



**MINUTES  
OF THE  
ORDINARY MEETING OF THE COUNCIL  
HELD ON  
TUESDAY 12 MAY 2015  
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 6.30PM ON TUESDAY, 12 MAY 2015.**

**1. OFFICIAL OPENING**

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

**Affirmation of Civic Duty and Responsibility**

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

**2. PRESENT**

His Worship the Mayor R Aubrey

**COUNCILLORS**

Deputy Mayor Cr N Foxtan  
Cr R Aubrey, Cr D Macphail  
Cr C Robartson, Cr R Willis  
Cr J Barton, Cr S Taylor-Rees  
Cr P Phelan  
Cr N Pazolli, Cr C Schuster

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman (until 11.58pm)	Director Corporate Services
Ms C Young (until 11.58pm)	Director Community Development
Mr J Christie (until 11.58pm)	Director Technical Services
Mr S Cope (until 11.58pm)	Director Urban Planning
Mr L Hitchcock (until 11.58pm)	Executive Manager Legal Services
Mr P Prendergast (until 8.14pm)	Manager Statutory Planning
Mr M Spencer (until 9.37pm)	Senior Strategic Urban Planner
Mr G Ponton (until 10.05pm)	Manager Strategic Urban Planning
Mr B Taylor (until 11.02pm)	Manager Financial Services
Mr W Nicholls (until 11.02pm)	A/Senior Management Accountant
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano (until 11.58pm)	Governance & Property Officer
Ms G Healey – Burgess (until 11.58pm)	Minute Secretary

At the commencement of the meeting there were 11 members of the public and no members 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 Mark Reynolds – University Ward

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

Councillors Pazolli, Barton and Taylor-Rees advised that they had not read and given due consideration to the Plans and other material relating to P15/3628 – Report on Submissions and Modifications to Local Planning Scheme Number 6 following Advertising, provided to Elected Members on the afternoon, prior to this meeting.

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

Nil

**6. QUESTION TIME**

Nil

**7. AWARDS AND PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 21 APRIL 2015**  
**[Minutes 21 April 2015](#)****COUNCIL RESOLUTION**

At 6:36pm Cr Macphail moved, seconded Cr Willis –

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 21 April 2015, be confirmed as a true and accurate record.**

At 6:39pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 5 MAY 2015**  
**Notes ABF 5 May 2015**

**COUNCIL RESOLUTION**

At 6:43pm Cr Schuster moved, seconded Cr Robartson –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 5 May 2015, be received.**

At 6:43pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (11/0)**

**8.3 GOVERNANCE COMMITTEE MEETING – 6 MAY 2015**

**COUNCIL RESOLUTION**

At 6:43pm Cr Schuster moved, seconded Cr Robartson –

**That the Minutes of the Governance Committee Meeting held on Wednesday, 6 May 2015 be noted.**

At 6:43pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (11/0)**

**NB:**

**Minutes to be confirmed at next Governance Committee Meeting**

**9. DECLARATIONS OF INTEREST**

**9.1 FINANCIAL INTERESTS**

M15/5425 – Dr S Silcox – Chief Executive Officer Performance Review  
P15/3627 – Mayor Aubrey – Proximity Interest

**9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

P15/3627 – Cr Aubrey – Interest under the Code of Conduct

**10. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 6:46pm Cr Willis moved, seconded Cr Aubrey –

**That the applications for new leave of absence submitted by Councillors Robertson, Pazolli and Macphail on 12 May 2015 be granted.**

At 6:46pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

M15/5425 – City of Melville – Chief Executive Officer Performance Review

**12. PETITIONS**

Nil

**13. DEPUTATIONS**

Nil

**14. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**P15/3629 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8) KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2015-224  
 Property : Lot 1 (No. 8) Klenk Road, Attadale  
 Proposal : Retaining Wall and Site Works (Retrospective)  
 Applicant : R Cleland  
 Owner : M & L De'Pannone  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planner

