy and the Residential Design Codes of Western Australia (R Codes), although for the purposes of the assessment, the 1991 version of the R Codes has been relied upon as it is this version that would have applied at the time at which the fence was erected.
- The 1991 version of the R Codes did not require the inclusion of visually permeable in front fence design, and as such had the City determined an application for the fence at the time of its construction, it would have been deemed acceptable, and approved on that basis.
- In view of this and the policy requirements that existed by virtue of the 1991 version of the R Codes, the proposal to retain the wall is supported.



BACKGROUND

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

P15/3620 - FRONT WALL ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT, 25 DONEY STREET, ALFRED COVE (AMREC) (ATTACHMENT)

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area Precinct
 R-Code : R20
 Use Type : Residential
 Use Class : 'P' - permitted

Site Details

Lot Area : 332sqm
 Street Tree(s) : Y
 Street Furniture (drainage pits etc.) : None applicable
 Site Details : Refer to aerial photo above

[3620 Amended Plans 25 Doney Street Alfred](#)

DETAIL

Community Planning Scheme No. 5 (CPS5) and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
CP-78: Residential Development Part 3 Street walls and fences	Front fences within the primary street setback area that are visually permeable above 1.2 m of natural ground level, measured from the primary street side of the front fence.	The solid masonry wall does not meet the definition of visually permeable as per R-Codes.	This policy did not exist at the time at which the front fence in question was constructed. Despite this however, and in accordance with the existing policy, it is necessary to assess the impact of the fence as constructed, against the amenity provisions of Clause 7.8 of CPS5.	Absolute Majority decision of Council

P15/3620 - FRONT WALL ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT, 25 DONEY STREET, ALFRED COVE (AMREC) (ATTACHMENT)

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Clause 5.2.5 Site Lines	Fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.	The solid masonry wall does not meet the Site Lines requirements of the R-Codes.	Requires Design Principle assessment.	Manager Statutory Planning (MSP)
Clause 5.2.4 Street Walls and fences	Front fences within the primary street setback area that is visually permeable above 1.2m of natural ground level.	Fence as constructed is solid to a height of 1.8m.	Requires Design Principle assessment, and consideration of R Codes provisions under Version 1 1991.	MSP.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The application was not required to be the subject of public consultation pursuant to Part 4 of the R-Codes.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

P15/3620 - FRONT WALL ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT, 25 DONEY STREET, ALFRED COVE (AMREC) (ATTACHMENT)**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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development and the Residential Design Codes 2013.

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 the Applicant considers unreasonable, the Applicant can apply to have the decision reviewed by the SAT.

COMMENT

Retrospective planning consent is sought to retain a front fence. The fence is of solid masonry construction, has a rendered finish, and is constructed to a height of approximately 1.8m.

Under the current provisions of both Council policy and the R Codes, a front fence such as this would be required to be visually permeable above a height of 1.2m. This requirement enables the natural surveillance of the street, and enhances streetscape qualities.

P15/3620 - FRONT WALL ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT, 25 DONEY STREET, ALFRED COVE (AMREC) (ATTACHMENT)

The front fence in this case was constructed in 2000. At that time, whilst there was a need under the provisions of CPS5 for planning approval of the City to be issued, there were no specific Council policy provisions to dictate that visual permeability was a pre-requisite to approval, nor were there any specific provisions within the R Codes at that time to warrant the need for visual permeability. The 2002 version of the R Codes introduced for the first time, the need that front fences be designed to safeguard the streetscape and provide natural surveillance. This shift in policy emphasis came after the construction of the front fence in question.

In dealing with the subject front fence, whilst it is not strictly required that the City take into consideration the planning policy framework that existed at the time at which the fence was constructed, it is considered reasonable that the provisions of the R Codes that would have been applicable in 2000, be taken into consideration.

On that basis, had an application for planning approval been determined prior to the actual construction of the fence in 2000, then it is highly likely that the approval of the City would have been given for the design as constructed. This is because there were no specific policy provisions within the R Codes to require an alternative design, at that time.

In addition, whilst the wall is of solid construction, its overall appearance is of a high standard. There is a substantial street tree located to the front of the property, and this, coupled with the planting of climbing foliage which is established to the front face of the fence, softens its appearance and mitigates any adverse impact that might otherwise result. Furthermore, the fence does not extend the full width of the property, there being open access retained to a front carport. The existence of this car port ensures that the front fence does not obscure visibility for vehicles egressing from the adjoining rear lot. The fact that there is no footway to this side of Doney Street also assists with the latter.

CONCLUSION

The retention of the front wall is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies, are not compromised, particularly when the provisions of the 1999 version of the R Codes are taken into account. As such it is recommended that the application be approved via an Absolute Majority decision of Council pursuant to Clause 7.14(a) of CPS5.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3620)**ABSOLUTE MAJORITY APPROVAL**

At 8.33pm Cr Taylor-Rees moved, seconded Cr Schuster –

That the Council, by Absolute Majority decision, approve the retrospective application for the construction of an unauthorised front wall at 25A Doney St, Alfred Cove.

