

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 18 FEBRUARY 2014

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 18 FEBRUARY 2014.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr M Reynolds (Deputy Mayor)
Cr N Foxton
Cr D Macphail, Cr R Aubrey
Cr R Willis, Cr C Robartson
Cr C Schuster, Cr N Pazolli
Cr S Taylor-Rees
Cr R Hill, Cr P Phelan

WARD

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

3. IN ATTENDANCE

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

At the commencement of the meeting there were 11 members of the public and one member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Cr J Barton – Bicton/Attadale Ward

At 6.37pm Mr Tieleman left the meeting and returned at 6.39pm.

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.

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

6. QUESTION TIME

6.1 – E Nielsen - Booragoon

Question 1

“With reference to the article in the Melville Times 11 Feb.2014 would the Mayor please Clarify why the Dadour provision (Schedule 2.1 of the Local Government Act) will not apply to the City of Melville residents?”

Response

Mr Nielsen's question is answered in the Melville Times in that "The provision (Dadour Provision) only comes into effect when two or more Councils are abolished and merged into one body. In the case of the City of Melville, the new council is considered a boundary change only as the City will remain as an entity."

Schedule 2.1 of the Local Government Act 1995 confirms that when two or more districts are to be abolished and amalgamated into one or more districts, poll provisions may be requested by electors. A poll is not required where there is a boundary change between two local governments

6.2 – M Nichol - AttadaleQuestion 1

With respect to agenda item 8.4 – minutes of special meeting of electors 17 December 2013

Recommends

- 1. That minutes of this meeting be confirmed as a true and correct record*
- 2. That the following resolutions of the meeting be noted-*

That the City of Melville forms a working party to evaluate all options for the reinstatement of the closed Attadale foreshore pathway including erosion control and implement the preferred option.

The resolution then goes on to describe who will constitute the working party and when it will first meet.

The recommendation only notes the resolution; does council intend to proceed further with this matter in recognition of the Electors' wishes?

Response

His Worship the Mayor responded by saying that the Council resolved the following at its Meeting on 19 of November 2013:

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

That the costing and feasibility of foreshore rehabilitation be considered on the eroded area and adjacent areas of the foreshore in association with the Swan River Trust, Department of Parks and Wildlife and Friends of Attadale Foreshore.

This is the resolved position of Council and Officers are implementing this resolution.

6.3 – G Vantsant - BatemanQuestion 1

Can you could register my objection to the lane closure as I cannot attend the meeting this evening

But wish to ensure that it does not get approved because we cannot be there?

Many attended the agenda meeting but cannot attend tonight. Will our objections still be recognised?

Response

His Worship the Mayor responded by saying that yes all objections will be recognised. The residents who have sent in emails and all submissions have been considered as part of the report.

6.4 – E Nicholson - Applecross

Question 1

On what date will the CEO have the complete task of audio recording of all Ordinary and Special council meetings operational?

Response

The Governance and Compliance Program Manager responded by saying that a contract has been let and recordings will commence at the April 2014 Ordinary meeting of the Council .

6.5 – B Rettinger

Question 1

What is the status of the replacement of the light towers in the Len Shearer Reserve?

Response

The Director of Technical Services responded by saying the City removed the towers as a result of a failure in one of the fastening bolts in one of the towers. The City is currently in the process of procuring an independent structural engineer with the skills and knowledge to undertake an assessment of the towers.

Until this work is complete, the City cannot commit to reinstating the lights which could take a number of weeks to complete. The City is progressing in this matter as quickly as it can; however public safety is the main concern.

7. AWARDS AND PRESENTATIONS**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 10 DECEMBER 2013**
Minutes 10 December 2013**COUNCIL RESOLUTION**

At 6.46pm Cr Aubrey moved, seconded Cr Willis –

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 10 December 2013, be confirmed as a true and accurate record.

At 6.46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 4 FEBRUARY 2014
Notes 4 February 2014**COUNCIL RESOLUTION**

At 6.46pm Cr Hill moved, seconded Cr Reynolds –

That the Notes of the Agenda Briefing Forum held on Tuesday, 4 February 2014, be received.

At 6.46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.3 SPECIAL MEETING OF COUNCIL – 9 DECEMBER 2013
Minutes 9 December 2013**COUNCIL RESOLUTION**

At 6.46pm Cr Schuster moved, seconded Cr Aubrey –

That the Minutes of the Special Meeting of Council held on Monday, 9 December 2013, be confirmed as a true and accurate record.

At 6.47pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

8.4 ANNUAL GENERAL MEETING OF ELECTORS – 11 DECEMBER 2013
Minutes 11 December 2013**COUNCIL RESOLUTION**

At 6.47pm Cr Aubrey moved, seconded Cr Hill –

That the Minutes of the Annual General Meeting of Electors held on Wednesday 11 December 2013, be confirmed as a true and accurate record.

At 6.47pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

For: Mayor Aubrey, Cr Aubrey, Cr Foxton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis
Against Cr Pazolli, Cr Taylor-Rees

8.5 SPECIAL MEETING OF ELECTORS – 17 DECEMBER 2013
Minutes 17 December 2013**COUNCIL RESOLUTION**

At 6.48pm Cr Macphail moved, seconded Cr Reynolds –

- 1. That the Minutes of the Special Meeting of Electors held on Tuesday, 17 December 2013, be confirmed as a true and accurate record.**
- 2. That the following resolutions from the meeting be noted -**

That the City of Melville form a working party to evaluate all options for reinstatement of the closed Attadale Foreshore Pathway, including erosion control and implement the preferred option:

- 1. The evaluation process shall include representatives from the Swan River Trust, the Department of Parks and Wildlife and Friends of Attadale Foreshore (Inc.) and have the ability to co-opt other community groups and specialist as required.**
- 2. The initial meeting shall be convened on a Thursday in February, following Council's Ordinary Meeting in February 2014 and continuing fortnightly thereafter.**

At 6.48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

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

- P14/3461 – Mayor R Aubrey – Proximity Interest in Accordance with the Act

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- P14/3463 – Mayor R Aubrey – Interest under the Code of Conduct
- P14/3463 – Cr N Pazolli – Interest under the Code of Conduct
- P14/3463 – Cr M Reynolds – Interest under the Code of Conduct
- P14/3463 – Cr C Schuster – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

12. PETITIONS

Nil

13. 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.

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2013-1353
 Property : Lot 654 (No. 45) Ardross Street, Applecross
 Proposal : Additions and alterations to an existing building
 Applicant : Archistruct Builders and Designers
 Owner : Acr Property Investments Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P08/3055 – Three Storey Mixed Use with Undercroft Carparking Plus Additional Second Storey Office Development on Lot 645 (45) Ardross Street, Applecross - Ordinary Meeting of Council 16 December 2008
 P11/3217 – Change of Use from Restaurant to Use Not Listed (Small Bar) at Units 1 & 2, 45 Ardross Street, Applecross - Ordinary Meeting of Council – 21 June 2011
 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>

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPLECROSS (SMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought to undertake additions and alterations to the existing building at 45 Ardross Street, Applecross.
- The subject building accommodates Jac's bar and restaurant on the ground floor, and a Real Estate office/business to the first floor.
- The proposal is compliant with the provisions of Community Planning Scheme No. 5 (CPS5) and Council policies with the exception of variations to plot ratio and car parking.
- The application was the subject of public consultation which resulted in the receipt of one submission in support, and two submissions opposing the development.
- It is considered in principle that the proposed development satisfies the requirements of CPS5 and Council Policy as no significant adverse impacts are likely to result.
- In accordance with Clause 4.2 of CPS5, the proposal requires a Special Majority decision of Council in relation to the plot ratio variation and an Absolute Majority decision in relation to the car parking variations.



P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654 (NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**BACKGROUND**

In December 2008 planning approval was granted by the City's Development Advisory Unit for the construction of a mixed use development on the subject site. The plot ratio of the approved development was 0.9. This planning approval has now lapsed.

In June 2011, Council granted planning approval for a change of use of the ground floor tenancy of the premises from a Restaurant to a Small Bar. The approved change of use complied with the on-site car parking requirements of Council Policy 078: Car Parking (Non-Residential) as the number of patrons was restricted via a condition of approval as follows:

- 3 Patron numbers are restricted to:
- (a) Monday to Friday prior to 6pm and Saturdays prior to midday, a maximum of 48 patrons; and
 - (b) Monday to Friday after 6pm, Saturdays after midday and on Sundays, a maximum of 68 patrons.

The subject building currently contains Jacs Applecross Bar and Restaurant on the ground floor level and Mont Property on the first floor.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Community Centre
R-Code	: R40
Use Type	: Restaurant and Office
Use Class	: P – Permitted

Site Details

Lot Area	: 1,012sqm
Street Tree(s)	: Yes, six adjacent street trees all retained
Street Furniture (drainage pits etc)	: Yes, bike rack, shade umbrellas and planter boxes all retained as existing
Site Details	: Refer to photo above

[3453 3D Perspective 1 Lot 654 \(No.45\) Ardross Street Applecross](#)
[3453 3D Perspective 2 Lot 654 \(No.45\) Ardross Street Applecross](#)
[3453 Site Plan Lot \(No.45\) Ardross Street Applecross](#)

DETAIL

The ground floor additions comprise:

- The enclosure of an existing verandah at the south east corner of the building which will provide an area of 29m² additional enclosed floor space for the existing bar/restaurant.
- The addition of a lobby area along the MacDonald Road side of the building
- The extension of the kitchen to the rear of the building.
- The erection of a boundary fence around the existing car parking area to the rear of the building.
- The provision of three additional car parking spaces within the existing car parking area.

P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654 (NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

The first floor additions comprise:

- The extension of office space and creation of a lobby area along the MacDonald Road side of the building.
- The creation of additional office space and ancillary reception, tea rooms and toilets within the northern area of the property over the existing restaurant.

Patron numbers for the existing Small Bar do not increase as a result of the works proposed.

The proposal is generally compliant with the relevant provisions contained within CPS5 and Council policy with the exception of those matters addressed below.

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Plot Ratio	0.3	0.59	Does not comply	Special Majority decision of Council
Car Parking	<p><i>Restaurant</i> Monday to Friday prior to 6pm and Saturdays prior to midday, maximum of 48 patrons = 12 bays</p> <p>Monday to Friday after 6pm, Saturdays after midday and on Sundays, maximum of 68 patrons = 17 bays</p> <p><i>Office</i> 261sqm NLA = 6.53 (7) bays</p> <p><i>Total</i> Monday to Friday prior to 6pm and Saturdays prior to midday = 19 bays</p> <p>Monday to Friday after 6pm, Saturdays after midday and on Sundays = 24 bays</p>	<p>19 on-site bays proposed.</p> <p>Complies with parking requirements before 6pm (Mon-Fri) and Saturdays before midday.</p> <p>Five bay shortfall after 6pm (Mon-Fri), Saturdays after midday and Sunday.</p>	Does not comply	Absolute Majority decision of Council

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPLECROSS (SMREC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes.
 Reason: Variation to CPS5 and Council Policy
 Support/Object: Two objections and one letter of support.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	Traffic is already heavy and there is insufficient parking currently. Privacy of the submitter's property will be compromised.	Objection	The proposal satisfies the City's on-site car parking requirements except after 6pm Monday to Friday, Saturdays after midday and Sunday. However, during these times other public parking bays within the vicinity will be available as the majority of the retail uses within Applecross Village being closed for trading at those times. The proposed development satisfies the City's visual privacy requirements set out within Council Policy 087: Non-Residential Development.	Not Uphold Not Uphold
2.	The plot ratio variation offers no benefit to the area and would set a precedent in the Village.	Objection	The subject site is strategically located at the southern entrance to the Applecross Village. It is considered that the proposed scale and design will enhance the setting of the building at this the southern gateway to the shopping centre.	Not Uphold

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

	No additional parking is being provided and the development will increase the existing parking problems in the Village.		Three additional car parking bays are proposed as part of this development. Also refer to comment above in respect of car parking provision.	Not Uphold
3.	The proposed works will enhance the building which is an entry statement building to Applecross Village. The development will hopefully attract more people to the area.	Support	The location of the building at the southern entrance to the Applecross Village is acknowledged.	Noted

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants is required by this application.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for Planning Approval, the applicant will have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

None applicable in respect of this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal generally complies with Council Policy except in respect of the car parking requirements set out within Council Policy CP-079 – Car Parking (Non-Residential). (Refer to comment section of this report).

The applicant has a right of appeal to the State Administrative Tribunal.

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPLECROSS (SMREC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Approval of this proposal requires a Special Majority decision of the Council by virtue of the proposed plot ratio variation. Council may refuse the application on the basis of the plot ratio, and/or car parking variations. However, in this instance, it is recommended that the proposal be approved for the reasons outlined below.

Council may also impose additional conditions of planning approval, however any such conditions are required to be lawful and relate to planning matters only.

COMMENTS*Plot Ratio*

CPS5 prescribes a maximum plot ratio of 0.3 (303.6m²) for the subject site. The proposed additions and alterations to the ground and first floor will result in a plot ratio of 0.59 (601.1sqm). The existing plot ratio is 0.27.

Clause 4.2 of CPS5 allows plot ratio to be varied subject to a Special Majority decision of the Council. The proposed increased plot ratio is supported for the following reasons:

- The additional upper floor area is located facing Ardross Street, and will be viewed in a commercial context given the location of the site within a Community Centre precinct.
- The extension and upgrade of the building is well designed, using a varied palette of building materials in terms of both texture and colour.
- The upgraded building will visually enhance the southern gateway to the Applecross Village.
- Given the additional upper floor area will face Ardross Street, the resultant increase in plot ratio will not result in any adverse impacts for domestic occupiers of surrounding dwellings.
- The proposal satisfies the CPS5 requirements in relation to building height and setbacks.
- The proposed plot ratio variation is significantly less than the 0.9 plot ratio previously endorsed by the Council for the redevelopment of this site in 2008. In addition, it is noted that the proposed redevelopment of 31F Ardross Street which is located at the northern entrance to the Applecross Village, was approved by Council in 2013 with a plot ratio of 1.259.

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)***Car Parking*

Given the existing restriction on patron numbers, and taking into account the extent of the proposed building additions, Council Policy-079 – Car Parking (Non-Residential) requires a minimum of 19 car parking bays Monday – Friday before 6pm and Saturdays before 12pm, and 24 bays outside of these times.

A total of 19 car parking bays will be available. This level of provision satisfies the requirements of Council Car Parking policy Monday – Friday before 6pm and Saturdays before 12pm, but represents a five bay shortfall outside those times.

This five bay variation is however supported on the basis that public car parking within the surrounding area will be available during these times as the majority of retail and office uses operating within the Applecross Village will be closed.

It is also noted that bicycle racks are provided within the road reserve adjacent to the subject site on Ardross Street which staff and patrons could utilise.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5 and the Council's Amenity policy. It is concluded that the high quality design of the development will enhance the overall amenity of the locality.

CONCLUSION

It is considered that, subject to the imposition of appropriate conditions, the proposed development satisfies the provisions and requirements of CPS5 and Council policy. Accordingly, it is recommended that approval be granted subject to a Special Majority decision of the Council.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3453)**SPECIAL MAJORITY APPROVAL**

At 6.55pm Cr Schuster moved, seconded Cr Pazolli –

That the Council, approve by a Special Majority decision, the application for additions and alterations to the existing building at Lot 654 (No. 45) Ardross Street, Applecross, subject to the following conditions:

- 1. Prior to the initial occupation of the development, the boundary wall along the north-western boundary shall be finished to the same standard as the rest of the building to the satisfaction of the Manager Statutory Planning.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. No service delivery vehicles are to visit the site outside the hours of 7:00am to 7:00pm Monday to Sunday.**

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

4. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning.
5. Prior to the commencement of the development, the street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.
6. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved in writing by the Manager Statutory Planning. The objective of the landscaping plan is to soften the appearance of the car parking area as viewed from MacDonald Road and the adjacent right of way. The landscaping plan is to include details of (but not limited to):
 - (a) The location, number and type of proposed trees and shrubs including size and planting density;
 - (b) Any lawns to be established;
 - (c) Any existing vegetation and/or landscaped areas to be retained; and
 - (d) Any verge treatments.

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

7. Prior to the initial occupation of the development, a rubbish storage area is required to be constructed and maintained in perpetuity to the satisfaction of the Manager Statutory Planning.
8. The car parking area accessed via MacDonald Road is to be available for parking of staff and customers at all times businesses are operating from the property.

ADVICE NOTES

1. Please note, the patron numbers of the Small Bar on the ground floor remain restricted to the following at any one time as per planning approval DA-2011-117:
 - Monday to Friday prior to 6pm and Saturdays prior to midday, a maximum of 48 patrons;
 - Monday to Friday after 6pm, Saturdays after midday and on Sundays, a maximum of 68 patrons.

Any proposal to increase patron numbers will require further planning approval.

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

2. To enable the easy removal of graffiti, it is encouraged that ground floor level of the building/s and wall/s is/are to be treated with a non-sacrificial anti-graffiti agent.
3. The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from www.slp.wa.gov.au
4. In order to satisfy Condition (5), the following measures (at a minimum) are required:
 - A Tree Protection Zone (TPZ), in the form of a mesh fence (or similar material) is to be installed around each street tree prior to the commencement of works on site, and retained in place until the completion of the development.
 - The TPZ is to have a radius of no less than 1.2m from the outside of the trunk of the street tree.
 - Once established, no persons, vehicles or machinery are to enter the TPZ.
 - No stockpiling of building materials, debris or soil is to occur within the TPZ.
 - No fuel, oil dumps or chemicals are allowed or stored within the TPZ.
 - No signage or other fixtures are to be attached to the tree.
 - The natural ground level of the verge is not to be altered.
 - All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.
5. The rubbish storage area as required by Condition (7) is to satisfy the following:
 - (a) is provided with a tap and connected to an adequate supply of water;
 - (b) is of sufficient size to accommodate all receptacles used on the premises;
 - (c) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness;
 - (d) having walls not less than 1.5 metres in height and having an access way of not less than one metre in width and fitted with a self closing gate;
 - (e) containing a smooth and impervious floor -
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) provided with an adequate liquid refuse disposal system.

**P14/3453 - ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING AT LOT 654
(NO. 45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

6. This development constitutes a “Food Business” as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards. For further information please contact the City’s Health Services.
7. This development constitutes a “Public Building” as per Section 173 of the *Health Act 1911* and therefore shall comply with the provisions of the *Health (Public Building) Regulations 1992*. For further information please contact the City’s Health Services.
8. The overhang of the proposed louvers over the road reserve may require Ministerial approval under the provisions of Section 400 of the *Local Government Act (Miscellaneous Provisions) 1960*.

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

CARRIED UNANIMOUSLY BY SPECIAL MAJORITY (12/0)

P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2013-920B
 Property : Lot 899 (18A) Tweeddale Road, Applecross
 Proposal : Amendment to approved plans for DA-2011-439 for a three storey (with undercroft) multiple dwelling development
 Applicant : Tuscom & Associated Pty Ltd
 Owner : T and P The
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P12/3308 – Three Storey Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 15 May 2012
 P12/3329 – Confidential Item – Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 18 September 2012
 P12/3347 – Late and Confidential Item – Reconsideration of Three Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 16 October 2012
 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>

P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval DA-2011-439 was granted by Council on 16 October 2012 for the construction of a three-storey (with undercroft) multiple dwelling at 18A Tweeddale Road, Applecross.
- Planning approval is now sought to undertake amendments to the approved plans.
- The proposed changes result in additional variations to Community Planning Scheme No. 5 (CPS5) and Council Policy in relation to building height and plot ratio.
- The proposed increase to the approved height and plot ratio are considered to be minor and are not anticipated to result in any significant amenity impacts upon the adjoining properties or streetscape.
- The proposed building height variation requires an Absolute Majority decision of Council, whilst the plot ratio variation requires a Special Majority decision.
- It is recommended that the Council grant approval.



P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

The existing approved development was originally refused at the Ordinary Meeting of Council held on 15 May 2012 for the following reason:

“The proposed development would, by virtue of its height, conflict with the provisions of Council Policy CP-066 Height of Buildings and on that basis would be of detriment to the character of the locality, contrary to Clause 7.8 of the City of Melville Community Planning Scheme No. 5.”

An appeal was subsequently lodged with the State Administrative Tribunal (SAT), and the matter proceeded to mediation.

As a result of the mediation process, the parties agreed that the applicant would amend the plans and reduce the overall height of the development by 300mm. In addition it was also agreed that the balustrades to the rear balconies would be amended to include obscure glazing.

Revised plans were subsequently prepared and submitted to the City for consideration which reduced the maximum height by 372mm and included the obscure glazing panels to the rear balconies.

The revised plans were considered by Council at its Ordinary Meeting held 18 September 2012 in accordance with Section 31 of the State Administrative Tribunal Act 2004. Council at this meeting refused the application for the following reason:

“The proposed development would, by virtue of its height, conflict with the provisions of Council Policy CP-066 Height of Buildings and on that basis would be of detriment to the character of the locality, contrary to Clause 7.8 of the City of Melville Community Planning Scheme No. 5.”