**AUTHORITY / DISCRETION**

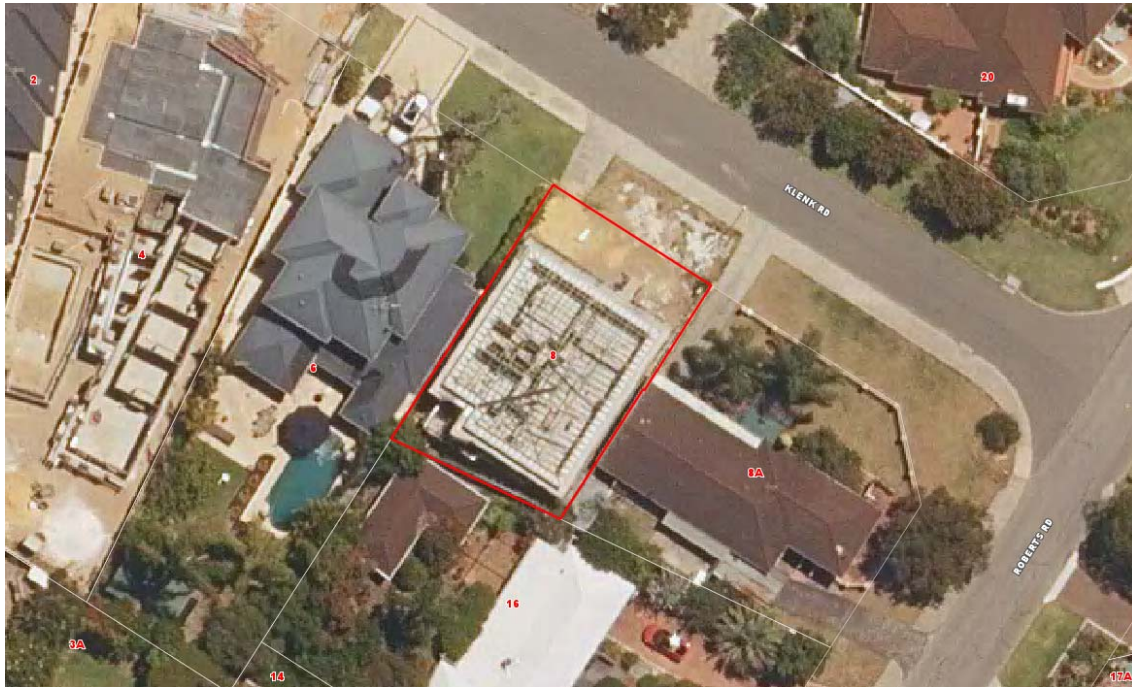
**DEFINITION**

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

**P15/3629 - RETAINING WALLS AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8)  
KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for retaining walls and associated site works on the south eastern boundary of 8 Klenk Road, Attadale.
- The retaining walls and corresponding areas of fill satisfy the Design Principles of the R-Codes as the development responds to the existing east west slope across the site, and optimises the functionality of the dwelling currently under construction.
- The retaining wall and site works allow the dwelling to be effectively used for the benefit of residents with a minimal impact to the adjoining property located to the south east. On that basis, the retention of the retaining walls and site works is supported.
- The approval of the application requires an Absolute Majority Decision of the Council pursuant to Clause 7.14(a) of Community Planning Scheme No. 5 (CPS5).
- It is recommended that the application be approved.



**BACKGROUND**

Planning Approval DA-2013-493 was granted on 31 May 2013 for a two storey Grouped Dwelling. The development is currently under construction.

**P15/3629 - RETAINING WALLS AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8)  
KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)**

**Scheme Provisions**

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

**Site Details**

Lot Area	: 376sqm
Street Tree(s)	: Nil
Street Furniture (drainage pits etc.)	: Non Applicable
Site Details	: Refer to aerial photo above

[3629 Site Plan and Wall Elevation](#)

**DETAIL**

Retrospective planning approval is sought for the retention of retaining walls and associated site works on the south eastern boundary at 8 Klenk Road, Attadale. The retaining walls and associated fill levels were initiated approximately eighteen months ago without the benefit of planning approval. The retaining walls extend along the south eastern boundary of the site on either side of an existing boundary wall associated with the adjoining property.