At 8.33pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

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

At 8.36pm, Cr Foxton left the meeting and returned at 8.37pm

At 8.52pm, Ms Young left the meeting and returned at 8.54pm

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

Disclosure of Interest

Item No.	T15/3619
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Cr Schuster is nominated as a participant in the planned study tour. Cr Schuster is advised no interest need be declared under the Local Government Act.
Request	To leave the meeting
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	T15/3619
Member	Cr R Willis
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Cr Willis has been nominated to attend the tour.
Request	To leave the meeting
Decision of Council	Not Applicable

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Elected Members Expenses
 Customer Index : Elected Members
 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 : Conference Expenses Accounts for Elected Members
 Responsible Officer : John Christie
 Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City, in association with the Southern Metropolitan Regional Council (SMRC), is currently reviewing both the waste collection and waste disposal services.
- Part of the waste disposal services review includes the review of emerging Alternative Waste Technology (AWT) and in particular Waste to Energy (WtE).
- An opportunity exists for Officers and Elected Members to attend a study tour and the World Waste to Energy City Summit in London from 19-20 May 2015.
- Three Elected Members have expressed an interest in attending the study tour and the World Waste to Energy City Summit in London from 19-20 May 2015.
- Council Policy *CP-092 Elected Members Professional Development* outlines the requirements for attendance at such events.
- Council approval is required where two or more Elected Members have requested to attend the same conference outside of Western Australia at the same time.
- Council approval is also required where an Elected Member does not have sufficient funds available in their Training and Development allocation to meet all associated costs.
- The total cost associated with the study tour and attendance at the World Waste to Energy City Summit in London from 19-20 May 2015 is as yet unknown, however it is estimated to cost between \$5,000 and \$7,000 per attendee.
- The SMRC recently resolved to fund 50 percent of all costs associated with Councillor Schuster to a maximum of \$4,500.
- This report recommends that the Council approve Councillors Robartson, Schuster and Willis to attend the World Waste to Energy City Summit in London and a study tour outside of Western Australia at the same time.
- The report also recommends that the City fund all costs associated with that attendance in accordance with Council Policy *CP-092 Elected Members Professional Development*.

BACKGROUND

At the 18 March 2014 Ordinary Meeting of Council, Council resolved as follows:

“That the Council:

1. *Requests the Chief Executive Officer to undertake a review of the City’s waste and recycling collection and disposal services and from this develop a Waste Management Strategy which inter alia:*
 - (a) *maximises the recovery of recyclable and re-useable materials from the City’s waste streams;*
 - (b) *ensures the City’s entire waste management service continues to be operated cost efficiently and with the maximum environmental effectiveness consistent with the program cost; consistent with the Council’s Waste Minimisation Policy;*

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

2. *The review is further to consider the changes taking place in waste management and resource recovery nationally and in Western Australia, assess these in developing the proposed Strategy and advise the Council of the likely future costs and implications of any reasonably possible changes on the City's operations and budgets, as well as the potential implications for customers of the City's service;*
3. *Acknowledges such a review may require external resources and requests it be funded, from the Refuse Facilities Reserve provided if that funding exceed;*
4. *With respect to the City's bulk waste verge collection service, which will be part of this review, the Council requests the Chief Executive Officer specifically to consider ways in which waste streams commonly found in these verge collections can be recovered and recycled, rather than landfilled; and,*
5. *The review of the strategy is to be provided to the Council by mid 2015 or earlier if found to be possible by the Chief Executive Officer.*

At 9.26pm the Mayor submitted the substantive motion as amended, which was declared

CARRIED (8/3)"

As a result of the regional implications associated with the review of disposal services, the Council further resolved the following at the Ordinary Meeting of Council on 19 August 2014:

"That the Council:

1. *Endorse the Southern Metropolitan Regional Council as the lead agency to undertake a regional review of waste disposal and develop a Regional Waste Management Strategy.*
2. *Requests the Southern Metropolitan Regional Council and the Regional Executive Group of the Southern Metropolitan Regional Council to undertake joint responsibility for the monitoring and oversight of the waste disposal review process.*
3. *Requests the Chief Executive Officer to respond in writing to the Southern Metropolitan Regional Council confirming acceptance of their offer to take a lead role with the regional review of waste disposal.*
4. *Notes that all other aspects of the 18 March 2014 Council Resolution will be implemented and a further report will be prepared and presented to a future meeting of the Council no later than 30 June 2015."*

Point 2 of the Council Resolution from 18 March 2014 above, requests that the review is further to consider the changes taking place in waste management and resource recovery nationally and in Western Australia.

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

As a result of recent advancements in Alternative Waste Technologies (AWT) and in particular Waste to Energy (WtE) over the past 18 months, it is clear that WtE is an AWT that the City and other Member Councils of the SMRC should consider as a viable waste management solution into the future.

To better understand the WtE technologies' and their influence on holistic waste management and the environmental impacts on surrounding local communities, the Chief Executive Officer (CEO) and the Director Technical Services attended a study tour to Japan in April and May 2014. This study tour was investigating only one type of WtE technology, that of thermal combustion (incineration).

An opportunity now exists to review different emerging WtE technologies, other than thermal combustion and the City has been offered an opportunity to participate in a study tour. This study tour would also include attendance to the World Waste to Energy City Summit in London from 19-20 May 2015.