However, at the same meeting of Council, item P12/3340 – Three Storey Single House at Lot 899 (18A) Tweeddale Road, Applecross was approved. The design of the approved Single House was almost identical to the Multiple Dwelling development which was refused.

Following this meeting, SAT issued a further consent order for Council to again reconsider its decision.

On 16 October 2012, Council granted approval to the development.

The development as approved included the following variations to CPS5, the R-Codes and Council Policy:

Building height – 10.13m in lieu of 9.0m

Plot ratio – 0.94 in lieu of 0.5

Storage facilities – 1.2m minimum dimension in lieu of 1.5m.

Various setbacks to the eastern and western boundaries

P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area A3 – Applecross
R-Code	: R30
Use Type	: Residential
Use Class	: P – Permitted

Site Details

Lot Area	: 613 m ²
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer to photo above

[3454 Elevations 18 Tweeddale Road Applecross](#)

DETAIL

The proposed amendments include:

- Modification to the internal wall layouts for Bedroom 1 in each apartment;
- Internal changes to the configuration of the stairs/lift and lobby spaces;
- Extensions on the ground floor, first floor and second floor levels to provide an additional bedroom/study on each level at the front of the building;
- Minor changes to the positioning of several windows;
- The provision of a small Juliet balcony to the new bedrooms on the first and second floors; and
- Modifications to the retaining and landscaped areas to the north of the building.

The proposed amendments have been assessed against all of the relevant provisions of CPS5, the R-Codes and the applicable Council Policies. The proposed amendments are consistent with the previous approval with the exception of those matters listed below.

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	9m	10.29m (previously approved as 10.13m)	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority decision of Council
Plot Ratio	0.5	1 (previously approved as 0.94)	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Special Majority decision of Council

P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

The previous application was the subject of public consultation and two submissions in objection to the proposed height were received.

Due to the scale and design of the proposed modifications, no additional public consultation was considered to be required pursuant to Clause 7.5 of CPS5 and Part 4 of the R-Codes.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the applicant will have the right to have the decision reviewed in accordance with part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no anticipated strategic, risk or environmental management implications associated with this proposal.

POLICY IMPLICATIONS

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

The objective of Policy CP-066 is

“...to provide guidance regarding the interpretation and application of building height controls throughout the City, in order to ensure that the height of buildings is consistent with the desired character of the locality, in the interests of residential and visual amenity”.

Further justification in relation the height variation sought is contained under the comments section below.

P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

A Special Majority decision of the Council is required in respect of the approval of this application. Council could refuse to grant consent on the grounds that the amendments would result in the development being contrary to the orderly and proper planning of the locality. However, this course of action is not recommended for reasons detailed in support of the application below. Should the application be refused, the Applicant will have a right of appeal to the SAT.

COMMENT

The proposal has been assessed against all of the relevant provisions of CPS5, the R-Codes and applicable Council Policies. The proposed amendments are generally consistent with the previous approval with the exception of building height and plot ratio. These matters are addressed below.

Building Height

The development as previously approved had a maximum height of 10.13m in lieu of 9m. It is proposed to increase the maximum height by 0.16m to 10.29m.

The proposal has subsequently been assessed in accordance with the objectives of the Policy and the relevant Design Principle of the R-Codes and is supported for the following reasons:

- The scale of the proposed increase, at 16cm's (0.16m) is minor in the context of the three storey building proposed.
- There are a number of examples of existing buildings, particularly on the southern side of Tweeddale Road which are greater than 10.5m in height. It is however noted that lots to the south are zoned 'Canning Bridge Frame' and as such, are subject to higher building height provisions in comparison to the subject site.
- Whilst concerns previously raised in relation to building height as part of the previous application are acknowledged, the development is seen to counter all detrimental impacts created to the residents to the rear through the provision of rear setbacks which exceed the relevant R-Code acceptable development provisions by approximately 2m to 10m across all floors.
- The proposed dwelling is in character with the surrounding area and is considered to be comparable in scale to the adjoining eastern dwelling which has a maximum building height of 10.5m, albeit to the roof pitch.
- The building height variation does not result in any adverse overshadowing impact to that otherwise allowed under the Deemed-to-Comply provisions of the R-Codes.
- The height of the proposed development is less than that which was previously approved by the City in 2010 for the construction of a single house on the subject lot.

P14/3454 – AMENDMENT TO APPROVED PLANS FOR DA-2011-439 FOR A THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)*Plot Ratio*

The development as previously approved had a plot ratio of 0.94 (578sqm) in lieu of 0.5 (306.5sqm). It is proposed to increase the plot ratio of the proposed development to 1.0 (613sqm).

The proposal has subsequently been assessed in accordance with the relevant Design Principle of the R-Codes and is supported for the following reasons:

- The additional plot ratio is predominantly as a result of closing in areas which were previously approved as void spaces or extending a portion of the front façade out toward the street boundary. The modifications equate to an additional floor area of 35.4sqm. The scale of the proposed increase is considered minor. Furthermore, no additional building bulk will result given the external built form will essentially remain the same.
- Plot ratio restrictions do not, in isolation, provide a good mechanism for the control of building bulk. In this regard, development standards relating to setbacks and building height have a direct impact on building bulk. As the setbacks comply with, or otherwise meet the Design Principles of the R-Codes and building height is also supported, the plot ratio variation is similarly considered acceptable.

Amenity

The proposed amendments have been assessed against, and found to comply with, the amenity provisions outlined by Clause 7.8 of CPS5 and Council Policy CP-067 “Amenity”.

CONCLUSION

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

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3454)
SPECIAL MAJORITY APPROVAL**

At 6.57pm Cr Schuster moved, seconded Cr Robartson –

That the Council, approve by Special Majority decision the amendments to DA-2011-439 to increase the height and vary the plot ration of the approved three storey (with undercroft) multiple dwelling development at 18A Tweeddale Road, Applecross subject to all original conditions of approval.

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

CARRIED BY SPECIAL MAJORITY (11/1)

For: Mayor Aubrey, Cr Aubrey, Cr Foxtan, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson Cr Schuster, Cr Taylor-Rees, Cr Willis
Against: Cr Pazolli

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

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)

Ward : City
 Category : Operational
 Application Number : PAW-2013-1243
 Property : Pedestrian Access Way (PAW) between Tintal Way and Renou Way, Bateman.
 Proposal : Closure of the PAW between Tintal Way and Renou Way.
 Applicant : Mr P Dean of 20 Tintal Way, Bateman.
 Owner : Crown Land (administered by the Department of Planning – Land Asset Management Services)
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P13/3421 – Initiation of Pedestrian Access Way Closure between Tintal Way and Renou Way, Bateman - Ordinary Meeting of Council 17 September 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)

KEY ISSUES / SUMMARY

- On 17 September 2013 Council resolved to initiate the closure of the PAW between Tintal Way and Renou Way in Bateman for the purposes of advertising.
- The proposed closure was advertised for 21 days and the City received a total of 19 submissions, 15 in objection and four in support of the closure. In addition, a multi-signatory letter signed by 39 people in opposition to the proposed closure has also been received.
- The two main considerations of the proposed closure relate to security/safety of the PAW and the PAW's connectivity within the wider area.
- Although the formation of the PAW is not ideal from a crime prevention point of view, it is acknowledged that no part of the PAW is entirely obscured from view of the adjoining streets which mitigates this concern. Furthermore, there is limited evidence of crime or anti-social behaviour occurring within the PAW.
- As outlined within the majority of submissions received, the PAW is well frequented and is a strategic link to the wider area, including Murdoch train station, schools and other amenities.
- On this basis, it is recommended that Council resolve not to support the PAW closure.



BACKGROUND

The Council received a petition signed by five residents on 21 September 2009 which was noted at the Ordinary Meeting of Council held 13 October 2009, requesting that the subject PAW be closed. The petition stated:

"We, the undersigned, all being Electors of the City of Melville, do humbly pray that the City of Melville will consider/review the permanent closure of Pedestrian Access Way (PAW) between Tintal Way and Renou Way in Bateman."

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)

Council at its Ordinary Meeting on 17 September 2013 resolved to initiate the closure of the PAW for the purposes of advertising and consultation with all relevant infrastructure authorities.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area Precinct – Bateman South (BN2)
R-Code	:	R20
Use Type	:	Not Applicable
Use Class	:	Not Applicable

Site Details

PAW Area	:	610 sqm
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Concrete Path & Sewer Manhole
Site Details	:	See aerial photo above

DETAIL

A request that the PAW be closed was received from the owners of properties that abut the PAW.

The PAW links Tintal Way with Renou Way, in Bateman.

PUBLIC CONSULTATION/COMMUNICATION

The proposed closure was advertised for a period of 30 calendar days as follows:

- Mail out to all of the owners and occupiers of the properties bounded by Broadhurst Crescent and Marsengo Road.
- Installation of signage at both ends of the PAW.
- Public notice in the Melville Times.

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)

A total of 19 submissions were received, 15 in opposition and four in support of the proposal. The four submissions in support of the proposal outlined the following points:

Reasons	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Security	The design of the PAW does not allow a line of view from start to finish. PAWs of this design are not recommended under Livable Neighbourhoods.	Support	The PAW is 8m in width. Although you cannot see the other end of the PAW when you commence travelling along the PAW, at no point are you unable to view one of the streets (and vice versa).	Not Uphold
	Lighting within the PAW is inadequate. The PAW poses a security risk and homes have been accessed via the PAW by burglars.		The City's Engineering Services are currently investigating the options available with Western Power to improve lighting in and around the PAW PAW's can be utilised to gain access to the rear of properties, however there are a number of measures that property owners can implement to discourage this i.e. own a dog, plant certain species of shrubs etc.	

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)

Vandalism	Graffiti, objects thrown over the fences and litter occur within the PAW. Also, a tree was previously set alight adjacent to the PAW.	Support	The City's Community Safety and Crime Prevention Service Area and Murdoch Police have reviewed their records and the PAW is not considered to be a graffiti or crime hot spot.	Not Uphold
Presentation	The PAW is serviced by the Council infrequently and has weeds and rubbish along it.	Support	The City surveys the condition of each PAW on a five yearly basis (unless an urgent matter is raised). Based upon the path condition during the survey the City determines whether the path needs upgrading.	Not Uphold
Noise	The PAW is used by trail bike riders and people shout and cause disruption.	Support	Any evidence of anti social events or behaviour such as this should be reported to the Police.	Not Uphold
Safety	The surface within the PAW is uneven and poses a safety risk, particularly to young children and the elderly.	Support	The City's Technical Services have visited the PAW and state that its surface is acceptable and is unlikely to require replacement within the next five years.	No Uphold

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENO WAY, BATEMAN (REC)

Reasons	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Walking distances	The closure will not significantly disadvantage walking distances. The PAW also does not provide direct access to other footpaths, bus stops, parks or other services.	Support	Although the PAW does not provide direct access to amenities, it appears to be frequently used by people accessing Murdoch train station, nearby parks, and schools. The use of the PAW is preferred from a pedestrian safety standpoint given Tintal Way and Spigl Way do not have footpaths.	Not Uphold

The 15 submissions in opposition to the proposed closure outline the following reasons:

Access to amenities	<p>The PAW is convenient and well frequented by residents along Tintal Way and Spigl Way and cuts several minutes off the walk to Murdoch train station, both hospitals, Murdoch University, many schools and parks for pedestrians.</p> <p>The PAW also links up to other PAWs in Bateman which contribute to ease of movement within the area.</p>	Objection	It is noted that the PAW is part of a larger PAW network within Bateman and that the PAW provides a quicker journey from many properties to the north of the PAW to the Murdoch train station and surrounding area.	Uphold
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P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENO WAY, BATEMAN (REC)

Reasons	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Safety	Without the PAW, pedestrians would need to walk on the road as there are no footpaths on Tintal Way and Spigl Way. The PAW provides a safer alternative.	Objection	Noted.	Uphold
Reduce traffic congestion	The PAW encourages people to walk by reducing the trip to the train station and other amenities. Walking and catching public transport reduces traffic congestion on roads. This will become more important in this area once Fiona Stanley Hospital is open and the Murdoch Mixed Use Precinct is developed.	Objection	Noted. Walking should be promoted wherever possible from both a community health and traffic congestion perspective.	Uphold
Buyer beware	The PAW existed when the current owners of the properties alongside were all purchased.	Objection	This is not a material planning consideration.	Not Uphold

Multi-signatory letter

The City has also received a multi-signatory letter containing 39 signatures. The letter states:

"We wish to express our concern in regards to the closure of above PAW as it is used as a 'quicker' access to Yidarra Primary and Corpus Christi College by children living in the area as well as by adults who wish or need to walk to local shops / train station."

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Following Council's resolution to initiate the proposed PAW, the application was referred to the relevant service authorities for comment.

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)*Telstra*

Telstra's records indicate that there are existing Telstra assets within the area. Telstra wishes to retain rights over all of these assets, therefore if the proposal proceeds, the existing infrastructure will need to be relocated to within the road reserve or lowered to a standard depth. These works would need to be carried out at the Applicant's cost.

Water Corporation

The Water Corporation has no objection to the proposed closure.

Western Power

Western Power have advised that they only object if alignments, easements or clearances are encroached by a proposal, however if any existing infrastructure needs to be relocated this is at the Applicant's cost.

STATUTORY AND LEGAL IMPLICATIONS

PAW closures are governed by the *Land Administration Act 1997* and the planning guidelines published by the Western Australian Planning Commission (WAPC) in October 2009 entitled 'Procedure for the Closure of Pedestrian Access Ways' and 'Planning Guidelines: Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways'.

In considering a formal request for the closure of a PAW, the local government makes a recommendation to the WAPC, who is the ultimate decision maker.

The recommendation of the Council on whether to recommend the closure of the PAW or not, is not a decision which is subject to review through formal proceedings of the State Administrative Tribunal as it is a recommendation only.

FINANCIAL IMPLICATIONS

There are no financial implications for Council to consider as part of this application. The relevant application fee paid to the City is intended to cover costs related to staff time in assessing the subject application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no Council policy implications in respect of the proposal.

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Should Council resolve to support the closure of the PAW, a copy of the Council minutes will be referred to the WAPC. The WAPC then assesses the proposal and determines whether to endorse the PAW closure or not.

Should Council not resolve to support the PAW closure, a letter will be sent to the WAPC for their information.

COMMENT

There are two primary matters to be considered in relation to the proposed PAW closure – safety/security and connectivity. These matters are addressed below.

Safety/Security

The subject PAW is approximately 75m long and 8m wide and is of dog-leg formation which means that there is no clear sightline from one end to the other. On this basis, the City's Community Safety and Crime Prevention Service Area support the closure of the PAW from a crime prevention perspective.

Notwithstanding the above, it is acknowledged that no part of the PAW is entirely obscured from the view of either Tintal Way or Renou Way. As a result, a pedestrian can view either street as they travel through the PAW.

Furthermore, as surveillance of the PAW is available from either Tintal Way or Renou Way, the potential for anti-social behaviour to occur within the PAW is reduced as it is unable to be concealed easily.

A review of the records held by the City indicate that with the exception of the petition received in 2009 (outlined above), there have been no written complaints relating to anti-social behaviour or security issues along the PAW. Furthermore, Murdoch Police and the City's Community Security Services do not highlight the area as a hotspot for crime or anti social behaviour.

From the above assessment, it appears that the safety or security issues raised by the Applicant and the submitters in support of the PAW closure may be perceived issues rather than issues that are actually occurring. It is acknowledged however that anti-social or crime instances may be occurring and going unreported by residents.

Connectivity

As shown on the map attached to this report, the subject PAW is located within a residential section of Bateman created by a number of crescent and cul-de-sac formations. Within this section of Bateman, there are four other existing PAWs which provide connectivity between the crescent and cul-de-sac road formations, Broadhurst Crescent and Marsengo Road.

The subject PAW covers an area of approximately 200m². It is located close to Broadhurst Crescent and Marsengo Road. These two roads provide road connectivity to the wider area and are both public transport routes.

P14/3455 - PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC)

As a result of the public consultation process, the City has been made aware that the PAW is frequently used by many people on a regular basis, including young children, elderly, as well as people with disabilities.

This PAW is used by a number of people as a short cut to access Murdoch train station and other services near the interchange. The PAW is also used by many to access nearby parks and by children walking to school including Yidarra Primary and Corpus Christi College.

Although the PAW does not substantially reduce the distance travelled to the abovementioned locations, it is noted that none of the adjacent streets have footpaths, and the land formation is undulating, therefore the PAW provides a shorter, more convenient and safer route for pedestrians.

In addition, it is considered that the importance of people walking and cycling should not be overlooked. This increases health and wellbeing and also contributes to a reduction in the use of private vehicles for travel which on a larger scale, can have an impact upon traffic congestion.

CONCLUSION

Overall, there is limited evidence relating to ongoing safety or security issues in relation to the operation of the PAW. However, as evidenced by the response during the public consultation period, the PAW is an important and strategic access way within Bateman and is well frequented. On this basis, it is recommended that Council resolve to allow the PAW to remain open.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3455)**NOT SUPPORT**

At 6.59pm Cr Macphail moved, seconded Cr Aubrey –

That the Council:

- 1. Advises the Western Australian Planning Commission that it does not at this time support the proposed closure of the pedestrian access way between Tintal Way and Renou Way, Bateman as it is an important, strategic and well-frequented access way within Bateman.**
- 2. Advises the adjoining property owners, the original petitioner and those who lodged submissions during the public consultation process of the Council decision in writing.**

At 7.04pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

**P14/3456 - REVIEW OF COUNCIL POLICY 049: CHILD MINDING CENTRES (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : None applicable
 Property : None applicable
 Proposal : Review of Council Policy 049: Child Minding Centres
 Applicant : None applicable
 Owner : None applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P10/3152 – Final Adoption of Advertised Urban Planning Policies - Ordinary Meeting of Council 17 August 2010
 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>

**P14/3456 - REVIEW OF COUNCIL POLICY 049: CHILD MINDING CENTRES (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- The current Child Minding Centres policy was last reviewed by Council on 17 August 2010 and therefore is now due for further review.
- The current policy has been re-worded to be clearer in its intent, more concise and to remove replication of requirements covered by other legislation outside of the *Planning and Development Act 2005*. The intent of the policy however remains the same in providing for the establishment of child minding centres in appropriate locations where adverse impacts are avoided.
- The current policy has also been updated to include information relating to the assessment of applications for family day care premises.
- It is recommended that Council adopt the draft policy for the purposes of public consultation.

BACKGROUND

The Child Minding Centres policy was adopted originally by the Planning and Development Services Committee in 1996. Since this time the policy was reviewed in 2000 and 2010.

[3456 CP 049 Child Minding Policy](#)

DETAIL

In reviewing the existing Child Minding Centres policy the following was identified:

- The policy does not include any provisions relating to the assessment of Family Day Care premises which differ from Child Minding Centres as they are undertaken within a residential property and are of much smaller scale and intensity;
- The intent of a number of policy provisions is unclear;
- The policy applies arbitrary requirements relating to lot size and frontage length that do not necessarily relate to whether a property could successfully contain a Child Minding Centre or not; and
- The policy attempts to regulate matters which have little to do with planning (such as the resurfacing of recreation areas and the like) and refers to matters that are governed by other, non planning legislation.

Accordingly, the current Child Minding Centres policy has been re-worded to be clearer in its intent, more concise and to remove replication of requirements covered by other legislation outside of the *Planning and Development Act 2005*.

**P14/3456 - REVIEW OF COUNCIL POLICY 049: CHILD MINDING CENTRES (REC)
(ATTACHMENT)**

Overall, the intent of the policy remains the same, in providing for the establishment of child minding centres in appropriate locations which do not result in an adverse impact upon occupiers of adjoining properties and the surrounding area.

Provisions relating to the assessment of Family Day Care have also been added. These provisions essentially formalise a process that the City already undertakes in the assessment of these premises.

It is acknowledged that Family Day Care premises are typically low impact and low intensity. On that basis the ability for such uses to be exempt from the need to obtain planning approval will be investigated as part of the Planning Scheme review in the future.

PUBLIC CONSULTATION/COMMUNICATION

Pursuant to Clause 9.6(b) of CPS5, should Council resolve to adopt the draft policy, it will be advertised via a notice in the local newspaper and on the City's website for a period of 21 days.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) 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 policies and modification do not have regional significance therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The proposed policy does not result in any strategic, risk or environmental management implications for the Council.

POLICY IMPLICATIONS

Once adopted, the revised policy will provide a sound basis for planning decisions and will improve the validity of planning decisions.

**P14/3456 - REVIEW OF COUNCIL POLICY 049: CHILD MINDING CENTRES (REC)
(ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council could elect not to adopt the amended policy and continue to rely upon the existing policy. This is not recommended for the reasons outlined above.

The Council also has the ability to modify the amended policy prior to advertising.