The retaining walls and site works were constructed after the demolition of the original house and prior to commencement of the construction of the approved dwelling.

The development has been assessed against all of the relevant provisions of CPS5, the R-Codes and Council Policy and requires the following Design Principles assessment:

**R-Code Requirements**

Development Requirement	Required	Proposed	Comments	Delegation to approve variation
Retaining Walls	Retaining walls at lot boundary permitted to 0.5m in height above natural ground level (NGL), varied to 0.6m by CPS5.	Maximum height 1.2m above NGL	Requires assessment using Design Principles of the R-Codes	Absolute Majority Decision of Council

**P15/3629 - RETAINING WALLS AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8)  
KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)**

Site Works	Site works behind the front setback and within 1m of a lot boundary are permitted to 0.5m in height, varied to 0.6m by CPS5.	Maximum height 1.3m above NGL	Requires assessment using Design principles of the R-Codes	Absolute Majority Decision of Council
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**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

Consultation took place with affected adjoining property owners. One submission was received outlining concerns in respect of overlooking.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	Express concern regarding privacy, bulk impacts, adverse impact on ventilation (air flow), and security concerns.	Objection	In respect of the rear garden area of the adjoining property, overlooking from the raised ground level is restricted by the existence of an outbuilding located on the adjoining property. With regard to the front garden area towards Klenk Road, this area is already visible from the street.  As no screening is required by the development, it is unreasonable to cite	Not Uphold

**P15/3629 - RETAINING WALLS AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8)  
KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)**

			<p>such concerns.</p> <p>The objectors concerns regarding air flow and ventilation, assume the installation of screen fencing, which is not a requirement of this development.</p> <p>Security concerns cited are also raised in the context of additional screening measures being implemented. As no such measures are required in this case, the concerns expressed regarding security are not substantiated in planning terms.</p>	
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**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P15/3629 - RETAINING WALLS AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8)  
KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development. It is considered that the development satisfies all of these policy requirements.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**COMMENT**

Retrospective planning approval is being sought for retaining walls and associated site works (fill) at 8 Klenk Road, Attadale.

The levels that result from the retaining walls that have been installed are generally consistent with the finished floor levels that will result from the approved dwelling on the lot. This previous planning approval recognised that there was a fall of some 2.2m across the site, and as such there was an expectation that retaining and a degree of added filling would be required.

The retaining walls and fill levels have been assessed against the Design Principles of Clauses 5.3.7 and 5.3.8 of the R-Codes. The development is considered to be satisfactory in the context of those Design Principles as:

- The height of the retaining walls and the resultant fill levels maintain the sloping character of the site, particularly when viewed in context with adjoining properties and within the Klenk Road streetscape.
- Privacy levels for occupiers of the adjoining residence to the south are not compromised by the development. The adjoining property is designed such that all window openings to habitable rooms are located on the front and rear elevations, facing away from the subject lot.

The plans submitted in support of the planning application indicate that it is the intention of the property owner to create a courtyard to the front of the property. This will be accessed off a covered alfresco living area that is proposed along the front elevation. It is noted that this aspect of the development has not been endorsed by the previous grant of planning approval, nor is it endorsed by the current retrospective application. It is recommended that in the event that the subject retrospective planning application is approved, an advice note be placed on the approval to clearly outline the need for a separate planning approval for the creation of said courtyard.