DETAIL

As a result of this opportunity, the CEO placed the following item in the Elected Member's Bulletin on Friday 20 February 2015.

***“PROPOSED ALTERNATIVE WASTE TECHNOLOGY (AWT) STUDY TOUR AND
WORLD WASTE TO ENERGY CITY SUMMIT 2015***

The City, along with other regional partners, have invested heavily into waste processing with the SMRC now valued at some \$100 million. As you know the SMRC are looking at the long term future of waste processing as well as this City and our regional partners. Transitioning to another technology and committing to long term agreements is an important matter for Council to consider and one where we need to understand to ensure risk mitigation. As Councillors will be aware, the City in conjunction with the SMRC is currently reviewing both its waste collection service and waste disposal options. Part of this review is considering the future possibility of Waste to Energy as an alternative to the current processing of Municipal Solid Waste at the Waste Composting Facility (WCF) at the RRRC in Canning Vale. This has become possible due to environmental approvals of W2E sites now being approved in the metropolitan area.

The remaining useful life of the Waste Composting Facility is approximately 8 years, however this life span is dependent on a number of factors, the most critical one is the current condition of the waste digesters and the slipping of the tyres that turn the digesters. The digesters are currently operating at approximately 75% capacity in an attempt to prolong the turning mechanisms without placing any additional strain in the tyres. This has been working successfully to date, however it is difficult to determine how long this can be maintained before a significant failure occurs. As a result, there is a need for the City and the other Members of the RRRC project to consider what the future holds for waste disposal and whether there is the need to transition to a waste to energy facility when it is operational.

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

As you can appreciate there are a number of different opinions on the AWT (gasification/incineration) and their impacts on the environment and public health. In order to ensure relevant Officers and Elected Members are well informed, an opportunity exists to attend a study tour in mid to late May 2015. The study tour, as I understand it other regional partners will attend, we propose to look at various types of W2E facilities on the way to London to attend the World Waste to Energy City Summit on the 19- 20 May (see link) <http://worldwastetoenergy.com/agenda/>

I am considering attending along with key staff and would like to extend an opportunity for interested Elected Members to attend, subject to the Elected Member having sufficient funds in their Conference Attendance Expense Account. Where an Elected Member does not have sufficient funds in their expense account, there would be a need to meet the short fall from their own personal funds, or request an item to Council seeking funds as per the City's policy..

My initial thinking regarding Elected Member attendance would be that perhaps the Current Chairman of the SMRC, Cr Schuster, should attend along with past SMRC Board members of Cr Robartson and Cr Willis, however I would be more than willing to discuss this in more detail with any Elected Member should they wish to attend. At this stage the full cost of the tour is not known, however it is expected to in the region of between \$5,000 and \$7,000 per person.

I would appreciate if you could consider the above and contact me to express your interest in attending or to discuss this matter in more detail."

Subsequently the CEO has received requests from Councillor Clive Robartson, Councillor Cameron Schuster (Chairman of the SMRC) and Councillor Robert Willis to participate in the study tour and to attend the World Waste to Energy City Summit in London from 19-20 May 2015.

As a result of three Elected Members requesting to attend the study tour and the world summit, there is a need for the Council to approve their attendance in accordance with Council Policy CP-092 – *Elected Members Professional Development*.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No consultation with the Community has been undertaken in regard to this report.

II. OTHER AGENCIES / CONSULTANTS

There has been consultation with the City of Cockburn who are taking the lead with regard to planning and coordinating the study tour.

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

As a member of the SMRC the City has a statutory and legal obligation to abide by the terms of the Establishment Agreement of the SMRC and the Project Participants' Agreement for the Regional Resource Recover Centre.

The review of waste disposal services will need to fully consider the impact of the City's legal obligations with regard to the Establishment Agreement of the SMRC and the Project Participants' Agreement for the Regional Resource Recover Centre.

FINANCIAL IMPLICATIONS

At this stage the exact cost of the study tour and attendance at the World Waste to Energy City Summit in London from 19-20 May 2015 are as yet unknown, however it is anticipated that cost would be approximately \$5,000 - \$7,000 per attendee.

The current balance of the Conference Attendance Expenses Account available for Councillor Clive Robartson is \$8,080.70.

The current balance of the Conference Attendance Expenses Account available for Councillor Robert Willis is \$6,597.00.

The current balance of the Conference Attendance Expenses Account available for Councillor Cameron Schuster is \$4,750.00.

Councillor Cameron Schuster is the Chairman of the SMRC and the SMRC has resolved to fund 50 percent of the cost to a maximum of \$4,500 for Councillor Schuster.