CONCLUSION

It is considered that the amended policy will provide clearer guidance in the assessment of applications for Child Minding Centres or Family Day Care premises for applicants, officers and the Council.

The intent of the policy remains the same: to promote these uses where they will not cause detriment to the amenity of the surrounding area.

Accordingly, it is recommended that Council adopt the revised policy for the purposes of public consultation.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3456)**ADOPTION****That the Council;**

- 1** Resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended [CP 049: Child Minding Centres and Family Day Care Policy](#) for the purposes of public consultation for a period of no less than 21 calendar days.
- 2** Authorise the Chief Executive Officer to approve the final adoption of the policy should no submissions of objection be received in response to the public consultation.

At 7.05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

**P14/3457 - REVIEW OF COUNCIL POLICY 068: STREET NUMBERING (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : None applicable
 Property : None applicable
 Proposal : Review of Council Policy 068: Street Numbering
 Applicant : None applicable
 Owner : None applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P11/3246 – Final Adoption Urban Planning Policies Stage 4 - Ordinary Meeting of Council 20 September 2011
 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>

**P13/3457 - REVIEW OF COUNCIL POLICY 068: STREET NUMBERING (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- The current Street Numbering policy was last reviewed by Council on 20 September 2011 and is therefore due for review.
- The policy remains relevant and works well in application.
- Minor changes are proposed to incorporate diagrams and an additional provision relating to the assigning of street numbers to properties which have a battleaxe access leg.
- It is recommended that Council adopt the revised policy pursuant to Clause 9.6 of CPS5 for the purposes of public consultation.

BACKGROUND

Council adopted Council Policy 068: Street Numbering on 20 September 2011.

DETAIL

The need for Council to retain the policy is clear, as it outlines a process for the consistent allocation of street numbers to new properties and the re-numbering of existing properties.

Minor changes are proposed to the policy in the form of diagrams and one additional provision to provide further clarity around the assigning of street numbers to properties which are subdivided and have an additional dwelling accessed via a battleaxe access leg (or similar access arrangement).

[3457 CP 068 Street Numbering Policy](#)**PUBLIC CONSULTATION/COMMUNICATION**

Pursuant to Clause 9.6(b) of CPS5, should the Council resolve to adopt the revised policy, it will be advertised via a notice in a local newspaper and on the City's website for a period of 21 days.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) 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 policies and modification do not have regional significance therefore the WAPC need not be consulted.

**P13/3457 - REVIEW OF COUNCIL POLICY 068: STREET NUMBERING (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The regular review of the Council's policies improves their validity and ensures they are still in line with current practice.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The proposed policy does not result in any strategic, risk or environmental management implications for the Council.

POLICY IMPLICATIONS

Once adopted, the revised policy will ensure the continued application of street numbering and re-numbering, throughout the City.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could elect not to adopt the amended policy and continue to rely upon the existing policy. This is not recommended as the revised policy represents a clearer position in relation to the assigning of street numbers to subdivided properties which involved rear blocks.

The Council also has the ability to modify the amended policy prior to advertising.

CONCLUSION

The existing policy has been modified to incorporate pictures and one additional provision around the assigning of street numbers to rear properties.

It is recommended that the Council resolve to adopt the amended policy for the purposes of advertising.

**P13/3457 - REVIEW OF COUNCIL POLICY 068: STREET NUMBERING (REC)
(ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3457) (ADOPTION)****That the Council;**

- 1 Resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy 068: Street Numbering for the purposes of public consultation for a period of no less than 21 calendar days.**
- 2 Authorise the Chief Executive Officer to approve the final adoption of the policy should no submissions of objection be received in response to the public consultation.**

At 7.05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT DESIGN GUIDELINES (REC)

Ward	:	Applecross/Mt Pleasant Bicton/Attadale Palmyra/Melville/Willagee
Category	:	Policy
Application Number	:	None applicable
Property	:	All those located within the Canning Highway Precinct
Proposal	:	Revocation of Council Policy 075: Canning Highway Precinct Design Guidelines
Applicant	:	Not applicable
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P11/3247 – Final Adoption Urban Planning Policies (Stage 5) - Precinct and Local Area Policies - Ordinary Meeting of Council 20 September 2011
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>

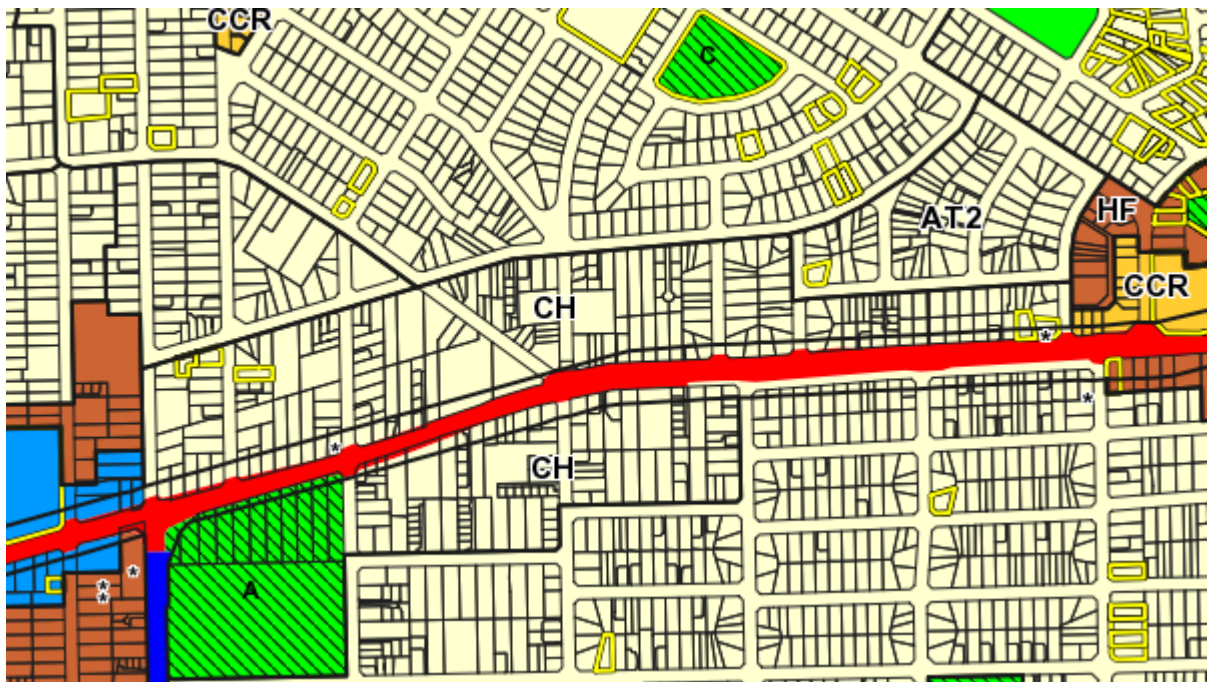
P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT DESIGN GUIDELINES (REC)

KEY ISSUES / SUMMARY

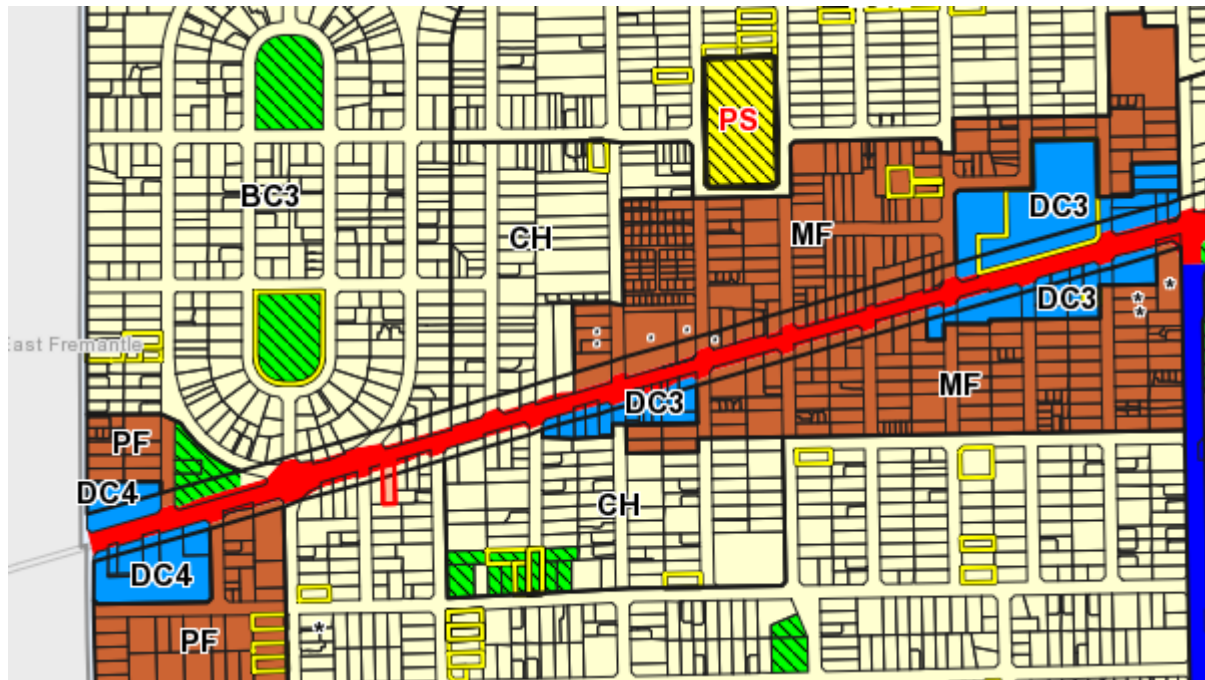
- Council Policy 075: Canning Highway Precinct Design Guidelines was originally adopted by the Planning and Development Services Committee in November 1999.
- The policy applies to all properties zoned Living Area – Canning Highway Precinct pursuant to Community Planning Scheme No. 5 (CPS5) and provides design guidance for the assessment of development applications.
- Upon review of the existing policy it has been identified that the policy provides limited guidance in the assessment of planning applications and that the intent of the policy is already covered by other statutory planning documents including CPS5, the Residential Design Codes (R-Codes) and other Council Policies.
- Accordingly, it is recommended that the policy be revoked pursuant to Clause 9.6 of CPS5.



**P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT
DESIGN GUIDELINES (REC)**



P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT DESIGN GUIDELINES (REC)



BACKGROUND

The subject policy was originally adopted by the Planning and Development Services Committee in November 1999. The policy was further reviewed by Council on 20 September 2011.

Since this time, Council has adopted Council Policy 087: Non-Residential Development.

The Department of Planning has also made changes to the R-Codes in November 2010 and again in August 2013.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area – Canning Highway Precinct
R-Code	: R25/R40
Use Type	: Not applicable
Use Class	: Not applicable

DETAIL

The objectives of the policy are as follows:

- *To provide design guidelines for development within the Canning Highway precinct acknowledging the location of the precinct adjacent to a regional road.*
- *To ensure development within the precinct is to a high standard, consistent with the surrounding area, and makes a positive contribution to the streetscape.*
- *To manage the potentially competing demands associated with non-residential and residential development.*

P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT DESIGN GUIDELINES (REC)

The policy prescribes the following:

1 *Development Strategies*

The four provisions within this section outline guidelines in relation to density, character and sustainable transport initiatives.

2 *Design Principles*

This section details principles relating to setbacks, landscaping, access and car parking.

3 *Public Domain*

This section of the policy provides guidance in relation to access, street trees and furniture and passive surveillance.

All of the provisions within the policy replicate requirements which are already adequately prescribed within CPS5, Part 6 of the R-Codes, Council Policy 087: Non-Residential Development and Council Policy 079: Car Parking (Non-Residential).

Furthermore, the policy contains provisions which are 'guidelines' and in many instances open to interpretation. Consequently, they do not provide consistency in application and decision making.

It is considered that with the improvements that have recently occurred to the R-Codes and other Council Policies, particularly the introduction of Council Policy 087: Non-Residential Development, that this policy is now no longer required.

PUBLIC CONSULTATION/COMMUNICATION

Pursuant to Clause 9.6(e) (i) of CPS5, should the Council resolve to revoke the subject policy, an advert will be displayed on the City's website and within a local newspaper circulating within the District.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

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

P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT DESIGN GUIDELINES (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

None applicable.

POLICY IMPLICATIONS

None applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could resolve to retain the policy and not to revoke it, although in practice this would not be recommended for the reasons outlined above.

CONCLUSION

It is concluded that Council Policy – 075: Canning Highway Precinct Design Guidelines is no longer required given that the policy provisions are now adequately covered by CPS5, the R-Codes and other Council policies. On this basis it is recommended that the policy be revoked.

OFFICER RECOMMENDATION (3459)**REVOKE**

That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that Council Policy CP-075 Canning Highway Precinct Design Guidelines has been revoked.

Reject & Replace:

At 7.06pm Cr Pazolli moved, seconded Cr Schuster –

That the Officer Recommendation be rejected and replaced with the following recommendation:

That the Council resolve that the Chief Executive Officer undertake a review of Council Policy – 075: Canning Highway Precinct Design Guidelines including a Workshop with the Elected Members to determine the desired future built form development in the Canning Highway Precinct that takes into account the impact of the Multi-Unit Housing Codes.

At 7.24pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

For: Cr Aubrey, Cr Foxton, Cr Hill, Cr Macphail, Cr Pazolli, Cr Phelan, Cr Reynolds,
Cr Robartson, Cr Schuster, Cr Taylor-Rees
Against: Mayor Aubrey, Cr Willis

P14/3459 - REVOCATION OF COUNCIL POLICY 075: CANNING HIGHWAY PRECINCT DESIGN GUIDELINES (REC)Reasons:

Cr Pazolli provided the following reasons in support of the Reject and Replace motion.

This is a critical policy that has served the City well in the decade or so that it has been in place. It provides a strong indication of what level of development the Council wants along the Canning Highway between the “Activity Centre” nodes such as Canning Bridge, Riseley Precinct, etc. Specifically, the current policy stipulates that medium density development will apply in these areas that avoid the creation of a high-rise, high-density corridor along the Highway that could result in an Albany Highway or Stirling Highway effect.

Whilst the Council may determine that they no longer wish to constrain development to a medium density level, it should consciously consider what level of development should occur on the residential blocks on and near the Highway and ensure that that can be delivered by the prevailing zonings. If the prevailing zonings cannot deliver that outcome, then consideration should be given to amending this policy, rather than revoking it, to provide the necessary guidance to developers to achieve the desired outcomes.

To just revoke this Policy will expose a significant number of residential properties in this area that are currently zoned R20 / 40 to development proposals (for blocks larger than 1,600 sqm) under the Multi-Unit Housing Codes of the Residential Design Codes that could result in a series of high density developments up and down the Highway. If such development is the desired built form outcome for the Canning Highway precinct then that is a decision that should be made after deliberate consideration and not by default as a consequence of revoking this policy.

This is a strategic decision that should be taken deliberately by Council after due consideration in an Elected Members’ Workshop

P14/3460 - REVOCATION OF COUNCIL POLICY 063: DESIGN GUIDELINES FOR THE DEVELOPMENT OF THE FORMER CARAWATHA PRIMARY SCHOOL SITE (REC)

Ward : Palmyra/Melville/Willagee
 Category : Policy
 Application Number : None applicable
 Property : 10 Archibald Street, Willagee
 Proposal : Revocation of Council Policy 063: Design guidelines for the development of the former Carawatha Primary School site
 Applicant : None applicable
 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 : P11/3210 - Stage Four Review of Urban Planning Policies - Ordinary Meeting of Council 17 May 2011
 P13/3424 Final Adoption of Willagee Structure Plan – Ordinary Meeting of Council 10 December 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

P14/3460 - REVOCATION OF COUNCIL POLICY 063: DESIGN GUIDELINES FOR THE DEVELOPMENT OF THE FORMER CARAWATHA PRIMARY SCHOOL SITE (REC)

KEY ISSUES / SUMMARY

- Council Policy – 063: Design Guidelines for the Development of the Former Carawatha Primary School site was originally prepared in conjunction with Amendment 43 to Community Planning Scheme No. 5 (CPS5).
- The policy prescribes design guidelines for the development of the Community Centre Precinct portion of the site.
- On 10 December 2013 Council resolved to adopt the Willagee Structure Plan.
- The Willagee Structure Plan supersedes the existing policy and includes planning provisions and a master plan for the future development of the former Carawatha primary school site. These are more thorough and identify an overall redevelopment concept for the subject land and the surrounding area. Accordingly, the policy is no longer necessary.
- It is recommended that Council resolve to revoke the existing policy.



BACKGROUND

The existing policy was originally prepared in conjunction with Amendment 43 to CPS5 which rezoned the former Carawatha Primary School site from Local Reserve – Public Purpose to Local Reserve – Open Space and Community Centre Precinct. This policy was adopted by Council on 17 May 2011.

Since this time, the City has prepared a Structure Plan for the whole of Willagee to encourage the rejuvenation of the suburb. On 10 December 2013, Council resolved to adopt the Willagee Structure Plan.

It is noted that the subject land is within the City's ownership.

P14/3460 - REVOCATION OF COUNCIL POLICY 063: DESIGN GUIDELINES FOR THE DEVELOPMENT OF THE FORMER CARAWATHA PRIMARY SCHOOL SITE (REC)**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Local Reserve – Open Space and Community Centre Precinct
R-Code	:	R30/60
Use Type	:	Not applicable
Use Class	:	Not applicable

Site Details

Lot Area	:	38,731m ²
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	See aerial photo above

DETAIL

The Willagee Structure Plan covers the main elements of the urban fabric (housing, transport, public spaces etc) as well as a Master Plan for the redevelopment of the Carawatha site.

The Structure Plan supersedes the existing policy and is considered to be a more thorough and holistic document for the redevelopment of the subject site and the wider area. The statutory section (Part 1) of the Willagee Structure plan covers all relevant planning objectives, from building height and active frontages to vehicular access. Part 2 (the explanatory section) provides spatial guidelines and a concept plan that illustrates a hypothetical development of the site.

Accordingly, the existing policy is no longer required as the Structure Plan will provide adequate control and guidance over the redevelopment of the site in the future.

PUBLIC CONSULTATION/COMMUNICATION

The preparation of the Willagee Structure Plan involved extensive public engagement and it is anticipated that the public now anticipate that future development within Willagee will reflect the principles in the structure plan rather than that prescribed within the policy.

Pursuant to Clause 9.6(e) (i) of CPS5, should the Council resolve to revoke the subject policy, an advert will be displayed on the City's website and within a local newspaper circulating within the District.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants is required.

P14/3460 - REVOCATION OF COUNCIL POLICY 063: DESIGN GUIDELINES FOR THE DEVELOPMENT OF THE FORMER CARAWATHA PRIMARY SCHOOL SITE (REC)**STATUTORY AND LEGAL IMPLICATIONS**

None applicable.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

None applicable.

POLICY IMPLICATIONS

As the structure plan has been adopted as a policy, it now supersedes the existing policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could resolve to retain the policy and not to revoke it, although in practice this would not be recommended for the reasons outlined above.

CONCLUSION

It is concluded that Council Policy – 063: Design Guidelines for the Development of the Former Carawatha Primary School Site is no longer required given the adoption of the Willagee Structure Plan by Council. On this basis it is recommended that the policy be revoked.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3460)**REVOKE**

That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that Council Policy CP-063 Design Guidelines for the Development of the Former Carawatha Primary School Site has been revoked.

At 7.25pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

At 7.26pm Cr Foxtton and Cr Macphail left the meeting.

P14/3461 - REVOCATION OF COUNCIL POLICY 074: CITY CENTRE FRAME PRECINCT DESIGN GUIDELINES (REC)

Disclosure of Interest

Item No.	P14/3461
Member	Mayor R Aubrey
Type of Interest	Proximity Interest in Accordance with the Act
Nature of Interest	Owens a property which forms part of an adjacent block
Request	Leave
Decision of Council	Not required

At 7.26pm the Mayor, having declared an interest in this item, left the meeting.

In the absence of the Mayor, the Deputy Mayor, Cr Reynolds, assumed the chair as Presiding Member.