**P15/3629 - RETAINING WALLS AND SITE WORKS (RETROSPECTIVE) AT LOT 1 (NO. 8)  
KLENK ROAD, ATTADALE (AMREC) (ATTACHMENT)****CONCLUSION**

The retention of the retaining walls and associated site works is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies are satisfied. As such it is recommended that the application be approved via an Absolute Majority decision of the Council Pursuant to Clause 7.14 of CPS5

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3629)  
ABSOLUTE MAJORITY APPROVAL**

At 6:49pm Cr Barton moved, seconded Cr Willis –

**That the Council by Absolute Majority decision approves the retrospective planning application of retaining walls and site works at Lot 1, (8) Klenk Road, Attadale subject to the following condition:**

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

At 6:49pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)**

**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)**

Ward : Bull Creek/Leeming  
 Category : Operational  
 Application Number : DA-2014-1530  
 Property : Lot 957, (Unit 6B, No. 110) Parry Avenue  
 Proposal : Signage (Retrospective)  
 Applicant : Vinodbhai Tailor  
 Owner : As above  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : N/A  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for the retention of business signage associated with 'The Cheesecake Shop' tenancy at 6B/110 Parry Avenue, Bull Creek
- The signage application includes ground based signage, wall signage, window signage, awning fascia signage and below-awning signage.
- The subject signage has been assessed against the provisions of Community Planning Scheme No. 5 and the draft Outdoor Advertisements and Signage policy.
- The quantity of signage proposed to be retained is greater than that deemed to be acceptable under Part 4 of the Council's draft Outdoor Advertising and Signage policy. As such, the proposed retained signage has been assessed against the provisions contained under Part 8 of the policy.
- The retention of the window, awning fascia, ground based signage and one of the wall signs is supported as this level of signage is seen to satisfy the provisions contained under Part 8 of the policy.
- The retention of the below awning signage, and two of the wall signs, is at odds with the provisions of Part 8 of the Council's Draft policy on the grounds that they result in an unacceptable level of visual clutter. As such it is recommended that the retention of these signs be resisted, and consent refused. It is further recommended that the applicant be requested to remove these signs within 28 days of the date of written notification of the decision.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.



**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)****BACKGROUND**

The existence of the unauthorised business signage at the premises was brought to the attention of the City's administration during a standard compliance investigation. In accordance with the City's Compliance procedures, the opportunity is given for retrospective planning approval to be sought.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Community Centre
R-Code	: R40
Use Type	: Shop
Use Class	: 'P'- Permitted

**Site Details**

Lot Area	: 3,005 m <sup>2</sup>
Street Tree(s)	: Yes- on Darley Circle
Street Furniture (drainage pits etc.)	: None applicable.
Site Details	: See aerial photo above.

**[3630 Signage](#)****Detail**

Retrospective planning approval is sought for the installation of signage associated with the Cheesecake Shop tenancy at Unit 6B, 110 Parry Avenue Bull Creek. The signage consists of ground based signage, wall signage, window signage, awning fascia signage and below-awning signage.

The signage has been in place at the subject tenancy without the benefit of planning approval for approximately six years.

**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)**

**CPS5 and Policy Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Signage	<ul style="list-style-type: none"> <li>Maximum of three per tenancy</li> </ul>	<ul style="list-style-type: none"> <li>Total of eight signs associated with the tenancy</li> </ul>	Requires assessment against the provisions of Part 8 of the City's draft Outdoor Advertisements and Signage policy.	Absolute Majority Decision of Council

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Public consultation was not required by CPS5 or Council Policy.

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal has been assessed against the provisions of the City's draft Outdoor Advertisements and Signage policy. This is addressed in the Comments section below.

**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**COMMENT**

The signage has been assessed against the provisions of Part 4 of the Draft Council Policy, and given the duplication of signage in this case, assessment against the design principles advocated by Part 8 of the Draft Policy was also undertaken.

There are eight signs on display in this case, for a relatively low key business use located within a small neighbourhood commercial centre precinct.

It is considered that the number of signs, their size and siting, and their resultant cumulative visual impact, conflicts with the objectives of the City's Draft Outdoor Advertising and Signage policy.

In order to avoid the proliferation of business signage associated with this use, the number of signs should be reduced. In that vein, it is recommended that approval be granted for the retention of five signs; these being one wall sign, two awning fascia signs, one ground based 'A' frame sign, and one window display. The remaining three signs are not supported for retention in this case.