The below is an extract from the minutes of the Ordinary Meeting of the SMRC held 26 February 2015:

*“13.1 WORLD WASTE TO ENERGY CITY SUMMIT 2015**COUNCIL RESOLUTION*

15.02.23 *MOVED CR M MCPHAIL SECONDED CR S LEE*

1. *THAT THE SMRC CHAIRMAN ATTEND A STUDY TOUR INCLUDING THE WORLD WASTE TO ENERGY CITY SUMMIT 2015.*
2. *THAT THE REGIONAL COUNCIL REIMBURSE 50% OR UP TO THE VALUE OF \$4,500 TO THE CITY OF MELVILLE TOWARDS THE COST OF THE CHAIR'S TRAVEL AND CONFERENCE EXPENSES.*
3. *THAT THE SMRC CEO AND EXECUTIVE MANAGER STRATEGIC PROJECTS ATTEND A STUDY TOUR INCLUDING THE WORLD WASTE TO ENERGY CITY SUMMIT 2015.*

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

4. *THAT ON CONFIRMATION THAT THE CITY OF COCKBURN NOMINATES CR ALLEN, THE REGIONAL COUNCIL APPROVE A REIMBURSEMENT OF 50% OR UP TO THE VALUE OF \$4,500 TO THE CITY OF COCKBURN TOWARDS THE COST OF CR ALLEN'S TRAVEL AND CONFERENCE EXPENSES.*
5. *THE CEO REPORT BACK ON A PROPOSED ITINERARY STUDY TOUR FOR THE REGIONAL COUNCIL AS PER ITS RESOLUTION IN JUNE 2014.
CARRIED 3/-*

Given that the final cost of the study tour and attendance at the World Waste to Energy City Summit in London from 19-20 May 2015 is unknown and in accordance with the requirements of Council Policy CP-092 - *Elected Members Professional Development*, this report requests that the Council approve all additional expenditure above the amounts available in the Training and Development Accounts for Councillors Robartson, Schuster and Willis should this be required.

Albeit that the disposal service review is not concluded, but will consider AWT including WtE as a possible alternative to waste composting, the financial implications associated with future disposal costs of Municipal Solid Waste (MSW) are estimated to be as follows:-

The City generates approximately 33,000 tonnes of MSW per annum which is processed at the Regional Resource Recovery Centre's (RRRC) Waste Composting Facility (WCF) at a gate rate of \$226 per tonne. This equates to an annual estimated cost of \$7,458,000 for processing the City's MSW.

The preliminary estimated gate rate at the proposed WtE facility in Kwinana is expected to be in the range \$110 to \$130 per tonne, which is substantially less than the current gate rate at the WCF. If the City was to consider WtE as a viable alternative to waste composting, the City could potentially reduce disposal costs by approximately \$3,828,000 to \$3,168,000 per annum. When one considers the requirement to enter into long term contracts for supply of waste with WtE providers, then the potential savings over a 10 year period could be as much as \$38.28M.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is a requirement to ensure a quorum at Council and Committee meetings and while the remaining 10 Elected Members would constitute a quorum, should any of the remaining 10 Elected Members be unable to attend the Council meeting on 20 May 2015 and there is a need for a Special Majority, then it would be necessary to either defer any items requiring a Special Majority or hold a Special Meeting of Council either prior to, or after the study tour has concluded. The CEO will be able to identify if this does pose a problem as part of Agenda Settlement and the appropriate course of action can be taken.

There are no environmental management implications associated with this report as this report relates to the approval for Councillors Robartson, Schuster and Willis to attend the study tour and the World Waste to Energy City Summit in London from 19-20 May 2015.

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

CP-092 – *Elected Member Professional Development* has the following Policy Objective:

“In the interest of ensuring Elected Members understand their obligations as Elected Members, make well informed decisions and effectively represent their constituents, the City provides support for Elected Members to attend conferences, seminars, training and other professional development opportunities in order to develop and enhance their knowledge pertaining to their role.”

The Policy at point 4 – Conditions of Approval states as follows:

4. CONDITIONS OF APPROVAL

Approval should be obtained from the Council:

- *For attendance at Conferences/Training/Seminars after 30 June in the year an Elected Member’s term of office ends;*
- *Where two or more Elected Members have requested to attend the same conference outside of Western Australia at the same time;*
- *Where the Elected Member does not have sufficient funds available in their Training and Development allocation to meet all associated event costs.”*

With regard to this report only the second and third bullet points above apply and as such this report seeks the Council approval of these two points.

CP-092 – *Elected Member Professional Development* also states at point 1.1.6 as follows:

1. CONFERENCE/CONGRESS/SEMINAR/TRAINING COURSE ATTENDANCE

- 2.6 *The number of Elected Members attending a particular conference, seminar or training is to be limited to ensure that a quorum for Council and Committee meetings is maintained.*

During the anticipated period of absence there is an Ordinary Meeting of Council to be held on 20 May 2015; however with the remaining 10 Elected Members in attendance a quorum will be achieved. The Policy also states the requirements for Elected Members provide a written report as follows:

5. SHARING OF KNOWLEDGE

Within a reasonable timeframe, which should not exceed 60 days from the return from the conference/training/seminar the Elected Member shall provide a written report relating to the event for the information of other Elected Members and for the City’s records. The report shall be provided on the approved template and relevant conference papers shall be attached. The CEO will arrange for the report to be included on the Councillors Extranet.”