Ward	: City
Category	: Policy
Application Number	: None applicable
Property	: All properties within the City Centre Frame Precinct
Proposal	: Revocation of Council Policy 074: City Centre Frame Precinct Design Guidelines
Applicant	: None applicable
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P11/3247 – Final Adoption Urban Planning Policies (Stage 5) - Precinct and Local Area Policies - Ordinary Meeting of Council 20 September 2011 P13/3449 – Final Adoption of the Melville City Centre Structure Plan - Special Meeting of Council 9 December 2013
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**P14/3461 - REVOCATION OF COUNCIL POLICY 074: CITY CENTRE FRAME PRECINCT
DESIGN GUIDELINES (REC)**

AUTHORITY / DISCRETION

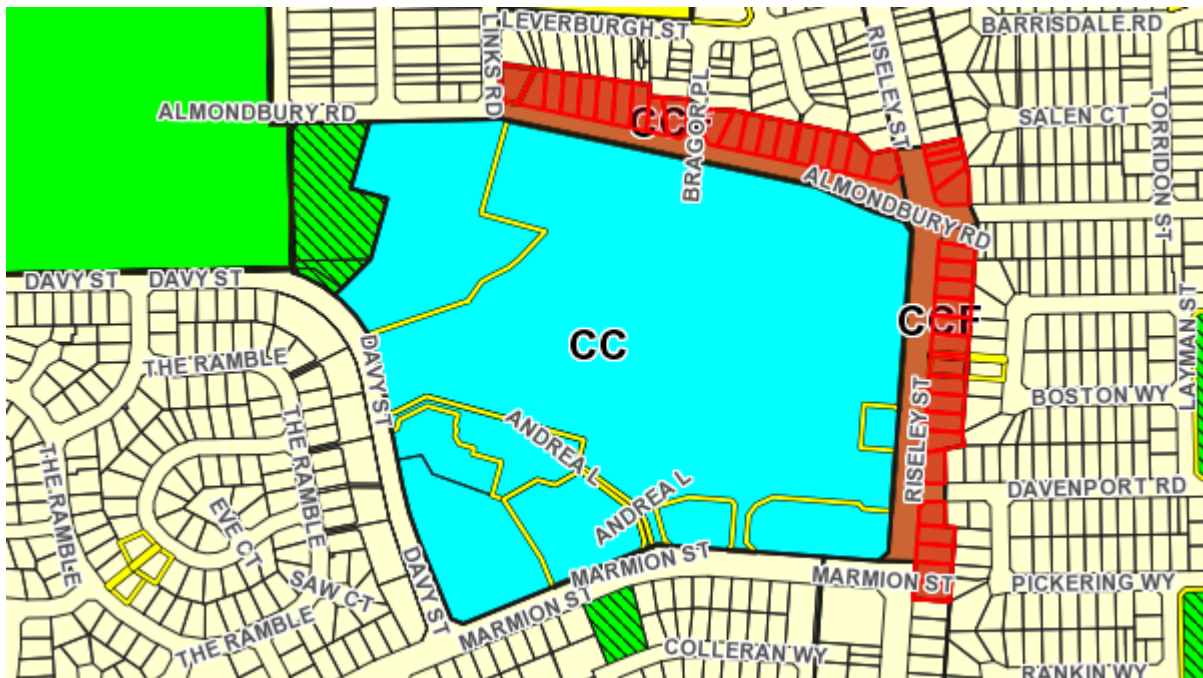
DEFINITION

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

P14/3461 - REVOCATION OF COUNCIL POLICY 074: CITY CENTRE FRAME PRECINCT DESIGN GUIDELINES (REC)

KEY ISSUES / SUMMARY

- Council Policy 074: City Centre Frame Precinct Design Guidelines was originally adopted by the Planning and Development Services Committee in November 1999.
- This policy prescribes acceptable land uses and design principles for the development of properties within the City Centre Frame Precinct.
- On 9 December 2013 Council resolved to adopt the Melville City Centre Structure Plan.
- The Structure Plan incorporates all of the City Centre Frame properties and includes statutory planning provisions such as permissible land uses and development standards.
- The Structure Plan now supersedes the existing policy, therefore it is recommended that the policy be revoked pursuant to Clause 9.6 of CPS5.



BACKGROUND

This policy was originally adopted by the Planning and Development Services Committee on 9 November 1999. Since this time, the policy has been reviewed in June 2000 and again in September 2011.

Council adopted the Melville City Centre Structure Plan on 9 December 2013 as a planning policy. The Structure Plan incorporated all of the properties within the City Centre Frame Precinct and includes statutory planning provisions for the assessment of future development proposals.

**P14/3461 - REVOCATION OF COUNCIL POLICY 074: CITY CENTRE FRAME PRECINCT
DESIGN GUIDELINES (REC)****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	City Centre Frame
R-Code	:	R50
Use Type	:	Not applicable
Use Class	:	Not applicable

DETAIL

The Melville City Centre Structure Plan covers matters such as appropriate built form guidelines for each of the structure plan sub-areas, as well as information about permissible land uses.

The Structure Plan effectively supersedes the existing policy. The existing policy is therefore no longer applicable.

PUBLIC CONSULTATION/COMMUNICATION

The preparation of the Melville City Centre Structure Plan involved extensive public engagement and it is anticipated that the public now anticipate that future development within the area will reflect the principles in the structure plan rather than that prescribed within the policy.

Pursuant to Clause 9.6(e) (i) of CPS5, should Council resolve to revoke the subject policy, an advert will be displayed on the City's website and within a local newspaper circulating within the District.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

None applicable.

P14/3461 - REVOCATION OF COUNCIL POLICY 074: CITY CENTRE FRAME PRECINCT DESIGN GUIDELINES (REC)**POLICY IMPLICATIONS**

As the Structure Plan has been adopted as a policy, it now effectively supersedes the existing policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could resolve to retain the Policy and not to revoke it, although in practice this would not be recommended for the reasons outlined above.

CONCLUSION

It is concluded that Council Policy – 074: City Centre Frame Precinct Design Guidelines is no longer required given the adoption of the Melville City Centre Structure Plan. On this basis it is recommended that the policy be revoked.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3461)**REVOKE**

At 7.26pm Cr Robartson moved, seconded Cr Aubrey –

That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that Council Policy CP-074 City Centre Frame Precinct Design Guidelines has been revoked.

At 7.26pm the Deputy Mayor submitted the motion, which was declared

CARRIED (9/0)

At 7.27pm Cr Foxton and Cr Macphail returned to the meeting.

At 7.27pm Mayor Aubrey returned to the meeting and assumed the chair.

At 7.27pm Cr Reynolds left the meeting and returned at 7.29pm.

P14/3462 - REVOCATION OF COUNCIL POLICY CP-048 GAMING PERMITS (REC)

Ward : All
 Category : Policy
 Application Number : Not Applicable
 Proposal : Revocation of Council Policy CP-048 Gaming Permits
 Applicant : Not Applicable
 Customer : 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 : P00/1004 Special Planning and Development Services Committee 27 June 2000.
 P10/3152 - Final Adoption of Advertised Urban Planning Policies - Ordinary Meeting of Council 17 August 2010.
 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>

P14/3462 - REVOCATION OF COUNCIL POLICY CP-048 GAMING PERMITS (REC)**KEY ISSUES / SUMMARY**

- This report refers to the proposed revocation of Council Policy 048: Gaming Permits.
- In the course of the ongoing review of Council Planning policies, it is concluded that the content of this policy is more appropriately captured in a process map.
- It is therefore recommended that the policy be revoked in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

BACKGROUND

Council Policy CP-048 Gaming Permits was originally endorsed by the then Planning and Development Services Committee in August 1993. Since this time, the policy has been reviewed by the Special Planning and Development Services Committee in June 2000 and again at the Ordinary Meeting of Council on 17 August 2010.

DETAIL

The City's role in the assessment of gaming permit applications is to verify that the part of the premises which is the subject of the application conforms to the *Health Act 1911* and that use of the premises for gaming does not contravene Town Planning Regulations.

This information is utilised by the Department of Racing Gaming and Liquor for the assessment of a Premises Approval Certificate and the subsequent Gaming Function Permits required pursuant to the *Gaming and Wagering Commission Act 1987*.

Clause 9.6 of Community Planning Scheme No 5 (CPS5) states that the purpose of Non-Statutory Planning Policies is to provide additional information to applicants and to ensure that information is public and relevant.

Gaming Permits are not classed as planning applications as they do not require the exercise of discretion, rather confirmation that a premises adheres to the specified health and planning provisions, or not. For this reason, a policy relating to the assessment of gaming permits is not necessary.

A review of the existing policy has highlighted that its provisions relate only to whether the granting of a permit can be undertaken under delegation by the Chief Executive Officer (CEO) or whether it requires Council approval. This information is already outlined within the Council's delegation manual and its replication within a planning policy provides no benefit to the City or Applicants.

Consequently, it is considered that the information would be more effectively captured as a process map included in the City's Business Management System (BMS). This process map has already been created and is now saved into the BMS for the use of planning staff in the processing and issuing of gaming permits.

PUBLIC CONSULTATION/COMMUNICATION

Pursuant to Clause 9.6(e) (i) of CPS5, should Council resolve to revoke the subject policy, an advert will be displayed on the City's website and within a local newspaper circulating within the District.

P14/3462 - REVOCATION OF COUNCIL POLICY CP-048 GAMING PERMITS (REC)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

None applicable.

POLICY IMPLICATIONS

None applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could resolve to retain the Policy and not to revoke it, although in practice this would not be recommended given that the continued existence of the Policy is unnecessary in achieving its stated objectives.

CONCLUSION

It is concluded therefore that Policy CP-048 Gaming Permits is not required, and that its content is more appropriately captured as a process map. On this basis it is recommended that the policy be revoked.

P14/3462 - REVOCATION OF COUNCIL POLICY CP-048 GAMING PERMITS (REC)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3462)****REVOKE**

That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that Council Policy CP-048 Gaming Permits has been revoked.

At 7.29pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)Disclosure of Interest

Item No.	P14/3463
Member	Mayor R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Vice Patron and Honorary Membership
Request	Stay, Discuss and Vote
Decision of Council	Not required

Disclosure of Interest

Item No.	P14/3463
Member	Cr N Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Honorary Membership
Request	Stay, Discuss and Vote
Decision of Council	Not required

Disclosure of Interest

Item No.	P14/3463
Member	Cr M Reynolds
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Honorary Membership
Request	Stay, Discuss and Vote
Decision of Council	Not required

Disclosure of Interest

Item No.	P14/3463
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the National Trust of WA but have no control over its decisions
Request	Stay, Discuss and Vote
Decision of Council	Not required

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

Ward	:	Applecross/Mt Pleasant
Category	:	Strategic
Application Number	:	N/A
Property	:	Lot 301, Lot 6854 and Lot 8410 (2) Canning Beach Road, Applecross Lot 300 (66) Duncraig Road, Applecross Lot 304 (60) Duncraig Road, Applecross
Proposal	:	Report on submissions in response to advertising for adjustment of boundaries between South Perth Yacht Club And Heathcote Lower Land
Applicant	:	South of Perth Yacht Club and City of Melville
Owner	:	State of Western Australia. (Management orders to South of Perth Yacht Club and City of Melville)
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P13/3433 - Adjustment Of Boundaries Between South Perth Yacht Club And Heathcote Lower Land – Ordinary Meeting of the Council - 15 October 2013
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

AUTHORITY / DISCRETION

DEFINITION

<input checked="" type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)**KEY ISSUES / SUMMARY**

- Report P13/3433 (Council meeting 15 October 2013), outlined the proposed boundary adjustment and road reserve closures relating to Heathcote Lower Lands and the South of Perth Yacht Club.
- The concept of adjusting boundaries and closing of a road reserve provided for:
 - completion of the hardstand development and associated conditions of approval of the Swan River Trust by South of Perth Yacht Club,
 - development of the Lower Land at Heathcote; and
 - transfer of management order to the National Trust WA .
- The concept was advertised through a letter to residents within a 500 metre radius, a notice in the Melville Times and a sign on site inviting comment. A comment period of 35 days was specified.
- Nine submission were received (seven in support and two objections)
- One objection related to the National Trust taking over Management of the Heathcote Site.
- One objection received was concerned that the Yacht Club was negotiating with land that was part of a memorial on title which related to heritage matters. They were also concerned that the conditions relating to previous development approvals had still not been met.
- Issues raised during the comment period relating to heritage and the terms of existing development approvals relating to the South of Perth Yacht Club are acknowledged and are recommended to be reflected in further definition of the final boundary adjustment. Concerns regarding ongoing management of the land are proposed to be resolved through upfront agreement of expected standards and timing of works.
- Continued progress on the boundary adjustment process is recommended accordingly, subject to satisfactory finalisation of the position of the boundary, completion of outstanding works and preparation of a suitable Deed of Agreement to guide and secure the process. Authority for the Chief Executive Officer to finalise these details is further recommended to facilitate progress.

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)



BACKGROUND

Scheme Provisions

MRS Zoning	:	Parks and Recreation/Urban
CPS 5 Zoning	:	Parks and Recreation/ Local Open Space
R-Code	:	N/A
Use Type	:	N/A
Use Class	:	N/A

Site Details

Lot Area	:	Lot 301 and Lot 8410 – 18,856sqm; Lot 300 24,246sqm; Lot 304 29,713sqm
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	

At the Ordinary Meeting of Council in October 2013 it was recommended

“That the Council:

1. *Approve the commencement of the procedures, including public advertising, to accommodate the adjustment to the boundaries of the Management Order provided to the South of Perth Yacht Club and associated closure of road reserve as shown on Drawing 2 and 3 P13-3433 - Adjustment Of Boundaries Between Heathcote Lower Land and South of Perth Yacht Club.*

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

1. *Requests a report on the consultation and submissions received as a result of public advertising, be presented to the Council to allow consideration as to whether the proposed boundary adjustment are to be forwarded to the Department of Lands for approval.*
2. *Directs that any adjustment of boundaries as envisioned in this report is conditional upon a legally binding agreement between the City of Melville and the South of Perth Yacht Club being entered into which shall specify:*
 - a. *aims and objectives,*
 - b. *roles and responsibilities,*
 - c. *lines of communication,*
 - d. *timelines and*
 - e. *each party's responsibility for implementation of actions.*
3. *Notes that all costs of the boundary adjustment and agreed works be borne by the South of Perth Yacht Club."*

DETAIL**CPS5 and Policy Requirements**

Land proposed to be transferred from Lot 301 is zoned Parks and Recreation under the Metropolitan Region Scheme.

R-Code Requirements

Not applicable

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	35 Days
Submissions Received::	Nine
Reason:	Seeking comment on adjustment of boundaries to reserves and notification of road closure.
Support/Object:	Seven Support/ Two Object

Four hundred and twenty one letters were posted to residents within 500 metres of the subject reserves as well as to those who had been involved with the master planning process. A notice was also put in the Melville Times 'About Melville' and was circulated through the web page.

Seven written and email submissions, one personal deputation from a stakeholder and one written submission from Swan River Trust were received. The submissions are summarised in the tables below.

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action
1	Changes make sense for all parties	Support	Noted	Uphold
2	We walk down to the river by the Yacht Club. We support changes as outlined	Support	Noted	Uphold
3	Fully Support	Support	Noted	Uphold
4	Both proposals seem sensible and overdue. Agree with wetland area and transfer to National Trust as this will relieve Melville ratepayers of the maintenance costs for this land.	Support	Noted	Uphold
5	There is a Memorial on Title relating to heritage of the land. Advertising should have advised of the Memorial. The Swan River Trust conditions on approval for works suggests larger portion should be given up by the Yacht Club. Check Titles to see ownership of the land.	Object	Noted. The Memorial relates to a specific portion of land and will remain on the title or titles to which that portion is attached. Therefore there is no requirement to readvertise or refer to the Memorial in the advertising. The Memorial will be used to assist in the drawing of boundaries. Swan River Trust has also required a larger portion of land be ceded (see SRT comments).	Condition
6	Happy with suggested adjustments, however we had hoped for some sort of stage to be constructed to allow access to concerts and/or open air cinema from time to time.	Support	Noted. Will consider opportunities during detailed planning.	Uphold

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action
7	<p>I am only too aware of the power of National Trust. There have been few of their past decisions I have agreed with. My Vision is one controlled by City of Melville. Lends itself to a picnic area for the enjoyment of all. Should be free Parking not metered. South of Perth Yacht Club is another asset to our City providing pleasure and relaxation to its members and their family and friends. The lower Heathcote land should be developed to take advantage of the existing trees and wet land with a small lake perhaps? Lots of lawned areas, shaded seating, b.b.q's, drinking fountains, picnic benches and seats and, of course, plenty of parking. Having access to the river with an area of beach is just another reason why this lower Heathcote land should be developed sooner rather than later. A cafe similar to the Zamia Cafe in Kings Park would also be a popular suggestion. Toilets could be provided in close proximity to the café.</p>	Object	<p>There will be checks and conditions in place that will assist in ensuring work is done to the satisfaction of the City of Melville. The City will still be involved in the planning and implementation of stages of the project however the funding and partnership opportunities should enable works to be undertaken a lot sooner and with less expense to the City and its Ratepayers.</p>	Condition

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action
8	We welcome proposals. Believe they will improve public access to Swan River foreshore from Lower Lands. Consistent with wishes of public workshops. No objections to transfer of Management to National Trust as long as they have sufficient resources to manage effectively. This was agreed at workshops also. We would like to see the masterplan implemented as soon as possible. This valuable parkland has been left in a degraded state for too long. Potentially one of the City's greatest assets and we hope the city will assist the National Trust to commence landscaping and restoration. Wetlands Conservation Society would be happy to assist in this process if our expertise is needed.	Support	Improved access to Swan River will be part of the proposal. Masterplan will be used as a base for the development. The masterplan was designed to show what the thoughts of the workshops were. More detailed design work and planning will be required.	Uphold

There is general support for the concepts of developing the Heathcote Lower Lands and adjoining reserves to reflect and enhance the important heritage of the site. The objections and concerns raised during consultation were related to the actual alignment of the boundaries, extent of access to the site by the public, timing of improvement works and ensuring the heritage value of the site was protected. Concern was expressed that the importance of the heritage considerations had previously been recognised in the Memorial on the title. This Memorial is over a specific portion of land incorporated in lot 301 and is relevant to any management order. Therefore single ownership of the portion of lot 301 impacted by the Memorial, though not essential, would provide ease of management.

Concern was also expressed about the conditions placed by Swan River Trust on the reclamation of land and development of the hardstand area by the Yacht Club. The extent of the land as shown on Figure 4A as attached to the approval should be considered in the adjustment of boundaries for the management orders. Staging of the negotiations for the adjustments of boundaries and requiring the fencing and landscaping works to the North of the sites to be undertaken before the transfer is completed will also address the general concerns raised.

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

There were no objections to the closure of the road and transfer of land at the entrance to the Yacht Club, however there were comments that this should not hinder the cycling access and detailed design should also consider the impact on the roundabout before location of gates was approved. This would be the subject of a separate Development application.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Required: Swan River Trust
Reason: Within Development Control Area
Support/Object: Support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action
Swan River Trust	Both areas of land proposed to be swapped are within the Trust's Development Control Area and reserved for Parks and Recreation under the Metropolitan Regional Scheme. 15 Jan 1998 Minister for environment granted approval to SoPYC for development of marina including reclamation of river for new boat storage hardstand. At the time an area was set aside in the western corner as a grassed public picnic area. While the Trust does not object to the transfer of the proposed portion of the Caning Beach Road Reserve to the SoPYC, it considers that the entire portion of the land within the Yacht Club originally intended for the public picnic area should be transferred into the public reserve. To satisfy conditions of their approval and prior to the land swap taking place the SoPYC should install the required fencing and landscaping.	Support	The boundaries will be drawn with the conditions of the Swan River Trust as a key guide. The fencing and landscaping will be progressed prior to the final approval of the boundaries.	Condition

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The allocation of Management Orders, and dealing with Crown Land and Reserves is dealt with under the Land Administration Act 1997.

There is a Memorial on the title for lot 301 which highlights the heritage requirements of a portion of the land.

FINANCIAL IMPLICATIONS

The proposed boundary adjustments and changes to Management Orders will incur minor administrative costs. Specific costs associated with statutory fees, and formal survey of the new boundaries are to be met by the South of Perth Yacht Club.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could decide not to proceed with the proposed boundary adjustment. This alternative would not achieve the objectives of widening the aspect from the Heathcote Lower Lands to the Swan River.

CONCLUSION

The adjustment of the boundaries between the reserves associated with the lower lands at Heathcote and the South of Perth Yacht Club provides an opportunity to enhance access and views between Heathcote Lower Lands and the River. The adjustment also reflects the required conditions of development approval for works at the South of Perth Yacht Club and provides an opportunity to rationalise the boundaries with respect to management of the land. Associated adjustments to the road reserve boundary at the entrance to the Yacht Club are also supported.

Concerns raised during the advertising period with respect to heritage issues and associated Memorial on title have been responded to. The need for the boundary adjustment to reflect the terms of the Swan River Trust development approval conditions is also acknowledged. The need for the South of Perth Yacht Club to complete the works associated with the terms of the development approval is also recognised. A Deed of Agreement between the National Trust, the South of Perth Yacht Club and the City of Melville is also recommended to ensure works proposed are undertaken to an accepted timeline and standard.

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

It is recommended that proposed boundary adjustments, road closures and associated rationalisation of management orders continue to be progressed. To facilitate the process it is recommended that the Chief Executive Officer be granted authority to work with the National Trust and South of Perth Yacht Club to progress the adjustment of boundaries and transfer of management orders having regard to the identified heritage issue and the terms of the Swan River Trust development approval for works at the South of Perth Yacht Club.