**CONCLUSION**

It is concluded that five of the existing eight business signs can be retained without prejudice to the objectives of the Councils Draft Outdoor Advertising and Signage Policy. It is recommended that the remaining signage should be refused and removed from display within 28 days of the date of this decision.

**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3630)  
ABSOLUTE MAJORITY APPROVAL**

At 6:49pm Cr Aubrey moved, seconded Cr Foxtton –

**That the Council by Absolute Majority decision approves the retrospective planning application for signage at Lot 957 (Unit 6B, No. 110) Parry Avenue Bull Creek, subject to the following condition:**

1. The two wall signs (being depicted on the plans as ‘we bake on premises’ and ‘The Cheesecake Shop’ sign located in the car park) and below awning signage (as marked in RED on the attached approved plans) are hereby refused planning approval, these signs do not form part of this approval.

**AMENDMENT**

At 6:49pm Cr Schuster moved, seconded Cr Robartson –

**That the Council by Absolute Majority decision approves the retrospective planning application for signage at Lot 957 (Unit 6B, No. 110) Parry Avenue Bull Creek.**

At 7:06pm the Mayor submitted the amendment which was declared

**CARRIED (7/4)**

Vote Result Summary	
Yes	7
No	4

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

Cr Aubrey and Cr Foxtton withdrew as mover and seconder of the original motion.

**P15/3630 - SIGNAGE (RETROSPECTIVE) AT LOT 957 (UNIT 6B, NO. 110) PARRY AVENUE, BULL CREEK (AMREC) (ATTACHMENT)**

**COUNCIL RESOLUTION (3630)**

At 7.08pm Cr Willis moved, seconded Cr Pazolli -

**That the Council by Absolute Majority decision approves the retrospective planning application for signage at Lot 957 (Unit 6B, No. 110) Parry Avenue Bull Creek.**

At 7:08pm the Mayor submitted the substantive motion as amended which was declared

**CARRIED (8/3)**

Vote Result Summary	
Yes	8
No	3

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

**P15/3631 - PATIO AND DECK ADDITION TO EXISTING DWELLING (RETROSPECTIVE)  
AT LOT 158 (NO. 59) MANNION WAY, KARDINYA (AMREC) (ATTACHMENT)**

Ward : University  
 Category : Operational  
 Application Number : DA-2014-1622  
 Property : Lot 158 (No. 59) Mannion Way, KARDINYA  
 Proposal : Patio and Deck Addition to Existing Dwelling  
 (Retrospective)  
 Applicant : Johannes Snyman  
 Owner : Johannes Snyman and Susanna Snyman  
 Disclosure of any Interest : No Officer involved in the preparation of this  
 report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P15/3631 - PATIO AND DECK ADDITION TO EXISTING DWELLING (RETROSPECTIVE)  
AT LOT 158 (NO. 59) MANNION WAY, KARDINYA (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought to retain a patio and deck addition at 59 Mannion Way, Kardinya.
- The patio and deck addition has been assessed against the Design Principles of the R-Codes, the policy provisions of Community Planning Scheme No. 5 (CPS5) and the requirements of Council Policy CP-078 Residential Development.
- Due to the finished floor level (FFL) of the deck being greater than 0.5m above natural ground level (NGL), there is the potential that overlooking to the eastern and southern adjoining properties can occur.
- To avoid the potential for overlooking, a condition of approval is recommended to be imposed requiring compliance with the visual privacy requirements of the R-Codes.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that that the application be approved, subject to appropriate conditions.