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)****[3619 CP 092 Elected Members Professional Development](#)**

The Council Policy CP-092 Elected Members Professional Development Policy was distributed to Elected Members on Friday 13 March 2015.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

As stated above, Council approval is required under *CP-092 Elected Members Professional Development* as a result of two or more Elected Members requesting to attend the same conference outside of Western Australia at the same time and where Elected Members do not have sufficient funds available.

The Council could resolve not to send three Elected Members and restrict the number to either two or one Elected Member. However given the valuable contribution to the SMRC and the extensive technical knowledge of waste management of Councillors Robartson, Schuster and Willis it is considered appropriate that they attend.

The Council could resolve to approve the attendance of Councillors Robartson, Schuster and Willis, however not approve any additional expenditure beyond the amounts available in their Training and Development Accounts. However, given the need to fully understand the benefits and challenges associated with Alternative Waste Technologies and in particular Waste to Energy and the need to be fully informed when deciding the future of waste management for the City, it is reasonable to expect that the City should fund the study tour and not expect the Elected Members to fund any additional amount from their own personal finances.

CONCLUSION

Due to the large financial commitment associated with the management of waste and other reasons detailed above, it is considered essential that the City participates in the study tour and attends the World Waste to Energy City Summit in London from 19-20 May 2015. Attendance will help ensure officers and Elected Members have an enhanced understanding of the emerging waste technologies and impact they have on surrounding communities and the environment as a whole. By doing so, this will help ensure the City has gained critical knowledge of AWT and be in a knowledgeable position to make informed decisions in the future, particularly when the final proposals are presented as part of the disposal services review.

The City and the other Member Councils of the SMRC are at the crossroads when considering the future of waste management, not only for the South West Region but Western Australia as a whole. It is clear that officers and Elected Members alike need to be knowledgeable and informed about alternative waste technologies, including energy from waste to ensure effective decision making in the future.

Although the total cost associated with the study tour and the attendance at the World Waste to Energy City Summit in London from 19-20 May 2015 is unknown, early estimates suggest that the additional cost (above the amounts shown in the Training and Development Accounts for the Elected Members) would be quite minimal when considering the knowledge that would be gained by attending.

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

It is for these reasons it is recommended that the Council approve Councillor Robartson, Councillor Schuster and Councillor Willis to attend the study tour and the World Waste to Energy City Summit in London from 19-20 May 2015 and that the City covers all costs associated with their attendance in accordance with Council Policy CP-092 *Elected Members Professional Development*.

SUSPENSION OF STANDING ORDERS TO ALLOW ELECTED MEMBERS TO SPEAK MORE THAN ONCE ON AN ITEM

At 7.49pm Cr Pazolli, Seconded Cr Taylor-Rees –

That Standing Orders Local Law Clause 9.5 be suspended allowing Elected Members permission to speak more than once.

At 8.50pm the Mayor submitted the motion, which was declared

LOST (2/9)

Vote Result Summary	
Yes	2
No	9

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

**LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3619) APPROVAL

At 8.34pm Cr Macphail moved, seconded Cr Aubrey

That the Council:

1. In accordance with Council Policy – CP-092 Elected Members Professional Development, approves Councillor Clive Robartson, Councillor Cameron Schuster and Councillor Robert Willis to attend the World Waste to Energy City Summit in London from 19-20 May 2015 and a Study Tour outside of Western Australia at the same time.
2. Approves all expenditure associated with the Study Tour and the attendance at the World Waste to Energy City Summit in London from 19-20 May 2015 is funded by the City of Melville in accordance with Council Policy CP-091 *Elected Members Allowances and Expenses*.
3. Notes that 50 percent of all costs associated with Councillor Schuster's attendance, to a maximum of \$4,500, will be funded by the Southern Metropolitan Regional Council.

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

At 9.09pm, Cr Reynolds moved, seconded Cr Aubrey –

That the question be now put.

At 9.10pm, the Mayor submitted the motion which was declared

CARRIED (7/4)

Vote Result Summary	
Yes	7
No	4

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

LATE ITEM - T15/3619 – WASTE STUDY TOUR – ELECTED MEMBERS (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3619) APPROVAL

That the Council:

- 1. In accordance with Council Policy – CP-092 Elected Members Professional Development, approves Councillor Clive Robartson, Councillor Cameron Schuster and Councillor Robert Willis to attend the World Waste to Energy City Summit in London from 19-20 May 2015 and a Study Tour outside of Western Australia at the same time.**
- 2. Approves all expenditure associated with the Study Tour and the attendance at the World Waste to Energy City Summit in London from 19-20 May 2015 is funded by the City of Melville in accordance with Council Policy CP-091 Elected Members Allowances and Expenses.**
- 3. Notes that 50 percent of all costs associated with Councillor Schuster's attendance, to a maximum of \$4,500, will be funded by the Southern Metropolitan Regional Council.**

At 9.14pm the Mayor submitted the motion, which was declared

CARRIED (9/2)

Vote Result Summary	
Yes	9
No	2

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

CD15/8068 - NOTICE OF MOTION TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (REC) (ATTACHMENTS)

Ward : All
 Category : Strategic
 Subject Index : Meeting not coordinated by City of Melville
 Customer Index : Australian Local Government Association
 Disclosure of any Interest : Manager Neighbourhood Development Leanne Hartill has a declarable interest under the code of conduct as Chairperson of the Australasian International Association of Public Participation which position she holds arising from her employment with the City of Melville.
 Previous Items : N/A
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Christine Young
 Director Community Development