OFFICER RECOMMENDATION (3463)**APPROVAL**

At 7.28pm Cr Willis moved, seconded Cr Robartson–

That:

1. **The works required under the approval SRT574-26 from the Swan River Trust be completed by the South of Perth Yacht Club prior to boundary adjustments being finalised.**
2. **The process of road closure for the portion of Canning Beach Road at the entrance to the South of Perth Yacht Club be continued with the reserve being created to be attached to Lot 6854.**
3. **The final position of the adjusted boundary between Lot 301 and Lot 300 be determined by the conditions attached to development approval SRT574-26 and by having regard to the Memorial on Lot 301.**
4. **The process to transfer the management order of Heathcote Lower Lands and adjoining bush reserves to the National Trust (WA) be continued through negotiations with the Department of Lands.**
5. **A Deed of Agreement be prepared between the National Trust, the South of Perth Yacht Club and the City of Melville with a view to ensure works proposed are undertaken to an accepted timeline and standard.**
6. **The Chief Executive Officer of the City of Melville be authorised to negotiate with the South of Perth Yacht Club, Department of Lands and National Trust WA to determine the final boundary alignments, having regard to Part 3 of the recommendation above, and to be a signatory to the Deeds of Agreement, described in Part 5 of the recommendation above.**
7. **Stakeholders who made a submission be advised of the outcomes and recommendations of Council.**

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)

Amendment

At 7.28pm Cr Schuster moved, seconded Cr Pazolli –

Delete the current Recommendation 1

Replace with:

1. A meeting be arranged on the site by the City of Melville with representatives from the South of Perth Yacht Club, the Swan River Trust, the Department of Parks and Wildlife, the National Trust (Western Australia) and the City to reach agreement on what is required to satisfy the decision of the (then) Minister for the Environment under the *Swan River Trust Act 1988* (approval SRT 574-26) and what needs to be completed or agreed to allow these boundary adjustments to be concluded.

At 7.35pm the Mayor submitted the Amendment which was declared

CARRIED UNANIMOUSLY (12/0)

Reason

There appears to be some disagreement about the intent or implementation of some actions under the Minister's approval of the works of the South of Perth Yacht Club, which is best negotiated by all the parties meeting on the site. The intention of this amendment is to focus on agreeing what is still to be done under the Minister's approval for the works which then forms the basis of the agreement suggested in Item 6 of this Recommendation.

P14/3463 - REPORT ON SUBMISSIONS TO ADVERTISING FOR ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC)**COUNCIL RESOLUTION****APPROVAL**

At 7.36pm Cr Willis moved, seconded Cr Robartson –

1. *A meeting be arranged on the site by the City of Melville with representatives from the South of Perth Yacht Club, the Swan River Trust, the Department of Parks and Wildlife, the National Trust (Western Australia) and the City to reach agreement on what is required to satisfy the decision of the (then) Minister for the Environment under the Swan River Trust Act 1988 (approval SRT 574-26) and what needs to be completed or agreed to allow these boundary adjustments to be concluded.*
2. *The process of road closure for the portion of Canning Beach Road at the entrance to the South of Perth Yacht Club be continued with the reserve being created to be attached to Lot 6854.*
3. *The final position of the adjusted boundary between Lot 301 and Lot 300 be determined by the conditions attached to development approval SRT574-26 and by having regard to the Memorial on Lot 301.*
4. *The process to transfer the management order of Heathcote Lower Lands and adjoining bush reserves to the National Trust (WA) be continued through negotiations with the Department of Lands.*
5. *A Deed of Agreement be prepared between the National Trust, the South of Perth Yacht Club and the City of Melville with a view to ensure works proposed are undertaken to an accepted timeline and standard.*
6. *The Chief Executive Officer of the City of Melville be authorised to negotiate with the South of Perth Yacht Club, Department of Lands and National Trust WA to determine the final boundary alignments, having regard to Part 3 of the recommendation above, and to be a signatory to the Deeds of Agreement, described in Part 5 of the recommendation above.*
7. *Stakeholders who made a submission be advised of the outcomes and recommendations of Council.*

At 7.36pm the Mayor declared the motion.

CARRIED UNANIMOUSLY (12/0)

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Tenders
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Waste Programme : Not applicable
 Funding : 2012/2013 Capital Replacement Programme carried Forward (\$585,450) to 2013/2014. Note extra comments in Financial Implications
 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 to note.</i>

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- To recommend acceptance of a contract for the purchase and supply of two rear loading waste trucks c/w compactor bodies, 28m³ and 19m³ with funds carried forward from the 2012-2013 Fleet capital program.

BACKGROUND

Quotes were called through the Western Australian Local Government Association's (WALGA) Preferred Supply Contract for Trucks and Associated Equipment, Contract Number TPS 0815, for the supply of two rear loading waste trucks.

The vehicles will be used for the City of Melville's (City's) commercial and bulk verge collection services.

The two current rear loading trucks will be sold at auction.

<i>Plant #</i>	<i>Make</i>	<i>Model</i>	<i>Purchase Date</i>	<i>Engine HRS</i>	<i>Optimum Replacement</i>
39603	ISUZU	FVY1400	29/7/2003	16,232	8,000 hrs/8yrs
39107	IVECCO	F2350G/260	5/06/2007	12,100	8,000 hrs/8yrs

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday 28 January 2014 and distributed to Elected Members on Friday 31 January 2014 under confidential cover.

Quote Evaluation Process

The specifications issued were for a 28M³ (Bulk Verge) and 19M³ (Commercial) rear loading waste truck.

Each offer was assessed using the following selection criteria and weightings:

Criteria	Weighting
WOL Costs	40%
Operational Assessment	20%
Mechanical Assessment	20%
Environmental Assessment	10%
Warranty & Service support	10%

Note: All criteria are scored out of five for each quote.

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)

Whole of Life Cost (WOL)

The Whole of Life Cost consists of the cost of owning and operating the vehicle for the determined period of ownership. For these vehicles the parameters for whole of life cost determination are 8,000hrs / eight years.

Whole of life costs were calculated using the spreadsheet template in the Fleet Consultant's Uniqco facility with the following input data:

- Purchase cost
- Repairs, maintenance and tyres
- Fuel cost and consumption
- Fleet management cost
- Insurance and licence.

The lowest total cost item receives a score of five. The remaining quoted items receive a percentage out of five.

Scores are rated as follows.

Assessment Rating	Score
Excellent	5
Above Average	4
Average	3
Below average	2
Poor	1

Operational Requirements

This was undertaken by two Waste Supervisors and one Waste Driver and was scored by assessing similar models as the tendered trucks and completing a score card. Score cards were completed for each vehicle and scores averaged across the cards.

The following criteria were assessed:

- Vehicle Capability to perform waste collection tasks
- Access for daily checks oil, water, greasing etc
- Turning circle
- Compactor body to specification compaction ability 28M3 / 19M3
- Steering positions
- Controls (indicators, brake, gear shift)
- Ease of entry and exit from the cab
- Air conditioning system
- Noise under operation internal and external
- Operators seat comfort, mirrors vision.

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)**Technical Specification (Mechanical Assessment)**

The mechanical assessment was undertaken by the Workshop Supervisor and scored by assessing similar models as the proposed trucks and completing a score card. Score cards were completed for each vehicle and scores averaged across the cards.

The following criteria were assessed:

- Ease of access for safety checks – brake wear, air cleaner, greasing
- Manufacturers service schedule breakdown support
- Ease of brake pad, shoe replacement
- Ease of servicing, vehicle, cab, chassis and compactor
- Access chassis, compactor body for general maintenance
- Oil and Fuel filter frequency of change
- Overall vehicle parts support.

Environmental Assessment

The environmental assessment was conducted by the City's Fleet Consultant Uniqco. Criteria were assessed with a score out of five.

The following criteria were assessed:

- Fuel consumption
- Recycle parts
- Emissions ADR80/02

Warranty Service Support

The Warranty Service Support Assessment was conducted by the City's Fleet Consultant, Uniqco and the City's Fleet Coordinator.

The following criteria were assessed with a score out of five.

- Local service support.
- Warranty.
- Service training for the City's staff.

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday 28 January 2014 and distributed to Elected Members on Friday 31 January 2014 under confidential cover.

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)**DETAIL**

In September 2013, vehicle specifications and quotations were called through WALGA's Preferred Supply Contract for Trucks and Associated Equipment, Contract Number TPS 0815, for the supply of two rear loading waste trucks, one 28m³ (bulk verge) and one 19m³ (commercial).

The City then completed a series of detailed operational and mechanical whole of life assessments against each tender offer which includes the two types of compactors offered, Superior Pak and MacDonald Johnson.

Quotes were received for the 19M³ (commercial) truck and the 28M³ (bulk verge) truck by Major Motors (Isuzu) WA Hino, AV Trucks (Dennis Eagle) Ivecco and Daimler Trucks.

Panel Discussion and Conclusion

The submissions were firstly assessed in terms of compliance with the general conditions of contract and the quote specification. All quotes were compliant.

It was considered that all five quotes met the minimum requirements, as they all meet the compulsory criteria.

The quotes were compared one to one on a value for money basis. The evaluation panel then looked at the strengths and weaknesses of the quote submissions. The Daimler truck whilst still evaluated by Uniqco was excluded for consideration due to the cost.

An in-depth comparison of the individual scoring components of each submission was undertaken to determine exactly which areas an individual submission was higher or lower ranked than another to review how the overall scores related, (i.e. within the Operational Assessment, a significantly superior turning circle may be valued higher than access into and out of the cab).

Comparing the Offers.

Ivecco #2350g truck with a MacDonald Johnston Compactor	72.75
WA Hino #500 truck with a MacDonald Johnstone Compactor	79.15
Dennis Eagle truck with a Superior Pak Compactor	85.89
Isuzu FVY1400 truck with a MacDonald Johnston Compactor	82.12
Daimler Truck truck with a MacDonald Johnstone Compactor	72.75

Four submissions offered the MacDonald Johnson compactor body and one submission included the Superior Pak compactor body.

The AV Trucks quote utilises the Dennis Eagle step in step out low profile chassis.

The mechanics and operators considered the low profile access for maintenance and operational duties of high importance.

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)

The Evaluation Panel believe that preference in the vital operation of internal controls, turning circle, steering position, and ergonomics ie: low profile including the ingress and egress, were all significant factors of preference for the Dennis Eagle Trucks.

Two specific safety areas in which the Dennis Eagle was rated higher were:

- The entry and exit of the truck having a unique design feature with a low profile step in step out cab arrangement eliminating any risk of injury when entering or exiting the cab compared to a standard high entry three points of contact requirement.
- A walk through cab enabling access to both dual controls without exiting the vehicle and whilst it was low in priority given the infrequency of a driver entering and exiting the cab it was noted as a significant safety point to eliminate the risk of injury.

The Isuzu, Daimler and Dennis Eagle trucks are Euro5 compliant with an exhaust Urea system which meets the target of almost zero emissions.

Compaction Bodies:

The Waste Service staff completed trials of a Superior Pak compaction body for 10 days to evaluate its performance, compaction rates, durability and ease of use compared to the MacDonald Johnson compactor. The feedback was very positive and with consideration for the recent high maintenance costs and breakdowns of the existing MacDonald Johnson compactors, the waste department in agreement with Fleet will option the Superior Pak compactor.

The Dennis Eagle truck is already established in the WA waste collection business with the City currently operating three Dennis Eagle trucks for the weekly recycle collection service.

The Panel recommends that the Dennis Eagle truck with a Superior Pak 19m³ and 28m³ compaction body should progress in the assessment.

PUBLIC CONSULTATION/COMMUNICATION

Not Applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulation 1996, Section 3.57 clause 11 (2) (b) exempts the requirement to call for tenders where *“the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”*.

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

The purchase of the proposed two rear loading waste trucks was approved in the 2012-2013 capital program carried forward to 2013-2014 (net \$585,450).

NB: Finance have verified that there is a shortfall of \$43,803 in the carry forward budget due to a combination of the expenditure budget being too high \$83,803 and the income budget being too low by \$40,000.

Comments on expenditure:

1. The trucks being a higher specification than the existing vehicles.
2. Insufficient funds on the adopted program originally being set as the replacement budget.
3. General CPI and manufacturing cost increases.
4. The expected higher return on disposal of \$40,000.

	Purchases	Sales	Net
Adopted	\$585,450	-\$100,000	\$485,450
Required	\$669,253	-\$140,000	\$529,253
BUDGET AMENDMENT REQUIRED	\$83,803	-\$40,000	\$43,803

Capital costs for the new vehicle will be raised against the carried forward approved funding, covered by 420-80235-1575-000 however running costs ie: fuel and general maintenance will be recovered via an operational charge paid for by the Service area to Fleet Services. The shortfall will require the transfer of additional funds following a budget amendment from the Commercial Refuse Reserve of \$21,463 and Refuse Facilities Reserve of \$22,340, respectively, to cover the budget shortfall of \$43,803

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

This report is consistent with the City's Corporate Plan's Key Result Area of Environment including the provision of Waste Management Services. It is also consistent with the Strategic Waste Management Plan developed in association with the Southern Metropolitan Regional Council.

Risk Management Implications

The purchase of the rear loading trucks and compactors will help ensure that the City is able to continue to provide efficient and safe commercial and bulk verge waste collection services to the City's residents.

The existing trucks are beyond their scheduled replacement dates with high hours and increasing maintenance and breakdown costs.

POLICY IMPLICATIONS

Procurement of Goods and Services Policy -CP-023
Asset Financing & Borrowings Policy - CP-024

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The existing vehicles have exceeded the Institute of Public Works Engineering Australia's and the City's recommended optimum changeover period with excessive hours. They are also used daily, which increases the maintenance requirements, costs and down time and affects reliability and utilisation to waste.

There are no alternate options to be considered.

CONCLUSION

The Council is required to consider this tender and the recommendation from the Contract and Tender Advisory Unit because the value of the contract exceeds the \$500,000 limit delegated to the Chief Executive Officer under Delegated Authority DA-027. It is the recommendation of the Contract and Tender Advisory Unit that two Dennis Eagle trucks with the Superior Pak Compaction Units (19m³ and 28m³) as quoted by AV Trucks be accepted, with the life of the vehicles being set at eight years or 8000hrs.

EVALUATION PANEL RECOMMENDATION (CO32/13)**APPROVAL**

That the submission by AV Trucks for the purchase of two Dennis Eagle trucks with Superior Pak compactors (19m³ and 28m³) obtained through WALGA's Preferred Supply Contract for Trucks and Associated Equipment - Contract Number TPS0815, be accepted for the amount of \$669,254. exclusive of GST, as the most advantageous.

The life of these assets within the 10 year asset management program will be eight years/8,000hrs.

Director Technical Services moved, Director Corporate Services seconded.

The Presiding Member accepted unanimous agreement which was declared.

(CARRIED 4/0)

T14/3464 – SUPPLY OF TWO REAR LOADER WASTE TRUCKS FOR THE CITY OF MELVILLE WASTE DEPARTMENT (CO32/13) (AMREC) (CONFIDENTIAL ATTACHMENT)**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION
& COUNCIL RESOLUTION (3464) (CO32/13)****ABSOLUTE MAJORITY APPROVAL**

At 7.36pm Cr Willis moved, seconded Cr Robartson –

That the Council by Absolute Majority Decision:

- 1. Accepts the quotation by AV Trucks for the purchase of two Dennis Eagle trucks with Superior Pak compactors (19m³ and 28m³) obtained through WALGA's Preferred Supply Contract for Trucks and Associated Equipment - Contract Number TPS0815, for the amount of \$669,254. exclusive of GST, as the most advantageous.**
- 2. Approves the transfer of additional funds following a budget amendment from the Commercial Refuse Reserve and Refuse Facilities Reserve, respectively, to cover the budget shortfall of \$43,803.**

At 7.36pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

M14/5000 – COMMON SEAL REGISTER (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works 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 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 15 November 2013 up to and including 23 January 2014 and recommends that the information be noted and endorsed.

M14/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
840	The City of Melville and Amalgamated Melville Homing Club	Deed of Extension from January 2014 to 31 December 2014 – with Amalgamated Melville Homing Club Premises - A Portion of John Connell Reserve No 24826	3042346
841	The City of Melville and Kardinya Sports Association	Management Licence for Kardinya Sports Association. From 1 January 2014 to 31 December 2016 Portion of Morris Buzzacott Reserve 31307	3085723
843	The City of Melville and Amalgamated Melville Homing Club	Deed of Variation to Licence for indemnity – between the City and Amalgamated Melville Homing Club	3105674
844	The City of Melville and Melville Water Polo Club	Variation to Licence - Melville Water Polo Club Variation - lessee responsible for Building Insurance	2108099
855	The City of Melville and 12, 14 & 16 Riseley Street, Ardross	Withdrawal of caveat for execution 12, 14 & 16 Riseley Street, Ardross	3144132
858	The City of Melville and 21-23 Queens Road Mt Pleasant	Deed of Indemnification for works within the road reserve – (Lots 24 and 25) 21-23 Queens Road Mt Pleasant	3152727

M14/5000 – COMMON SEAL REGISTER (REC)

868	The City of Melville and 12, & 14 Riseley Street, Ardross	Application for removal of Restrictive Covenant - 12 & 14 Riseley Street Ardross	3171407 3167409&
871	The City of Melville and Hardship Utility Grant Scheme (HUGS)	Application to become a HUGS registered financial counselling service through the Financial Counsellors Association WA (in The City of Melville's case it is a renewal of registration as we already are a registered HUGS Financial Counselling Service)	3180627/ 3180632
876	The City of Melville and Jack Stammers Pty Ltd	The Transfer of Name for Deed Agreement: at Lot 37 (No .265) Canning Highway, Palmyra	3188608
879	The City of Melville and Murdoch Urology Pty Ltd	Application for temporary withdrawal and replacement of Caveat to permit refinance - 2 & 2b Antony Street, Palmyra: Murdoch Urology	3187608

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Legal advice was received from Piper Alderman in respect to the signing of the Power of Attorney to John Walker and Clive Bowman of IMF (Australia) Ltd in respect to settlement of the City's claim in respect to the Class Action Lehman Brothers Australia Limited (In Liquidation) (LBA).

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.*

M14/5000 – COMMON SEAL REGISTER (REC)

The proposed Settlement Agreement in respect to the resolution of the Federal Court Proceedings No. NSD 2492 of 2007 Wingecarribee Shire Council and Ors. v Lehman Brothers Australia Ltd (In Liquidation) (LBA) is confidential information in accordance with Section 5.23 (2) (d) of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

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

That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 15 November 2013 up to and including 23 January 2014, be noted and endorsed.

At 7.37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

M14/5340 - REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS & BILLPOSTINGS (REC) (ATTACHMENT)

At 7.37pm the Mayor read aloud the purpose and effect of the Local Law:

“The purpose of the proposed local law is to repeal the City of Melville’s Local Laws relating to Signs, Hoardings & Billpostings.

The effect of this local law is to remove an obsolete and outdated local law relating to the district of the City of Melville. “

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws
Customer Index	:	City of Melville.
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P11/3210 – Stage Four Review of Urban Planning Policies - Ordinary Meeting of Council 17 May 2011 P13/3371 – Adoption of Outdoor advertisements and Signage Policy - Ordinary Meeting of Council 19 February 2013
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

M14/5340 - REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS & BILLPOSTINGS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Council adopted the draft Outdoor Advertisements and Signage Policy on 19 February 2013 for the purposes of public consultation.
- All the applicable requirements of the existing Local Law relating to Signs, Hoardings & Billpostings are covered by the new draft Council Policy, Community Planning Scheme No. 5, the *Planning and Development Act 2005* and the *Building Act 2011*.
- The new draft Policy relating to Outdoor Advertisements and Signage cannot be adopted by Council until the Local Law relating to Signs, Hoardings & Billpostings has been repealed.
- It is recommended that the City of Melville Local Law relating to Signs, Hoardings & Billpostings be repealed and this report commences that process.

BACKGROUND

The Local Law relating to Signs, Hoardings & Billpostings was gazetted on 19 October 1984 and amended on 12 July 2002 and 17 June 2003.

At the Ordinary Meeting held 19 February 2013 Council adopted the draft Outdoor Advertisements and Signage Policy for the purposes of public consultation. The draft policy has since been advertised for a period of 21 days and no submissions were received.

DETAIL

The draft Outdoor Advertisements and Signage policy is now awaiting final adoption by Council; however this cannot happen until such time as the existing Local Law relating to Signs, Hoardings & Billpostings has been repealed. The Joint Standing Committee on Delegated Legislation has advised that any amendment to the current Local Law would not be approved.