**P15/3631 - PATIO AND DECK ADDITION TO EXISTING DWELLING (RETROSPECTIVE)  
AT LOT 158 (NO. 59) MANNION WAY, KARDINYA (AMREC) (ATTACHMENT)**

**BACKGROUND**

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

**Scheme Provisions**

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

**Site Details**

Lot Area : 690m<sup>2</sup>  
 Street Tree(s) : None applicable  
 Street Furniture (drainage pits etc.) : None applicable  
 Site Details : Refer to aerial photo above

[3631 Site Floor Section and Detail Plans](#)

**DETAIL**

Retrospective planning approval is sought for the construction of a patio and deck addition at 59 Mannion Way, Kardinya. The development was constructed approximately six months ago without the benefit of planning approval.

The development has been assessed against all of the relevant provisions of CPS5, the R-Codes and Council Policy and requires the following Design Principles assessment:

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Visual Privacy	Unenclosed outdoor active habitable spaces with a Finished Floor Level (FFL) greater than 0.5m above NGL setback 7.5m from lot boundary	<7.5m to the eastern and southern boundaries	Requires assessment using Design Principles of the R-Codes	Absolute Majority decision of Council

**P15/3631 - PATIO AND DECK ADDITION TO EXISTING DWELLING (RETROSPECTIVE)  
AT LOT 158 (NO. 59) MANNION WAY, KARDINYA (AMREC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

In accordance with Part 4 of the R-Codes, advertising was not required to be undertaken in this case.

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development, which is of particular relevance.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**P15/3631 - PATIO AND DECK ADDITION TO EXISTING DWELLING (RETROSPECTIVE)  
AT LOT 158 (NO. 59) MANNION WAY, KARDINYA (AMREC) (ATTACHMENT)****COMMENT**

The patio and deck addition is located in the south eastern corner of the property. It is constructed to a maximum of 3.7m in height, and is 7.4m in length on the southern elevation and 5.8m in length on the eastern elevation.

The deck has been constructed to match the existing finished floor level of the dwelling. A gradual downwards slope in the south eastern corner of the site means that the deck is in part greater than 0.5m in height above NGL, where it abuts the rear garden areas of the adjoining residential properties to the east and south.

There is the potential for overlooking of those adjoining garden areas, and as such, and to ensure such overlooking is restricted in accordance with R Code expectations, it is recommended that screening measures be required by way of a suitable condition of planning approval.

**CONCLUSION**

The retention of the alfresco addition is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies are satisfied. A condition is recommended to be imposed to ensure compliance with the privacy requirements of the R Codes.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3631)  
ABSOLUTE MAJORITY APPROVAL**

At 7:09pm Cr Foxtan moved, seconded Cr Aubrey –

**That the Council by Absolute Majority decision, approves the retrospective application for the construction of a patio and deck addition at No. 59 Mannion Way, Kardinya, subject to the following conditions:**

- 1. All stormwater generated on site is to be retained on site.**
- 2. Within 28 days of the date of this approval, the southern and eastern elevation of the ALFRESCO (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 (for Single Houses or Grouped Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

At 7:09pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)**

**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET,  
ARDROSS (AMREC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2015-157  
 Property : Lot 539 (No. 14) Riseley Street, Ardross  
 Proposal : Signage (Retrospective)  
 Applicant : Kingman Visual  
 Owner : W & C Timms  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET,  
ARDROSS (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for signage associated with the business 'RAC Travel and Cruise' operating from 14 Riseley Street, Ardross. The retrospective component of the signage consists of wall and window signage.
- The application also involves a proposed under awning sign.
- The signage has been assessed against the provisions of Community Planning Scheme No. 5 and the draft Outdoor Advertisements and Signage policy.
- The total amount of signage (already on display and proposed) is greater than what is permitted under Part 4 of Council's draft Outdoor Advertising and Signage Policy. Assessment against the provisions contained under Part 8 of the draft policy is therefore required.
- The retention of two wall signs (one facing Riseley Street and one facing the rear car park) and the proposed under awning sign are considered to satisfy the provisions contained under Part 8 of the policy and are therefore recommended for approval.
- It is recommended that the wall sign located on the return flank facing on the rear elevation, and some of the existing window signage, results in an unacceptable level of visual clutter, contrary to the City's draft policy. As such it is recommended that the third wall sign be refused as should a portion of window signage. This removal should occur within 28 days of the written notification of the decision.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that two of the existing wall signs and proposed under awning signs be approved, and that the third wall sign and a portion of the window signage be removed within 28 days of the date of written notification of the decision.