AUTHORITY / DISCRETION

DEFINITION

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

CD15/8068 - NOTICE OF MOTION TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (REC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- The National General Assembly of Local Government is an annual forum to discuss and debate issues of national importance
- The process provides for Councils to put forward motions for resolution at the Assembly to inform the Australian Local Government Association Board to drive improved outcomes for the local government sector at the national level
- Critical to this process is the involvement of local communities and the proposed motion for this Council to consider putting forward is a call to action and provides a framework for the Federal government to demonstrate core values of community engagement in the development of public policy.
- Council endorsement of a motion is required for it to be put forward to the Assembly
- City of Melville is a leader in the field of community and stakeholder engagement and the National General Assembly of Local Government provides a platform to demonstrate this leadership nationally.

BACKGROUND

The 2015 National General Assembly of Local Government (NGA) [8068 ALGA NGA15 Prog Reqo](#) is the opportunity for Councils to deliver their views and concerns as well as contribute individual experience and knowledge to debate on a broad set of national issues. The theme for this year's Assembly is 'Closest to the Community: Local Government in the Federation'. It reflects not only the dominant debate being pursued by the Australian Government, but also provides an opportunity to dig much deeper to discuss and debate the role of local government not just in the larger Federation, but in our communities.

This is an opportunity to contribute to policy discussions at a national level, most notably with key opportunity to engage with key decision makers, such as the Prime Minister, the Leader of the Opposition, the Deputy Prime Minister and the Leader of the Australian Greens.

The 2015 National General Assembly of Local Government will be held in Canberra from 14-17 June 2015.

An excerpt from National General Assembly of Local Government Call for Motions: [8068 LG Closest to the People Discussion Paper](#)

"The 2015 NGA is being held at an important time, not only for local government, but the Commonwealth, states and territories and the Australian people. It is a time when the Commonwealth Government has invited all interested parties to consider potential reform of the Federation and of taxation.

CD15/8068 - NOTICE OF MOTION TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (REC) (ATTACHMENTS)

While the Government recognises that the current Federation has given rise to '... a vibrant democracy, a strong economy and a cohesive society that millions of migrants have chosen to join, it also suggests that over time, it has '... increased the overlap of roles and responsibilities between spheres of government and reduced accountability to voters, created duplication and blame - shifting. The Prime Minister has frequently alluded to this problem, and has established a White Paper process on the Reform of the Federation, and a

White Paper on Taxation to address these issues. The White Paper on the Reform of the Federation will '... seek to clarify roles and responsibilities to ensure that, as far as possible, the States and Territories are sovereign in their own sphere, so that voters know who is responsible for what'.

.....Local Government is therefore an important partner and stakeholder in the development of a national consensus on any reform proposal and should help shape this debate and make its contribution to the White Paper process. The Australian Local Government Association (ALGA) has had input to these papers, and in consultation with state and territory local government associations has made submissions on relevant matters."

One of the resolutions from the 2014 National General Assembly was that:

"It is imperative that the Commonwealth consult with local government, the states and territories and local communities in the development of the White Paper on Reform of the Federation and the White Paper on Taxation; that the Government's White Papers must genuinely reflect the wishes of the Australian people; and that future Federal - state and local financial relationship arrangements must ensure long term sustainable distribution of taxation revenues between the levels of government that are commensurate with the roles and responsibilities of each level government in our modern Federation."

The proposed motion to be put forward by the City of Melville provides an internationally recognised framework for future consultation processes and sets out the core values of public participation that we encourage the Federal government to demonstrate.

Motions that are carried at the National General Assembly become resolutions. These resolutions are referred to the Australian Local Government Association Board to inform future policy initiatives and for consideration in the development of future work programs.

Resolutions of the 2014 National General Assembly of Local Government [8068 Resolutions 2014 NGA](#) are attached for information.

DETAIL

The National General Assembly of Local Government is an important opportunity for Council to influence the national policy agenda.

CD15/8068 - NOTICE OF MOTION TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (REC) (ATTACHMENTS)

To be eligible for inclusion in the National General Assembly Business Papers and then debate on the floor of the Assembly, motions must follow the following principles:

1. Be relevant to the work of local government nationally;
2. Be consistent with the themes of the Assembly
3. Complement or build on the policy objectives of your state and territory local government association propose a clear action and outcome
4. Not be advanced on behalf of external third parties which may seek to use the National General Assembly to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

Motions should generally be in a form that seeks the National General Assembly's support for a particular action or policy change, at the Federal level which will assist local governments to meet local community needs.

The City of Melville is a national and international leader in the field of community and stakeholder engagement and the proposed motion from the Council to the National General Assembly of Local Government demonstrates this leadership.