In the preparation of the draft policy, a review of the existing Local Law relating to Signs, Hoardings & Billpostings was undertaken and took the following into account:

- (a) relevance to the needs of the City of Melville;
- (b) compliance with the *Local Government Act 1995 (WA)* and other legislation such as the *Health Act 1911*, *Dog Act 1976*, and *Road Traffic Act 1974*;
- (c) deletion of legislative duplication;
- (d) avoidance of legislative inconsistency between other local laws, State and Federal legislation;

M14/5340 - REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS & BILLPOSTINGS (REC) (ATTACHMENT)

- (e) where possible the consolidation of local laws relating to similar subjects; and
- (f) the creation of local laws that are able to stand alone without the need to be cross-referenced.

In reviewing the local law it was noted that all of the applicable requirements of the existing Local Law relating to Signs, Hoardings & Billpostings are covered by the draft policy, Community Planning Scheme No. 5 (CPS5), the *Planning and Development Act 2005* and the *Building Act 2011*.

In particular, Clause 7.2 of CPS5 requires that all advertising signs larger than 0.2 square metres obtain planning approval. Through the planning approval process, the size, design and location of the signage is assessed to ensure the signage will not detract from the amenity of the surrounding area.

Where planning approval is not sought prior to the installation of a sign, the City can take enforcement action in accordance with Part 9 of CPS5 and the *Planning and Development Act 2005*.

Furthermore, where an advertising sign requires the installation of a structure, such as a pylon or similar, the *Building Act 2011* requires such structures have a building permit.

Consequently, the local law is no longer considered to be required and to avoid duplication of legislation and uncertainty of regulation, it is recommended that the existing local law should be repealed. Once the local law is repealed, the draft Outdoor Advertisements and Signage Policy will be re-presented to Council for final adoption.

Local Law making Process

Under the *Local Government Act 1995*, s. 3.12 sets out the process in order to make a local law. Council should note that commencement of this part of the process does not bind them to adopt the local law but only starts the process and allows for public comment to be made concerning the proposed adoption of the amendment local law.

At the meeting the Presiding Member is to give notice of the purpose and effect of the proposed local law.

The purpose of the proposed local law is to repeal the City of Melville's Local Laws relating to Signs, Hoardings & Billpostings.

The effect of this local law is to remove an obsolete and outdated local law relating to the district of the City of Melville.

Under s. 3.12(3) a local government is required to give statewide public notice that the local government proposes to make a local law.

M14/5340 - REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS & BILLPOSTINGS (REC) (ATTACHMENT)

The notice is to include:

- (a) the purpose and effect of the local law;
- (b) advice that copies of the proposed local law can be obtained from the local government; and
- (c) is to invite submissions for a period of six weeks.

Competition Principles Agreement – Clause 7

The Commonwealth Competition Principles Agreement was an agreement between the Commonwealth and State Governments that stipulated the manner in which governments would apply competition policy principles to public sector organisations under their jurisdiction. While local governments were not a signatory to the Agreement there was a requirement that they apply the same competition principles to their activities and functions by virtue of Clause 7 of the Agreement. One of these principles was legislative review.

The City therefore conducted a review of the proposed local law in accordance with these principles.

With regard to the proposed repeal local law that is currently before Council the local law does not contain any restrictions that impede competition.

PUBLIC CONSULTATION/COMMUNICATION

The City is required to provide statewide and local public notice and advertise the amendment in accordance with s. 3.12(3) of The Act.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the *Local Government Act 1995* outlines the procedure that a Local Government must follow for making a Local Law.

M14/5340 - REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS, HOARDINGS & BILLPOSTINGS (REC) (ATTACHMENT

FINANCIAL IMPLICATIONS

The cost implications are for the costs associated with advertising and gazetting the local law.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Adequate local laws allow for protection of members of the community through the regulation of activities in controlled parameters. It is therefore a requirement, that local laws are relevant, easy to understand and adequate. There are no strategic and environmental management implications in this report.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of retaining an outdated local law	The enforcement of an outdated law provides a minor consequence, resulting in a Low level of risk	Repeal the existing law and apply the new Outdoor Advertisements and Signage Policy.

POLICY IMPLICATIONS

There are no policy implications in this report other than the intent that the new Council Policy relating to Outdoor Advertisements and Signage will be adopted as a Council Policy at the time the Local Law is repealed.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council can resolve not to repeal this local law, however, in doing so, the draft Policy, cannot be adopted as it would have no effect until such time as the Local Law relating to Signs, Hoardings & Billpostings is repealed.

CONCLUSION

In reviewing the City's local laws it was determined that due to legislative duplication the City's Local Law Relating to Signs, Hoardings & Billpostings be repealed.

**M14/5340 - REPEAL OF CITY OF MELVILLE LOCAL LAW RELATING TO SIGNS,
HOARDINGS & BILLPOSTINGS (REC) (ATTACHMENT**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5340)

APPROVAL

That the Council approves advertising the Repeal Local Law 2014 as contained in [5340 Signs, Hoardings & Billpostings Local Law Repeal](#) for public comment, in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.

At 7.37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Subject Index	:	Corporate Policy
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Numerous items have been provided to Council for either review or amendment of current policies. C12/5214 - Policy Review – Chief Executive Officer - Ordinary Meeting of the Council – February 2012 and C13/5351 – Policy Review – Corporate Services – Ordinary Meeting of the Council – 10 December 2013
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance & 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 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>

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Chief Executive Officer have been examined and brought forward with amendments for consideration and adoption.
- One policy within the responsibility of the Director Corporate Services has been examined and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.
- This report recommends that the reviewed policies be adopted.

BACKGROUND

The City of Melville has Council Policies which for the Chief Executive Officer were previously reviewed in February 2012. Officers have again reviewed all Chief Executive Officer policies in 2014 and have now brought the reviewed policies with proposed amendments to Council for consideration. One policy from the Director Corporate Services has been reviewed and included in this report. A two yearly review cycle has been implemented to ensure all policies remain current.

DETAIL

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

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

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

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

Where applicable procedures will be prepared for some policies to define a sequence of activities, tasks or steps that when undertaken in the sequence laid down produces the described result, product or outcome.

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)

This report provides comment on policies from the Chief Executive Officer and one policy from the Director Corporate Services. All policies referred to in this report are provided as an attachment.

Of the 10 policies reviewed by the Chief Executive Officer:

No change: Five
Minor change: Five – as shown below
Major change: Nil

CP- 003 Public Relations

Minor changes to include five additional supporting documents.

CP- 004 Council Chamber, Committee Rooms and Lounges

No amendment required.

CP- 007 Acting Chief Executive Officer

No amendment required.

CP- 011 Ex-gratia Payments

Minor changes to increase the discretionary amount from \$350 to \$1,000.

CP- 012 Honorary Freeman of the City of Melville

Minor changes to note that submissions should be provided to the Chief Executive Officer and a new advice confirming that current Councillors will be eligible for nomination at the conclusion of their term of office.

CP- 015 Recognition of Elected Members Services

Minor changes to include an option of a voucher should a retiring Elected Member wish to receive a voucher rather than a gift. The reference to a memento and form of a cash payment in the previous line b) has been removed to allow a voucher to be included as an option. Reference to the Elected Members' Annual Dinner has been amended to read Elected Members' Annual Civic Function to adopt the terminology from the Civic and Ceremonial Functions policy.

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)**CP- 016 Civic and Ceremonial Functions**

Minor changes to include the Battle for Australia Ceremony and noting that the Volunteers Reception would be organised by Community Development. The previous separate headings for “Election Year” and “Non-Election Year” have been combined into the heading of Annual Civic Function. The term Annual Civic Function has been used to provide a wider option for Civic Functions that may be a dinner, cocktail reception or other appropriate function. The term “shall” has been replaced with “may” to provide options for selecting invitees who may not be named in the existing prescribed list. The responsibility for determining an invitation list for Civic Functions has been provided to the Mayor and Deputy Mayor.

CP- 017 Legal Representation

No amendment required.

CP- 039 Quality Policy

No amendment required.

CP- 083 Provision of Mayoral Vehicle

No amendment required.

One policy was reviewed by the Director Corporate Services and reported below.

CP- 025 Accounting

Minor amendments to incorporate the Fair Value Accounting Standard at item 6 (c) and adjustment of asset lives and depreciation rates as used by Assets and Facilities.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

Cost of staff time spent on reviewing the policies.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The process of policy review will serve to minimize both strategic and risk management implications by ensuring the policies are consistent with current legislation. One policy refers to environmental considerations when the purchase of goods or services occurs.

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

POLICY IMPLICATIONS

All Council Policies have been reviewed and very few policies provided to the Chief Executive Officer have been significantly amended as a consequence of the review. A minor amendment has been proposed to the Accounting Policy reviewed by the Director Corporate Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Each policy may be subject to various options which would be associated with a range of different options. The review process is designed to ensure that each policy provides the most appropriate policy at this time.

CONCLUSION

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

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (5341)

APPROVAL

At 7.37pm Cr Robartson moved, seconded Cr Aubrey –

That the Council:

- 1 Approve 10 policies reviewed by the Chief Executive Officer as contained in the following attachments.
CP- 003 Public Relations
CP- 004 Council Chamber Committee Rooms and Lounges
CP- 007 Acting Chief Executive Officers
CP- 011 Ex-gratia Payments
CP- 012 Honorary Freeman of the City of Melville
CP- 015 Recognition of Elected Members Services
CP- 016 Civic and Ceremonial Functions
CP- 017 Legal Representation
CP- 039 Quality Policy
CP- 083 Provision of Mayoral Vehicle
- 2 Approve the Accounting Policy reviewed by the Director Corporate Services as contained in the following attachment.
CP- 025 Accounting

Amendment 1

At 7.38pm Cr Taylor-Rees moved, seconded Cr Phelan –

- 1 *That in Council Policy CP-015 Recognition of Elected Members Services, in the section headed Retiring Elected Members, insert the additional point:*
 - d) *Alternatively Elected Members may donate the value to which they are entitled to a City of Melville “Not for Profit” community/volunteer group.*
- 2 *That the Officer Recommendation be changed to read;*
“CP-015 Recognition of Elected Member Services as amended”

At 7.52pm the Mayor submitted amendment 1, which was declared

LOST (5/7)

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

At 7.52pm Cr Schuster left the meeting and returned at 7.54pm.

Amendment 2

At 7.53pm Cr Phelan moved, seconded Cr Aubrey –

1 That in Council Policy CP-015 Recognition of Elected Members Services, in the section headed Retiring Elected Members, delete the words “or voucher” in sub point a) and c).

2 That the Policy have the following text inserted;

“d) The gift purchased should be suitable for keeping as a memento and shall therefore not be in the form of a cash payment.”

3 That the Officer Recommendation be changed to read;

“CP-015 Recognition of Elected Member Services as amended”

At 7.54pm the Mayor submitted amendment 2, which was declared

CARRIED (7/6)

For: Mayor Aubrey (2), Cr Aubrey, Cr Hill, Cr Macphail, Cr Phelan, Cr Schuster
Against: Cr Foxton, Cr Pazolli, Cr Reynolds, Cr Robartson, Cr Taylor-Rees, Cr Willis,

NOTE: Due to an equality of votes at the meeting, the Mayor exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).

Reasons for Amendment 1

Cr Phelan provided the following reasons in support of the amendment.

Although many Councillors deserve to be recognised for their service, this would be an honour, NOT a forgone conclusion. In the voluntary role, Elected Members have been given an allowance, reimbursed for expenses and have enjoyed rewards of conferences, dinners etc. Now that Elected Members are being paid an allowance more akin to a wage, it is even more obvious that any recognition be in the form of a memorable gift as opposed to a certain amount of money prescribed by the amount of time served. If this is not suitable for the intended recipient, that is a choice they make, not the responsibility of the Chief Executive Officer or Council.

M14/5341 - POLICY REVIEW – CHIEF EXECUTIVE OFFICER, DIRECTOR CORPORATE SERVICES (REC) (ATTACHMENT)**COUNCIL RESOLUTION (5341)****APPROVAL**

At 8.10pm the Mayor submitted the substantive motion as amended –

1. ***That in Council Policy CP-015 Recognition of Elected Members Services, in the section headed Retiring Elected Members, delete the words “or voucher” in sub point a) and c).***
2. ***That the Policy have the following text inserted;***

“d) The gift purchased should be suitable for keeping as a memento and shall therefore not be in the form of a cash payment.”
3. **That the Council:**
Approve 10 policies reviewed by the Chief Executive Officer as contained in the following attachments.
 - CP- 003 Public Relations**
 - CP- 004 Council Chamber Committee Rooms and Lounges**
 - CP- 007 Acting Chief Executive Officers**
 - CP- 011 Ex-gratia Payments**
 - CP- 012 Honorary Freeman of the City of Melville**
 - CP- 015 Recognition of Elected Members Services *as amended***
 - CP- 016 Civic and Ceremonial Functions**
 - CP- 017 Legal Representation**
 - CP- 039 Quality Policy**
 - CP- 083 Provision of Mayoral Vehicle**
4. **Approve the Accounting Policy reviewed by the Director Corporate Services as contained in the following attachment.**
CP- 025 Accounting

At 8.10pm the Mayor declared the motion

CARRIED (10/2)

For: Mayor Aubrey, Cr Aubrey, Cr Foxtan, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis
Against: Cr Pazolli, Cr Taylor-Rees

M14/5342 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Personnel file
 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 : Item M13/5304 – Chief Executive Officer Performance Review – Ordinary Meeting of Council – June 2013
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

M14/5342 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- In June 2011, through Council resolution (5188), by absolute majority decision, a five year contract with the Chief Executive Officer (CEO), effective 20 March 2011 was adopted.
- The overall process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee. The Governance Committee has been determined through Council to be the reviewers of the CEO performance.
- The Governance Committee will discuss the CEO performance, future expectations performance criteria, performance development plan and review the salary package, for recommendation to Council.
- A defined process is proposed for the CEO performance review, as detailed in the agenda item.
- The attached process incorporates enhancements on previous processes, as identified by the Council, and the suggestion by Elected Members of a separate workshop on the survey tool.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. The last performance review was finalised in June 2013 and in 2011 a new five year contract was adopted by Council. The contract was adopted by an absolute majority decision of Council in June 2011, and made effective from 20 March 2011 in accordance with Council resolution (5175).

Clause 7 of the CEO contract details that there also needs to be a review of remuneration on an annual basis at a time that is no later than three months after the anniversary of the commencement date.

DETAIL

The Chief Executive Officer performance review process that is attached will commence once the Council has approved the stages to be followed, as per the attachment: [5342 Chief Executive Officer Performance Review](#). The attached process incorporates enhancements on previous processes, as identified by the Council, and the suggestion by Elected Members of a separate workshop on the survey tool, facilitated by the Performance Review Consultant.

The overall process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee, and is supported administratively by the Executive Manager Organisational Development, who acts under the Mayor's guidance.

M14/5342 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

There are no public consultation/communication aspects relating to this item.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There has been no consultation with any other agencies/consultants at this stage, although there will be future involvement with respect to appointment of a consultant as identified in the proposed process of the CEO review.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.16(1) of the Local Government Act 1995, states that "*Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation*" Absolute majority required.

Section 5.38 of the Local Government Act 1995 states the requirement to review a CEO's performance at least once a year in relation to every year of employment.

Section 5.39 (7) of the Local Government Act 1995 requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO, to be taken into account by the local government before entering into, or renewing a contract of employment with a CEO. Although this section of the Local Government Act 1995 does not include salary reviews this information has been included in the comparative salary data for consideration by the Council when assessing salary.

Section 5.23 (2)(a) of the Local Government Act 1995 states that a meeting by a Council or Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

FINANCIAL IMPLICATIONS

The cost of a facilitator to assist with the Performance Review process is within the current operational budget.

M14/5342 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage

POLICY IMPLICATIONS

There are no policy implications applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option is that in accordance with section 5.16 of the Local Government Act 1995, the Council delegates to the Governance Committee all the powers, functions and duties necessary to select and appoint an external consultant to facilitate the performance review process of the Chief Executive Officer.

The implication of this option is that the Governance Committee meetings would require public notice so that the public are invited to attend the meeting. The current proposal is that the Committee formally recommend the Consultant and the authority for appointment remains an operational authority of the Executive Manager Organisational Development.

CONCLUSION

The CEO performance review process provides feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarifies future expectations, which are to be reflected in the performance criteria of the Chief Executive Officer's Contract and the Performance Development Plan.

An outcome of the process is resolution by the Council in relation to the Performance Criteria, Performance Development Plan and Salary Review for the Chief Executive Officer.

M14/5342 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5342)****APPROVAL**

That the Council approve the process detailed in Attachment 5342 Chief Executive Officer Performance Review for the Chief Executive Officer performance review.

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<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 30 November 2013 and recommends that the information detailed in the report be noted.
- The low 'Cash' rate and legislative restrictions, continues to result in low returns being achieved on the City's investment earnings.
- Monthly valuations for the City's three remaining Collateralised Debt Obligations (CDOs) shown for November 2013 are based on valuations obtained from CPG Research and Advisory as at 30 November 2013. When compared to the valuations used as at 30 June 2009, CDOs have increased in value by \$934,642.
- An update of recent developments in regards to the legal action against Lehman Brothers Australia (In Liquidation) (LBA) is noted in this months report.

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)
BACKGROUND

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

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

DETAIL

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

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2013					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 56,090,870	\$ 56,090,870	\$ 56,090,870	\$ -	0.00%
RESERVE	\$ 69,137,972	\$ 66,220,210	\$ 67,154,852	\$ 934,642	1.35%
TRUST	\$ 390,234	\$ 390,234	\$ 390,234	\$ -	0.00%
CRF	\$ 196,001	\$ 196,001	\$ 196,001	\$ -	0.00%
	\$ 125,815,078	\$ 122,897,316	\$ 123,831,958	\$ 934,642	0.74%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 3,000,000	\$ 82,238	\$ 1,016,880	\$ 934,642	31.15%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ -	\$ -	\$ -	\$ -	0.00%
FRTD	\$ -	\$ -	\$ -	\$ -	0.00%
TERM DEPOSIT	\$ 120,582,941	\$ 120,582,941	\$ 120,582,941	\$ -	0.00%
11AM	\$ 1,492	\$ 1,492	\$ 1,492	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 125,815,078	\$ 122,897,316	\$ 123,831,958	\$ 934,642	0.74%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 8,500,000	\$ 8,500,000	\$ 8,500,000	\$ -	0.00%
AA-	\$ 71,084,433	\$ 71,084,433	\$ 71,084,433	\$ -	0.00%
A+	\$ 19,000,000	\$ 19,000,000	\$ 19,000,000	\$ -	0.00%
A	\$ 12,600,000	\$ 12,600,000	\$ 12,600,000	\$ -	0.00%
A-	\$ 11,400,000	\$ 11,400,000	\$ 11,400,000	\$ -	0.00%
BBB+	\$ -	\$ -	\$ -	\$ -	0.00%
NR	\$ 3,000,000	\$ 82,238	\$ 1,016,880	\$ 934,642	31.15%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 125,815,078	\$ 122,897,316	\$ 123,831,958	\$ 934,642	0.74%

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

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

**STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 NOVEMBER 2013**

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2009 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/09 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$1,314	\$1,314	\$1,314	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$0	\$0	\$0	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$70	\$70	\$70	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	\$108	\$108	\$0	On call
					\$1,492	\$1,492	\$1,492	\$0	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$5,300,000	\$5,300,000	\$5,300,000	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$6,100,000	\$6,100,000	\$6,100,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$14,700,000	\$14,700,000	\$14,700,000	\$0	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$9,300,000	\$9,300,000	\$9,300,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$8,700,000	\$8,700,000	\$8,700,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	3.80%	A	\$3,900,000	\$3,900,000	\$3,900,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$24,082,941	\$24,082,941	\$24,082,941	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$14,200,000	\$14,200,000	\$14,200,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$9,700,000	\$9,700,000	\$9,700,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$18,100,000	\$18,100,000	\$18,100,000	\$0	Various
					\$120,582,941	\$120,582,941	\$120,582,941	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.79%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					\$2,000,000	\$2,000,000	\$2,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.20%	NR	\$1,500,000	\$72,363	\$402,000	\$329,637	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.18%	NR	\$1,050,000	\$9,874	\$299,880	\$290,006	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					\$3,000,000	\$82,238	\$1,016,880	\$934,642	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$125,815,078	\$122,897,316	\$123,831,958	\$934,642	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	\$8,500,000	7%	80%	
AA-	\$71,084,433	\$71,084,433	57%	80%	
A+	\$19,000,000	\$19,000,000	15%	50%	
A	\$12,600,000	\$12,600,000	10%	50%	
A-	\$11,400,000	\$11,400,000	9%	50%	
BBB+	\$0	\$0	0%	20%	
NR	\$3,000,000	\$1,016,880	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	125,815,078	123,831,958	100%		

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	9,300,000	7.51%	7.51%	15%	
BANKWEST (11AM)	11AM	AA-	1,314	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	5,300,000	4.28%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	4.28%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	6,100,000	4.93%	4.93%	15%	
CITIBANK (TERM)	TERM	AA-	14,700,000	11.87%	11.87%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.62%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	1.62%	20%	
ING BANK (TERM)	TERM	A	8,700,000	7.03%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	-	0.00%	7.03%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	3.15%	3.15%	15%	
NAB (TERM)	TERM	AA-	24,082,941	19.45%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	19.45%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	5.25%	5.25%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	14,200,000	11.47%	11.47%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	9,700,000	7.83%	7.83%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	70	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	-	0.00%		20%	
WESTPAC (TERM)	TERM	AA-	18,100,000	14.62%	14.62%	20%	
CDO - Various	CDO		1,016,880	0.82%	0.82%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.19%	0.19%		
			123,831,958	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	56,250,459	100%	100%	
	56,250,459	100%		
RESERVE FUNDS				
< 1 year	64,854,972	97%	100%	
< 2 years	299,880	0%	80%	
< 3 years	2,000,000	3%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	67,154,852	100%		

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

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 30 November 2013 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2009, valuations obtained from CPG as at 30 November 2013 show that CDOs have increased in value by \$934,642.