**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

**BACKGROUND**

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

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : Riseley District Centre  
 R-Code : R60  
 Use Type : Shop  
 Use Class : 'P' Permitted

**3632 Sign Locations and Sign Dimensions**

**Site Details**

Lot Area : 613sqm  
 Street Tree(s) : None Applicable  
 Street Furniture (drainage pits etc.) : None Applicable  
 Site Details : Refer to aerial photo above

**DETAIL**

Retrospective planning approval is sought for the installation of window and wall signage at the subject tenancy. The retrospective signage was installed in early February 2015 without the benefit of planning approval.

An under awning sign is also proposed to be displayed on the Riseley Street frontage as part of this application.

**CPS5 and Policy Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Signage	<ul style="list-style-type: none"> <li>Maximum of three per tenancy</li> </ul>	<ul style="list-style-type: none"> <li>Total of seven sets of signage associate with tenancy (3 x wall, 3 x window and 1 x under awning)</li> </ul>	Requires assessment against the provisions of Part 8 of the City's draft Outdoor Advertisements and Signage policy.	Absolute Majority Decision of Council

**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET,  
ARDROSS (AMREC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Public consultation was not required in this case.

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal has been assessed against the provisions of the City's draft Outdoor Advertisements and Signage policy. This is addressed in the Comments section below.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET,  
ARDROSS (AMREC) (ATTACHMENT)****COMMENT**

No14 Riseley Street comprises three tenancies, including the subject tenancy; 'RAC Travel and Cruise'. The retrospective signage was erected in early February 2015 without the benefit of planning approval. It was not until the applicant approached the City proposing the under-awning signage that the City became aware of the existing unapproved signage.

Given the scale and nature of this tenancy, it is considered that the number of signs currently displayed is excessive for the business in question. The Draft Council Policy aims to ensure that visual clutter and the proliferation of business signage is avoided in the interests of visual amenity, whilst allowing for the display of business signage to meet business needs. This is not seen to be achieved in this case.

With that objective in mind, whilst a number of the signs already on display are deemed acceptable and appropriate in the context of the Councils Draft Policy, and whilst the proposed under awning sign is considered acceptable for display, it is considered that the amount of signage displayed within the shop windows should be reduced, and the prominent wall sign located towards the rear of the property on a return flank of the building facing the adjoining Bank West use, should be removed. These actions will render the display of advertising at the premises acceptable, and the application can then be supported on that basis.

**CONCLUSION**

It is concluded that subject to the removal of the rear wall sign as indicated, and the reduction in the level of window signage, that the signage display can be endorsed without prejudice to Council draft Policy.

**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3632)  
ABSOLUTE MAJORITY APPROVAL**

At 7:09pm Cr Robartson moved, seconded Cr Foxtton –

**That the Council by Absolute Majority decision, approves the retrospective planning application for signage and proposed under awning signage at Lot 539 (14) Riseley Street, Ardross subject to the following conditions;**

1. The wall sign (as marked in RED on the attached plans) is hereby refused planning approval. This sign is specifically excluded from this approval, and shall be removed from the site within 28 days of notification of this decision.
2. The window signage (as marked in RED on the approved plans) shall be modified within 28 days of notification of this decision to cover no more than 20% of each window face to each frontage of the tenancy.
3. The illumination of the proposed under-awning sign must be of low-level not exceeding 300cd/m<sup>2</sup> and shall not flash, chase or pulsate. No signage shall contain fluorescent, reflective or retro reflective colours or materials.