STAKEHOLDER ENGAGEMENT

Not applicable for this advocacy approach

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Motion to put forward to the National General Assembly is not supported for inclusion by the selection panel	Minor consequences which are possible, resulting in a Medium level of risk	Provide detail on why this is a national issue of importance with far reaching community impact

CD15/8068 - NOTICE OF MOTION TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (REC) (ATTACHMENTS)**POLICY IMPLICATIONS**

The proposed motion to be put forward to the National General Assembly is in accordance with CP 002 Stakeholder Engagement Policy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternate option is to not support the inclusion of any motion or to modify the motion to be out forward to the National General Assembly.

The core values of public participation are internationally recognised best practice in the field of community and stakeholder engagement and any changes may detrimentally affect the context.

CONCLUSION

The City of Melville has a reputation for being a leader in local government in a number of fields as evidenced through benchmarking processes and customer feedback.

The National General Assembly of Local Government provides an opportunity for the Council to demonstrate its commitment to the involvement of citizens in decision making processes and lead the nation in challenging the Federal government to demonstrate similar commitment in the development of public policy.

CD15/8068 - NOTICE OF MOTION TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (REC) (ATTACHMENTS)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8068) APPROVAL**

That the Council endorse the following motion to be lodged with the National General Assembly of Local Government to be held in June 2015:

That the National General Assembly acknowledges the seven core values of public participation as leading positive practice for involving citizens in democratic decision making and requests the Australian Government demonstrate the use of these principles in the development of public policy.

CORE VALUES of Public Participation (Ref: International Association of Public Participation (IAP2))

1. Acknowledge that those who are affected by a decision have a right to be involved in the decision-making process.
2. Demonstrate how the public's contribution will influence the decision.
3. Promote sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
4. Seek out and facilitate the involvement of those potentially affected by or interested in a decision.
5. Seek input from participants in designing how they participate.
6. Provide participants with the information they need to participate in a meaningful way.
7. Communicate to participants how their input affected the decision.

At 9.14pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

**C15/8069 – HEATHCOTE PRECINCT 2014/2015 FEES AND CHARGES SCHEDULE
(AMREC) (ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Fees and Charges 2014/2015
 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 : C14/6069 – Consideration and adoption of the 2014/2015 Budget.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Leeann Reid
 Manager Cultural Services

AUTHORITY / DISCRETION

DEFINITION

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

**C15/8069 – HEATHCOTE PRECINCT 2014/2015 FEES AND CHARGES SCHEDULE
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Due to Challenger Institute of Technology (formally TAFE) terminating their lease for several buildings at the Heathcote Cultural Precinct the City will resume management of these facilities on the 1st April 2015.
- Part of the transition process requires the City of Melville to have an appropriate schedule of fees and charges for the hire of these facilities that can be levied from the 1 April 2015.
- The schedule of recommended fees and charges is based on similar levied facilities in the City of Melville and current Challenger Institute of Technology charges.

BACKGROUND

The Heathcote Cultural Precinct site is a significant regional recreation and cultural site for the City of Melville. In 1998, the site was passed from State control to the City of Melville management. At this time, a 99 year lease was also let between the then Department for Works and the City for Murray House. All other buildings on the site passed to the City of Melville to directly manage and control.

At this time, a Heathcote Coordination Agreement was developed that included a “Conditions on Title” (Heathcote Heritage Precinct Land). It outlines the permitted uses for each building in the control of the City of Melville and has a focus on community, art and cultural, creative and children’s uses. It also links Canning House with restaurant and cafe uses.

The City entered into a lease agreement for Canning House which has been operating as Blue Water Grill and now Blue Water Steak House.

Swan House was dedicated to a gallery/museum, play group/crèche facilities, toy library, and community spaces for hire. Management licences have been in place with the Melville Toy Library group, and the City of Melville Playgroup Association since this time.

Initially, the Administration Building and the Kitchen Building were also directly managed by the City with arts and creative activities focus with City of Melville staff based on site. This changed in 2001 when the City of Melville negotiated a lease (community not commercial) with Challenger Institute of Technology for the management and control of the Administration and Kitchen buildings, and the community hire of Swan House. This occurred due to demand for services from TAFE and, at that time, TAFE were delivering community education which duplicated what the City of Melville was providing on site. The annual lease fee paid by Challenger Institute of technology is \$642 per annum (Standard administration fee charged to community groups).

Challenger Institute of Technology ceased delivering community education several years ago and since then the Administration Building has been used for administrative staff. The Kitchen Building has been largely leased to several artists for studio space over this time.

**C15/8069 – HEATHCOTE PRECINCT 2014/2015 FEES AND CHARGES SCHEDULE
(AMREC) (ATTACHMENT)**

Challenger Institute of Technology entered into a sub-lease agreement for two thirds of Murray House with Integral Development (a for-profit Leadership group, with a not for profit arm – Integral Leadership Institute) in February 2013 for a two year period, with an option for a further one year lease to February 2016.

In the last few years, demand for Challenger services at this site has lessened, and with the centralising of Challenger services to a new facility in Murdoch, they now do not have the requirements for the site. In December 2014 Challenger Institute of Technology officially informed the City of Melville that they would relinquish their lease and hand back the management of the facilities to the City of Melville.

The Community Development Directorate is working closely with Challenger to ensure a smooth transition of facilities and processes to the City of Melville. Ensuring high levels of customer service are experienced by existing hires and future users of the facilities at Heathcote site is a high priority.