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

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5 million from CDO investments since 1 July 2007.

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

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

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2009)	\$ 82,237
- Estimated Market Value (30 November 2013)	\$ 701,880

Credit Ratings and Credit Events

Twenty two credit events impacting the City's CDO investments have now been recorded to date. The companies involved are ResCap, PMI Group, AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing, Landsbanki, Chemtura, Abitibi and CIT Group.

The City's Remaining CDO Investments:

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

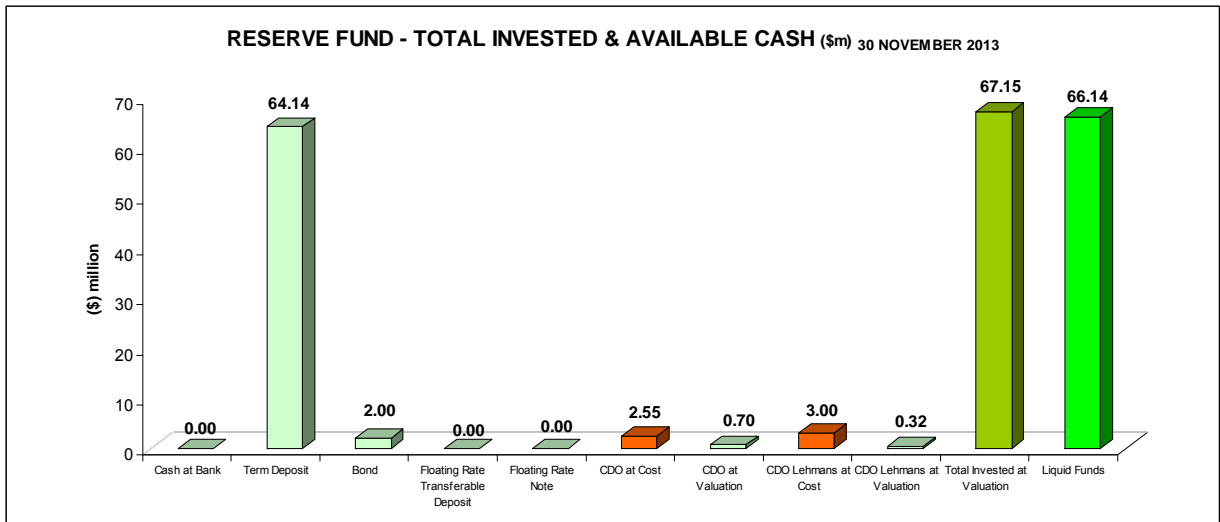
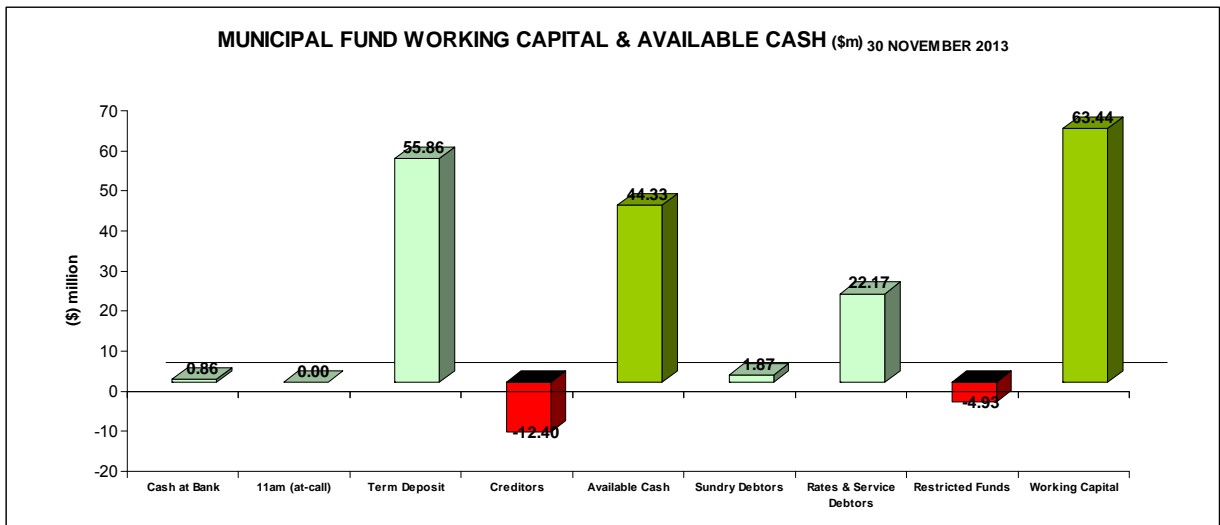
Terminated Lehman Brothers Arranged CDO Investments:

Beryl Finance Global Bank Note 2 \$450,000 Terminated Maturing 20/9/14	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In the process of being unwound and the Trustee disposing of the collateral.
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C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

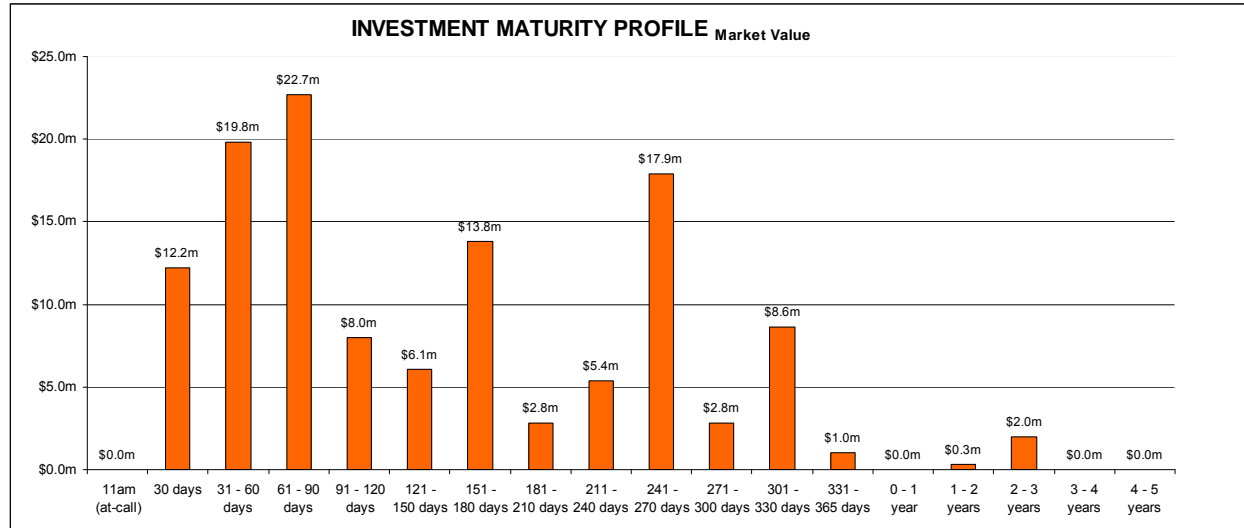
Net Funds Held

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



C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

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



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised. Johnson Winter and Slattery (JWS) was successful in seeking an early termination of four of the City's Lehman arranged CDOs, so that on 26 February 2013 the City gained access to the collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

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

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

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

On 25 March 2013, the Court also granted leave for LBA to appeal in respect of certain of the Common Issues Orders and some aspects of the Declaratory Relief. The Liquidators (PPB Advisory) have filed LBA's appeal in both respects.

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

Lehman Brothers USA through purchase of Lehman Brothers Asia has established themselves as a creditor with sufficient voting rights to control any Scheme of Arrangement with creditors.

On 31 October 2013 an "Insurance Only" Scheme, giving access to the professional indemnity insurance proceeds for the benefit of former clients of LBA who suffered losses, was approved by the Federal Court of Australia and will now be actioned by the Liquidators according to the terms of the Scheme. The funds received from the insurers will be held in a "Scheme Fund", for distribution to the Scheme Creditors (but not to other creditors of LBA).

Another Scheme of Arrangement will be presented by PPB Advisory to creditors of LBA in November 2013.

No accurate estimates of the proceeds, which will be received from any of the distributions that will eventually be made to the City, can be made at this time.

FINANCIAL IMPLICATIONS

For the period ending 30 November 2013:

- Investment earnings on Municipal and Trust Funds were \$729,544 against a budget of \$592,083 representing a \$137,460 positive variance.
- Investment earnings on Reserve accounts were \$1,210,342 against a budget of \$958,333. This represents a \$252,009 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

C14/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2013 (REC)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000) NOTING

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

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<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

<ul style="list-style-type: none"> • This report presents the investment statements for the period ending 31 December 2013 and recommends that the information detailed in the report be noted. • The low 'Cash' rate and legislative restrictions, continues to result in low returns being achieved on the City's investment earnings. • Monthly valuations for the City's three remaining Collateralised Debt Obligations (CDOs) shown for December 2013 are based on valuations as at 30 November 2013. When compared to the valuations used as at 30 June 2009, CDOs have increased in value by \$934,642. An update of recent developments in regards to the legal action against Lehman Brothers Australia (In Liquidation) (LBA) is noted in this month's report.
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C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)
BACKGROUND

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

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

DETAIL

Summary details of investments held as at 31 December 2013 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2013					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 51,290,873	\$ 51,290,873	\$ 51,290,873	\$ -	0.00%
RESERVE	\$ 69,137,972	\$ 66,220,210	\$ 67,154,852	\$ 934,642	1.35%
TRUST	\$ 390,234	\$ 390,234	\$ 390,234	\$ -	0.00%
CRF	\$ 196,001	\$ 196,001	\$ 196,001	\$ -	0.00%
	\$ 121,015,081	\$ 118,097,319	\$ 119,031,961	\$ 934,642	0.77%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 3,000,000	\$ 82,238	\$ 1,016,880	\$ 934,642	31.15%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ -	\$ -	\$ -	\$ -	0.00%
FRTD	\$ -	\$ -	\$ -	\$ -	0.00%
TERM DEPOSIT	\$ 108,382,941	\$ 108,382,941	\$ 108,382,941	\$ -	0.00%
11AM	\$ 7,401,495	\$ 7,401,495	\$ 7,401,495	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 121,015,081	\$ 118,097,319	\$ 119,031,961	\$ 934,642	0.77%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 8,500,000	\$ 8,500,000	\$ 8,500,000	\$ -	0.00%
AA-	\$ 68,284,436	\$ 68,284,436	\$ 68,284,436	\$ -	0.00%
A+	\$ 19,000,000	\$ 19,000,000	\$ 19,000,000	\$ -	0.00%
A	\$ 12,600,000	\$ 12,600,000	\$ 12,600,000	\$ -	0.00%
A-	\$ 9,400,000	\$ 9,400,000	\$ 9,400,000	\$ -	0.00%
BBB+	\$ -	\$ -	\$ -	\$ -	0.00%
NR	\$ 3,000,000	\$ 82,238	\$ 1,016,880	\$ 934,642	31.15%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 121,015,081	\$ 118,097,319	\$ 119,031,961	\$ 934,642	0.77%

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

The following statements detail the investments held by the City for the period ending 31 December 2013. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2013									
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2009 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/09 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$1,317	\$1,317	\$1,317	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$7,400,000	\$7,400,000	\$7,400,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$70	\$70	\$70	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	\$108	\$108	\$0	On call
					\$7,401,495	\$7,401,495	\$7,401,495	\$0	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$5,300,000	\$5,300,000	\$5,300,000	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$4,100,000	\$4,100,000	\$4,100,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$9,800,000	\$9,800,000	\$9,800,000	\$0	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$9,300,000	\$9,300,000	\$9,300,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$8,700,000	\$8,700,000	\$8,700,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	3.80%	A	\$3,900,000	\$3,900,000	\$3,900,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$21,282,941	\$21,282,941	\$21,282,941	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$14,200,000	\$14,200,000	\$14,200,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$9,700,000	\$9,700,000	\$9,700,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$15,600,000	\$15,600,000	\$15,600,000	\$0	Various
					\$108,382,941	\$108,382,941	\$108,382,941	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.79%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					\$2,000,000	\$2,000,000	\$2,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	3.95%	NR	\$1,500,000	\$72,363	\$402,000	\$329,637	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.24%	NR	\$1,050,000	\$9,874	\$299,880	\$290,006	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					\$3,000,000	\$82,238	\$1,016,880	\$934,642	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$121,015,081	\$118,097,319	\$119,031,961	\$934,642	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	\$8,500,000	7%	80%	
AA-	\$68,284,436	\$68,284,436	57%	80%	
A+	\$19,000,000	\$19,000,000	16%	50%	
A	\$12,600,000	\$12,600,000	11%	50%	
A-	\$9,400,000	\$9,400,000	8%	50%	
BBB+	\$0	\$0	0%	20%	
NR	\$3,000,000	\$1,016,880	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	121,015,081	119,031,961	100%		

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	9,300,000	7.81%	7.81%	15%	
BANKWEST (11AM)	11AM	AA-	1,317	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	5,300,000	4.45%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	4.45%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	4,100,000	3.44%	3.44%	15%	
CITIBANK (TERM)	TERM	AA-	9,800,000	8.23%	8.23%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.68%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	1.68%	20%	
ING BANK (TERM)	TERM	A	8,700,000	7.31%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	-	0.00%	7.31%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	3.28%	3.28%	15%	
NAB (TERM)	TERM	AA-	21,282,941	17.88%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	17.88%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	5.46%	5.46%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	14,200,000	11.93%	11.93%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	9,700,000	8.15%	8.15%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	70	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	7,400,000	6.22%		20%	
WESTPAC (TERM)	TERM	AA-	15,600,000	13.11%	19.32%	20%	
CDO - Various	CDO		1,016,880	0.85%	0.85%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.19%	0.19%		
			119,031,961	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	51,450,462	100%	100%	
	51,450,462	100%		
RESERVE FUNDS				
< 1 year	64,854,972	97%	100%	
< 2 years	2,299,880	3%	80%	
< 3 years	-	0%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	67,154,852	100%		

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

Monthly valuations for the month of December for CDOs shown are based on valuations as at 30 November 2013. When compared to the valuations used as at 30 June 2009, valuations show that CDOs have increased in value by \$934,642.

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

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5 million from CDO investments since 1 July 2007.

The remaining values of non Lehman Brothers arranged CDOs held as at 31 December 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2009)	\$ 82,237
- Estimated Market Value (31 December 2013)	\$ 701,880

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

Credit Ratings and Credit Events

Twenty two credit events impacting the City's CDO investments have now been recorded to date. The companies involved are ResCap, PMI Group, AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing, Landsbanki, Chemtura, Abitibi and CIT Group.

The City's Remaining CDO Investments:

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

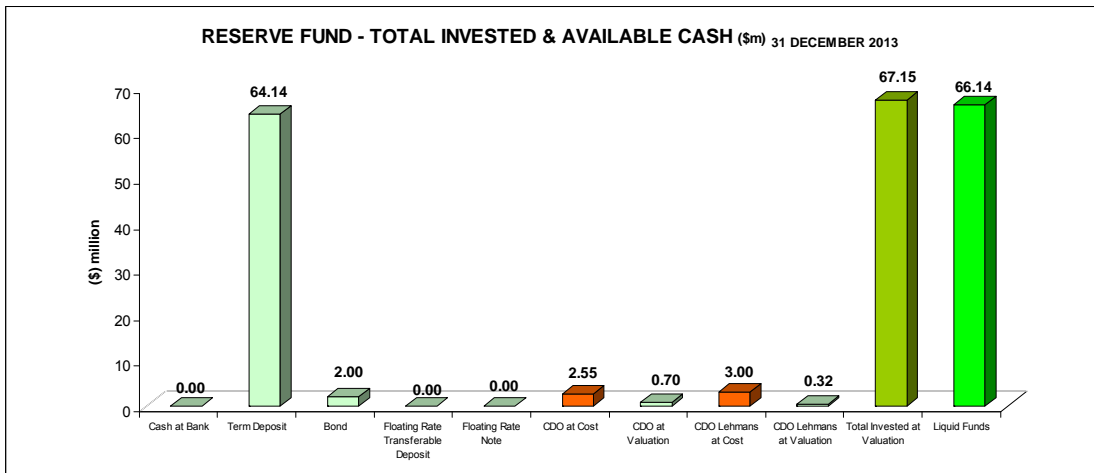
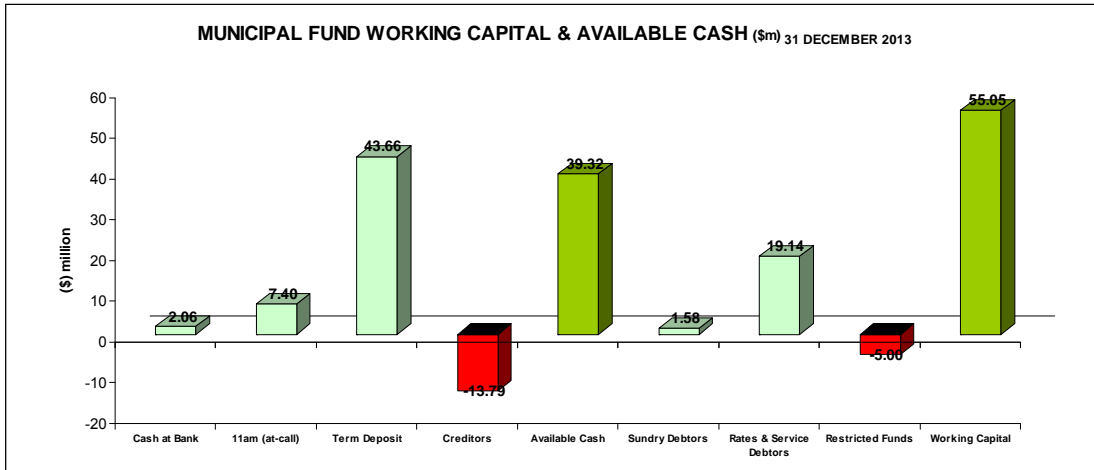
Terminated Lehman Brothers Arranged CDO Investments:

Beryl Finance Global Bank Note 2 \$450,000 Terminated Maturing 20/9/14	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In the process of being unwound and the Trustee disposing of the collateral.
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C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

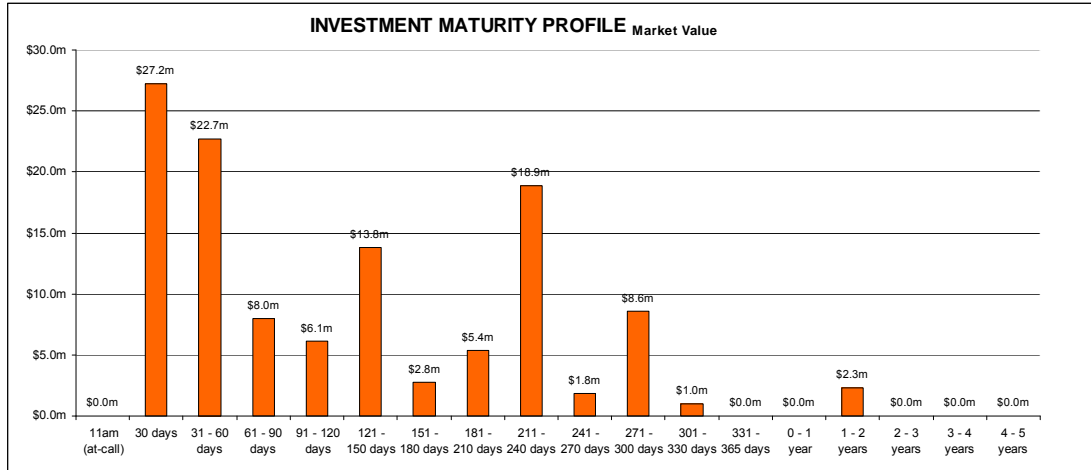
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 31 December 2013.



C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 31 December 2013.



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised. Johnson Winter and Slattery (JWS) was successful in seeking an early termination of four of the City's Lehman arranged CDOs, so that on 26 February 2013 the City gained access to the collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

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

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

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

On 25 March 2013, the Court also granted leave for LBA to appeal in respect of certain of the Common Issues Orders and some aspects of the Declaratory Relief. The Liquidators (PPB Advisory) have filed LBA's appeal in both respects.