The City of Melville's Cultural Services staff, based at Heathcote Museum and Gallery, are developing processes to transition booking and levying of facilities on site as part of the immediate transition process.

DETAIL

Room hire and booking of facilities at Heathcote Cultural Precinct is a key activity currently managed by Challenger Institute of Technology for facilities on site. Continuation of this service is essential for immediate transition of the site management.

City of Melville Cultural Services staff, based at Heathcote Museum and Gallery, have been liaising with Challenger to transition processes for current users and future site bookings.

A fees and charges schedule has been developed specifically for the Heathcote site based on the analysis of similar City of Melville facilities and existing Challenger charges.

Longer term planning for the future use of buildings and activation of the site is being developed as part of the strategic plans for the City's Cultural Vitality Plan and the Future Plan for Libraries and Museums.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No public consultation has taken place in regards to the proposed 2014/2015 Heathcote Cultural Precinct Fees and Charges Schedule. On approval of the recommendation of attached fees and charges an advertisement and notices in accordance with the *Local Government Act 1995*, Section 6.19 imposing fees and charges will be enacted.

**C15/8069 – HEATHCOTE PRECINCT 2014/2015 FEES AND CHARGES SCHEDULE
(AMREC) (ATTACHMENT)**

Section 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Section 1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district; and
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and
- (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

II. OTHER AGENCIES / CONSULTANTS

Challenger Institute of Technology has been consulted in reference to their current fees and charges schedule. This information has been used to help inform the development of the proposed 2014/15 Heathcote Cultural Precinct fees and charges schedule.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995

1.3. Content and intent

Section 1.3 (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.

Divisions 5 and 6 of the *Local Government Act 1995* refer to the setting of budgets and the raising of rates and charges and fees and charges.

The 2014/2015 Heathcote Cultural Precinct Fees and Charges Schedule as presented is considered to meet these statutory obligations.

**C15/8069 – HEATHCOTE PRECINCT 2014/2015 FEES AND CHARGES SCHEDULE
(AMREC) (ATTACHMENT)**

FINANCIAL IMPLICATIONS

Implications for Heathcote Cultural Precinct users will include:-

- Various fees and charges as detailed in the attached 2014/2015 Heathcote Cultural Precinct Fees and Charges Schedule.

Current base income per year that Challenger Institute of Technology receives on the hire of rooms plus art studio leases is approximately \$57,000pa. This reflects a potential income from Mar 31 – June 30 2015 of \$16,442. Staff are confident with more aggressive marketing and increase in uses in the Administration building income would increase.

Funds of \$9,400 are required to manage the site from April to June 2015 and have been located in the Community Development Directorate from salary savings.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
As a result of the proposed fees and charges there are reduced bookings of the facilities on site.	Moderate consequences which are unlikely, resulting in a Low level of risk	Analysis of existing charges as well as current City of Melville charges at similar facilities to establish proposed schedule.

POLICY IMPLICATIONS

Fees and Charges are part of the City of Melville's annual budget process. The budget has been developed on the principles outlined in Council's policies CP-008 Financial Sustainability – Forward Financial Planning and Funding Allocation Policy and CP-024 Borrowings and Asset Financing Policy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Alternate options could include a third party management of the site and thus their fees and charges. Due to the short lead in time Challenger Institute of Technology have provided the City of Melville this is not recommended as the preferred short term model. Alternative models will be explored in the longer term strategic planning for the site.

CONCLUSION

Due to Challenger Institute of Technology terminating their lease for several buildings at the Heathcote Cultural Precinct the City of Melville will resume management of these facilities on the 1st April 2015.

**C15/8069 – HEATHCOTE PRECINCT 2014/2015 FEES AND CHARGES SCHEDULE
(AMREC) (ATTACHMENT)**

Part of the transition process requires the City to have an appropriate schedule of fees and charges for the hire of these facilities that can be levied from 1 April 2015. The schedule of recommended fees and charges is based on similar levied facilities in the City of Melville and current Challenger charges. [8069 Fees and Charges 2014-2015.](#)

Section 6.16 of the *Local Government Act 1995* allows a Local Government to impose by absolute majority decision a fee or charge for any goods or services it provides or proposes to provide other than a service for which a service charge has been imposed.

The fees are to be imposed when adopted by Council but may, subject to giving local public notice, be imposed or amended from time to time during the financial year.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8069)
ABSOLUTE MAJORITY**

At 9.15pm Cr Schuster moved, seconded Cr Reynolds –

That by Absolute Majority Decision of the Council, in accordance with Section 6.16 of the *Local Government Act 1995*, the 2014/2015 Heathcote Cultural Precinct Schedule of Fees and Charges attached be adopted and the new fees be applicable from 1 April 2015.

At 9.15pm the Presiding Member submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. EN BLOC ITEMS

At 9.15pm Cr Willis moved, seconded Cr Robartson –

That the recommendations for items, M15/6078, M15/5407, P15/3615, M15/5000, C15/6000, C15/6001 and C15/8068 be carried En Bloc.

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

CARRIED UNANIMOUSLY (11/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 9.16pm.