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

Lehman Brothers USA through purchase of Lehman Brothers Asia has established themselves as a creditor with sufficient voting rights to control any Scheme of Arrangement with creditors.

On 31 October 2013 an "Insurance Only" Scheme, giving access to the professional indemnity insurance proceeds for the benefit of former clients of LBA who suffered losses, was approved by the Federal Court of Australia and will now be actioned by the Liquidators according to the terms of the Scheme. The funds received from the insurers will be held in a "Scheme Fund", for distribution to the Scheme Creditors (but not to other creditors of LBA).

Another Scheme of Arrangement will be presented by PPB Advisory to creditors of LBA in November 2013.

No accurate estimates of the proceeds, which will be received from any of the distributions that will eventually be made to the City, can be made at this time.

FINANCIAL IMPLICATIONS

For the period ending 31 December 2013:

- Investment earnings on Municipal and Trust Funds were \$831,827 against a budget of \$710,500 representing a \$121,327 positive variance.
- Investment earnings on Reserve accounts were \$1,480,930 against a budget of \$1,150,000. This represents a \$330,930 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

C14/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2013 (REC)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)****NOTING****That the Investment Report for the month of December 2013 be noted.**

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2013 (REC)
(ATTACHMENT)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2013 (REC)
(ATTACHMENT)**
BACKGROUND

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

The Schedule of Accounts Paid for the month ending 30 November 2013 ([6001 November 2013](#)), including Payment Registers numbers, Cheques 384 to 388 and Electronic Funds Transfers batches 316 to 319 was distributed to the Members of Council on 31 January 2014.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Amcom Telecommunications	E036737	Data centre and data fibre charges	\$160,065.45
Asphaltech Pty Ltd	E036893	Progress claim 1 for Hatfield Way	\$92,442.35
Bibliotheca RFID Library Systems Australia Pty Ltd	E036900 & E037095	Installation of RFID gates, Smartshute returns unit & self serve kiosk	\$36,684.40
Broadway Marine Constructions	E036906 & E037100	Demolition & replacement of jetty at Deep Water Point	\$59,617.25
City of Cockburn	E036947	Waste disposal for Sept & Oct 2013	\$329,481.73
Dowsing Concrete	E037128	Concrete works	\$71,954.07
Earthcare Australia Pty Ltd	E037041	Embankment retaining wall at Heathcote Reserve	\$48,430.75
Fire & Emergency Services Authority WA	E036736 & E036885	ESL income Local Government and ESL remittance for October 2013	\$1,191,733.48
Flexi Staff	E036774 & E036976	Temporary employment	\$37,289.54
Forrest Hills Spraying Svcs	Chq's 056218 & 056357	Weed control	\$45,749.00
GHD Pty Ltd	E036735 & E036856	Progress claim 4 for Point Walter erosion stabilisation project & stage 1 investigations at 3 sites	\$25,578.85
Horizon West Landscape & Irrigation Pty Ltd	E036739	Irrigation to Trevor Gribble Reserve & Alan Edwards Reserve	\$173,030.00
Institute of Arbitrators & Mediators Australia	Chq 056341	Mediation course	\$27,720.00
Landmark Engineering & Design	E036763 & E036965	Installation of garden tables at various Reserves	\$60,754.10
MacDonald Johnston Pty Ltd	E036753 & E036954	Engineering equipment & repairs	\$28,029.31
Major Motors Pty Ltd	E036754 & E036955	Isuzu FVR 1000 Auto & servicing	\$152,369.89
Melville Holden	E036995	Holden Commodore Evoke V6 Sportswagon & SV6 Sedan	\$69,022.00
Mesloe O/L T/A Jims Trees Willetton	E037082	Tree pruning and litter collection	\$40,794.60
MMM WA Pty Ltd	E036841 & E037043	Drainage installation at Farrington Road & repairs to outlet pipe at Adrian Street	\$36,830.92
Natural Area Management & Services	E036932 & E037120	Herbicide treatment, installation of temporary GSC at Mount Henry Jetty, progress claim 1 for works at Point Walter	\$78,835.07

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2013 (REC)
(ATTACHMENT)**

Supplier Name	Remittance Number	Remittance Details	Amount
		zone 3B, deposit for plant supply & manual weeding at Robert Weir Reserve	
NEC Australia Pty Ltd	E036901	Polycom equipment & maintenance	\$276,094.28
Pracsys	E036891 & E037087	Consultancy services for Local Commercial Activity Centre Strategy	\$48,246.00
Rhysco Electrical Services	E036855 & E037051	Electrical services	\$47,605.03
Roads 2000 Pty Ltd	E037089	Asphalt to Durdham Crescent	\$51,411.12
Robinson Buildtech	E036759 & E036958	Building maintenance	\$61,923.59
SGS Australia Pty Ltd	E036852	Recertification audit	\$25,905.00
Sifting Sands	E036934 & E037127	Maintenance to sandpits	\$29,876.66
Southern Metropolitan Regional Council	E036826 & E037029	WCF members diversions for August & September 2013, MSW disposal fees for September & October 2013, green waste disposal fees for September & October 2013, recyclable gate fees for September & October 2013 & over compaction charges for October 2013	\$1,517,617.94
Synergy	E036773 & E036975	Electricity charges	\$316,410.64
Titan Ford	E036793 & E037001	Ford Focus Hatchback & servicing to vehicles	\$25,779.49
Total Eden	E036794 & E037002	Irrigation & reticulation parts	\$34,836.94
T-Quip Turf Equipment Solutions	E036760 & E036960	Toto Groundmaster #3400 Mower & servicing of equipment	\$38,841.35
Triton Electrical Contractors Pty Ltd	E036888 & E037079	Electrical services	\$37,275.51
Veraison Enterprises Pty Ltd	E036853	Provision of Cultural Optimisation & Leadership Development Program	\$41,394.10
Water Corporation	Chq's 056290 & 056320	Water usage	\$26,784.88
Western Power	E036771	Cash call 9 for Attadale North Project	\$400,000.00

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2013 (REC)
(ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

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

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2013 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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<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 December 2013 and recommends that the Schedule of Accounts be noted.

BACKGROUND

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

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2013 (REC)
(ATTACHMENT)**
DETAIL

The Schedule of Accounts Paid for the month ending 7 January 2014 ([6001 December 2013](#)), including Payment Registers numbers, Cheques 389 to 392 and Electronic Funds Transfers batches 320 to 322 was distributed to the Members of Council on 31 January 2014.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Alpha West Services Pty Ltd	E037449	Maintenance of phone hardware	\$34,648.04
Asphaltech Pty Ltd	E037308	Asphalt works at Hatfield Way	\$137,934.78
Canon Australia Pty Ltd	E037201 & E037409	Photocopy charges & supply and install of Canon 5240 printer/photocopier	\$26,120.29
City of Cockburn	E037139	Tip fees for November	\$220,463.57
Complete Tyre Solutions	E037131, E037238 & E037435	Supply of tyres	\$39,646.20
CPD Group	E037349 & E037507	Building maintenance at Wireless Hill	\$246,547.40
Crawclaw Holdings Pty Ltd	E037216 & E037420	Building maintenance	\$57,982.86
Digital Mapping Solutions	E037487	GIS consulting	\$35,992.00
Downer EDI Works Pty Ltd	E037269 & E037455	Progress claim 1 for road resurfacing at Farrington Road	\$118,944.44
Dowsing Concrete	E037512	Concrete works	\$101,019.70
Earthcare Australia Pty Ltd	E037443	Progress claim for November for retaining wall at Heathcote	\$31,388.43
FESA WA	E037301 & E037472	ESL remittance for Jul, Aug & Nov.	\$6,398,318.58
Flexi Staff	E037174 & E037389	Temporary employment	\$34,403.63
Fremantle Trailers	E037341 & E037502	Supply of 3 heavy duty trailers	\$64,528.88
Greenspan – MCE	E037181 & E037393	Irrigation controllers	\$150,934.30
Hays Specialised Recruitment	E037307 & E037479	Temporary employment	\$32,510.93
I.D Informed Decisions	E037357	Subscription fees	\$39,600.00
Interface Australia Pty Ltd	Chq 056612	Carpet tiles for Civic Square Library	\$33,979.00
JMG Air Conditioning	E037299 & E037470	Air conditioning services	\$48,630.46
Landmark Products Ltd	Chq 056606	Fibre reinforced stairs	\$36,822.50
Melville Holden	E037402	Purchase of Holden Cruze Hatch & Wagon	\$46,867.19
Mountway Melville Hyundai	E037168	Purchase of 2 Hyundai Santa Fe	\$80,576.47
Natural Area Management & Services	E037347 & E037506	Progress claim 2 & 3 for Point Walter Zone 3B	\$214,409.15
PNM Superior Floors	E037446	Carpet replacement at Civic Centre	\$55,158.51
Quayclean Australia Pty Ltd	E037262	Cleaning of Melville Aquatic Fitness Centre, Melville Recreation Centre & AH Bracks Library for November	\$26,769.39
Rhysco Electrical Services	E037263 & E037450	Electrical services	\$31,359.60
Southern Landrover	E037319	Purchase of Landrover Freelander Wagon	\$52,301.10
Southern Metropolitan Regional Council	E037232 & E037427	WCF members diversions for October & November, MSW gate fees for November, RRRR loan repayment for December quarter & recyclable fees for November	\$1,174,014.68
Synergy	E037173 & E037388	Electricity charges	\$182,048.30
Titan Ford	E037198 & E037406	Purchase of Ford Focus MKII Hatchback	\$28,363.29
Tree Amigos Tree Surgeons	E037261 & E037448	Tree lopping services	\$83,091.80
Tree Planting & Watering	E037306 & E037477	Tree watering	\$54,884.65
Triton Electrical Contractors	E037302	Electrical services	\$31,769.65
WA Electoral Commission	Chq 056580	Fees & charges for Local Govt. Elections	\$184,139.01
Water Corporation	Chqs 056457 & 056583	Water charges	\$36,482.61

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2013 (REC)
(ATTACHMENT)**

WC Convenience Management Pty Ltd	E037270	Cleaning & maintenance of toilets at Melville Parklands & Applecross Foreshore	\$25,649.80
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PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2013 (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)

NOTING

That the Schedule of Accounts paid for the month ending 7 January as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 December 2013](#) be noted.

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (12/0)

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 30 November 2013 and recommends that they be noted by the Council.
- Budget amendments for the period ending 30 November 2013 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of November 2013 and recommends that they be noted by the Council.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2013 (AMREC)
(ATTACHMENTS)**

BACKGROUND

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

DETAIL

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

For the period ending 30 November 2013, net operating positive variances of \$4,096,822 and net capital positive variances of \$1,977,564 were recorded.

Variances

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2013							
	November Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
General Purpose Funding	845,827	4,375,240	4,878,641	503,401	12%	8,731,000	8,731,000
Law, Order, Public Safety	62,376	2,466,743	2,630,603	163,859	7%	2,575,492	2,578,219
Recreation and Culture	754,945	4,151,602	4,205,035	53,433	1%	9,701,557	9,860,657
Transport	822,988	4,190,593	2,352,302	(1,838,291)	-44%	5,478,318	5,229,318
Other Property and Services	(99,530)	2,188,434	236,657	(1,951,778)	-89%	400,476	2,150,436
	2,615,804	35,115,736	32,113,277	(4,954,236)	-9%	46,106,554	47,904,597
Expenses							
Governance	(617,845)	(5,734,435)	(5,163,308)	571,126	-10%	(11,760,677)	(11,862,362)
General Purpose Funding	(427,800)	(1,621,175)	(1,564,790)	56,385	-3%	(2,208,200)	(2,208,200)
Law, Order, Public Safety	(291,155)	(1,557,527)	(1,502,562)	54,965	-4%	(3,900,624)	(3,931,405)
Education & Welfare	(341,777)	(2,410,962)	(2,200,154)	210,808	-9%	(5,473,488)	(5,675,360)
Community Amenities	(1,900,343)	(7,984,627)	(8,207,015)	(222,388)	3%	(19,616,325)	(20,009,237)
Recreation and Culture	(1,069,114)	(11,814,418)	(11,204,829)	609,589	-5%	(28,262,846)	(28,471,870)
Transport	(724,235)	(4,291,941)	(3,548,849)	743,092	-17%	(10,248,296)	(10,361,402)
Other Property and Services	3,415,121	(5,271,226)	(3,557,999)	1,713,227	-33%	(11,028,916)	(11,070,001)
	(2,030,094)	(41,158,581)	(37,433,736)	6,104,046	-9%	(93,615,109)	(94,714,574)

Revenue

\$55.966m in Rates was raised to 30 November 2013. This is compared with a year to date budget of \$55.967m, resulting in a negative variance of \$1K.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November 2013.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2013 (AMREC)
(ATTACHMENTS)**

Budget Amendments

Details of Budget Amendments requested for the month of November 2013 are shown in attachment [6002J November 2013](#). 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 \$1,625,493 were collected over the course of the month. Rates collection progress for the month of November was on target. As at 30 November 2013, 76.1% of 2013/2014 rates had been collected. This is 0.7% lower than collected for the same time last year.

Total sundry debtor balances decreased by \$141,935 over the course of the month. The 90+ day's debtor balance increased by \$2,051.

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 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 November 2013.

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

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2013 (AMREC)
(ATTACHMENTS)****PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2013 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY APPROVAL

At 8.11pm Cr Schuster moved, seconded Cr Willis

That the Council:

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

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

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

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 31 December 2013 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 December 2013 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of December 2013 and recommends that they be noted by the Council.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2013 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 December 2013 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

DETAIL

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

For the period ending 31 December 2013, net operating positive variances of \$2,905,743 and net capital positive variances of \$5,900,796 were recorded.

Variations

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2013							
	December Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	144,671	893,433	945,031	51,599	6%	1,561,852	1,685,109
Law, Order, Public Safety	24,281	2,494,189	2,654,884	160,695	6%	2,575,492	2,578,219
Education & Welfare	28,216	170,506	221,240	50,735	30%	326,927	329,835
Recreation and Culture	780,000	5,049,989	4,985,035	(64,954)	-1%	9,700,557	9,860,657
Transport	123,597	3,229,696	2,475,899	(753,797)	-23%	5,478,318	5,229,318
Other Property and Services	(2,539)	2,254,130	234,071	(2,020,059)	-90%	401,476	2,150,436
	1,665,687	36,339,924	33,778,964	(4,581,019)	-7%	46,106,554	47,904,597
Expenses							
Governance	(806,641)	(6,500,862)	(5,969,950)	530,913	-8%	(11,760,677)	(11,819,862)
General Purpose Funding	(422,418)	(2,059,234)	(1,987,208)	72,026	-3%	(2,208,200)	(2,208,200)
Law, Order, Public Safety	(267,577)	(1,864,686)	(1,770,139)	94,547	-5%	(3,900,624)	(3,931,405)
Education & Welfare	(406,781)	(2,806,513)	(2,606,935)	199,578	-7%	(5,473,488)	(5,675,360)
Community Amenities	(2,074,058)	(9,822,941)	(10,281,073)	(458,132)	5%	(19,616,325)	(20,009,237)
Recreation and Culture	(2,078,749)	(14,505,761)	(13,283,578)	1,222,183	-8%	(28,262,846)	(28,471,870)
Transport	(842,577)	(5,123,621)	(4,391,426)	732,195	-14%	(10,248,296)	(10,361,402)
Economic Services	(21,167)	(53,895)	(107,512)	(53,617)	99%	(107,789)	(116,789)
Other Property and Services	(531,911)	(4,812,629)	(4,089,910)	722,719	-15%	(11,028,916)	(11,070,001)
	(7,520,769)	(48,053,480)	(44,954,505)	5,115,903	-6%	(93,615,109)	(94,672,074)

Revenue

\$56.012m in Rates was raised to 31 December 2013. This is compared with a year to date budget of \$55.988m, resulting in a positive variance of \$24K.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for December 2013.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2013 (AMREC)
(ATTACHMENTS)**

Budget Amendments

Details of Budget Amendments requested for the month of December 2013 are shown in attachment [6002J December 2013](#). 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 \$3,207,818 were collected over the course of the month. Rates collection progress for the month of December was on target. As at 31 December 2013, 79.9% of 2013/2014 rates had been collected. This is 0.1% higher than collected for the same time last year.

Total sundry debtor balances decreased by \$89,298 over the course of the month. The 90+ day's debtor balance increased by \$1,375.

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 December 2013

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

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2013 (AMREC)
(ATTACHMENTS)****PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 December 2013.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2013 (AMREC)
(ATTACHMENTS)**

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

At 8.12pm Cr Schuster moved, seconded Cr Robartson –

That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 31 December 2013 as detailed in the following attachments:**

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

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

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15. EN BLOC ITEMS**

At 8.12pm Cr Reynolds moved, seconded Cr Foxtan-

That the recommendations for items, P14/3456, P14/3457, P14/3460, P14/3462, M14/5000, M14/5340, M14/5342, C14/6000, C14/6000, C14/6001 and C14/6001, be carried En Bloc.

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

CARRIED UNANIMOUSLY (12/0)

At 8.42pm Cr Taylor-Rees left the meeting and returned at 8.43pm.

At 8.49pm Cr Robartson left the meeting and returned at 8.51pm

At 9.00pm Cr Aubrey left the meeting and returned at 9.01pm

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**16.1 Local Government Reform – Bicton and Palmyra****COUNCIL RESOLUTION****ABSOLUTE MAJORITY APPROVAL**

At 8.12pm Cr Schuster moved, seconded Cr Pazolli -

That Cr Taylor-Rees be permitted to present to Council a Motion Without Notice relating to Local Government Reform – Bicton and Palmyra

At 8.12pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

At 8.14pm Cr Taylor-Rees moved, seconded Cr Phelan -

That the Council authorise expenditure to provide a direct mailout as soon as possible to residents and ratepayers of Bicton and Palmyra and affected areas of Attadale informing them of the current status of the local government reform process, and in particular detailing the opportunity they have until 13 March 2014 to lodge a submission about proposal 08/2013 by the Minister for Local Government which includes a boundary amendment to transfer the localities of Bicton and Palmyra from the City of Melville to the City of Fremantle.

At 8.14pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (12/0)

Reasons

Cr Taylor-Rees provided the following reason:

To provide our community with a direct avenue of notification on the Local Government Reform process and the boundary adjustments supported by the City so they may effectively lodge a submission within the limited time frame.

16.2 City of Melville Waste Management Strategy Review**COUNCIL RESOLUTION****ABSOLUTE MAJORITY APPROVAL**

At 8.28pm Cr Reynolds moved, seconded Cr Willis -

That Cr Schuster be permitted to present to Council a Motion Without Notice relating to City of Melville Waste Management Strategy Review

At 8.28pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

At 8.28pm Cr Schuster moved, seconded Cr Robartson -

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;**
- 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;**
- 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 December 2014.**

Amendment 1

At 8.59pm Cr Pazolli moved, seconded Cr Foxton:

That the Council:

- 1. Requests the Chief Executive Officer to prepare a proposal for consideration of the Council to review the City's waste and recycling collection and disposal services and from this develop a Waste Management Strategy that takes into account:
 - (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;
- (c) 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;
- (d) Acknowledges such a review may require external resources and determine funding from the Refuse Facilities Reserve;
- (e) 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.
- (f) The City is to work towards completion of the review of the City's waste management strategy by December 2014.

At 9.04pm Cr Reynolds moved, seconded Cr Macphail a Procedural Motion in accordance with Section 11.1 (b) of the City of Melville Standing Orders Local Law 2003 was moved:

That this item be deferred and further considered at the March 2014 Ordinary Meeting of Council.

At 9.04pm the Mayor submitted the procedural motion which was declared

CARRIED (7/5)

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

Reasons for Procedural Motion

To allow Elected Members to receive additional information on the implications and costs of the proposed review of the City's Waste Management Strategy.

The City of Melville Standing Orders Local Law, Section 12.2 requires the names of Elected Members who have spoken on this matter to be recorded in the Minutes.

Those Elected Members who have spoken are:
Cr Pazolli, Cr Robartson, Cr Schuster, Cr Taylor-Rees.

16.3 Anti Social Behaviour in The City of Melville**COUNCIL RESOLUTION****ABSOLUTE MAJORITY APPROVAL**

At 9.15pm Cr Willis moved, seconded Cr Robartson -

That Cr Phelan be permitted to present to Council a Motion Without Notice relating to Anti Social behaviour in the City of Melville

At 9.15pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

At 9.15pm Cr Phelan moved, seconded Cr Hill -

That the Chief Executive Officer write to the Director General of the Department of Housing for immediate intervention by the Department and other relevant state agencies to resolve the anti social behaviour in Willagee that is continually recurring and negatively impacting on surrounding residents and the community generally.

At 9.15pm Cr Pazolli left the meeting

At 9.16pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (11/0)

17. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

18. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 9.16pm