**AMENDMENT**

At 7:10pm Cr Schuster moved, seconded Cr Willis -

**That the Council by Absolute Majority decision, approves the retrospective planning application for signage and proposed under awning signage at Lot 539 (14) Riseley Street, Ardross subject to the following condition;**

- 1 The illumination of the proposed under-awning sign must be of low-level not exceeding 300cd/m<sup>2</sup> and shall not flash, chase or pulsate.**

At 7:24 the Mayor submitted the amendment which was declared

**CARRIED (7/4)**

Vote Result Summary	
Yes	7
No	4

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

**P15/3632 - SIGNAGE (RETROSPECTIVE) AT LOT 539 (NO. 14) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

Cr Foxton withdrew as seconder of the original motion.

**COUNCIL RESOLUTION (3632)**

At 7:25pm Cr Robartson moved, seconded Cr Macphail -

**That the Council by Absolute Majority decision, approves the retrospective planning application for signage and proposed under awning signage at Lot 539 (14) Riseley Street, Ardross subject to the following condition;**

- 1 The illumination of the proposed under-awning sign must be of low-level not exceeding 300cd/m<sup>2</sup> and shall not flash, chase or pulsate.**

At 7:25pm the Mayor submitted the substantive motion as amended which was declared **CARRIED (8/3)**

<b>Vote Result Summary</b>	
Yes	8
No	3

<b>Vote Result Detailed</b>	
Cr Barton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Aubrey	No
Cr Foxton	No
Cr Taylor-Rees	No

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2015-120  
 Property : Lot 11 (No. 2A) Fraser Road, Applecross  
 Proposal : Two Storey Dwelling with Undercroft  
 Applicant : Wright Feldhusen Architects  
 Owner : C. Thompson & R. Thompson  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for the construction of a two storey house with undercroft on Lot 11 (No. 2A) Fraser Road, Applecross.
- The proposed development has been assessed against the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies.
- A design principle assessment is required in respect of the proposed maximum building height, setbacks, site works and visual privacy.
- In accordance with CPS5 and the R-Codes, the application was advertised via a sign on site and letters to adjoining property owners with no objections received.
- The application has also been assessed against amenity provisions contained under Clause 7.8 of CPS5.
- Further to these assessments, it is considered that the development can be accommodated without any adverse impact on levels of residential or visual amenity.
- The approval of the proposed development requires an Absolute Majority decision of the Council due to the proposed building height.
- It is recommended that approval be granted subject to conditions.



**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

N/A

**Scheme Provisions**

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

**Site Details**

Lot Area : 1,127sqm  
 Street Tree(s) : Yes  
 Street Furniture (drainage pits etc.) : N/A  
 Site Details : Refer to aerial photo above

**DETAIL**

Planning approval is sought for the construction of a two storey single house with undercroft at 2A Fraser Road, Applecross.

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

**CPS5 and Policy Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Building Height	9m maximum (concealed roof)	10m	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>		
Lot Boundary Setback- Western Boundary	Ground floor Kitchen/Laundry/Living-1.9m	1.5m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)		
	Ground Floor-2.9m	2.3m				
Lot Boundary Setback- Eastern Boundary	Ground floor Porch/Deck-1.2m	1m	Requires assessment using Design Principles	MSP		
	Ground floor Balustrade/Screen Wall-1.5m-2m	0m				
	First floor Concrete Feature Wall-1.15-1.6m	1.3m				
Site Works and Retaining Walls	Site works are permitted to 0.5m in height, varied to 0.6m by CPS5.	1.7m of fill along the eastern lot boundary	Requires assessment using Design Principles	MSP		
Visual Privacy	Outdoor living area raised more than 0.5m above natural ground level to be setback 7.5m from the boundary.	Ground floor terrace- 5.1m	Requires assessment using Design Principles	MSP		
		Ground floor Living-4m			Requires assessment using design principles	MSP
		First floor Lounge-4.2m Playroom-3m				

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comment Supplied: No  
 Reason: In accordance with Clause 7.5 of CPS5 and Part 4 of the R-Codes  
 Support/Object: Not Applicable

**II. OTHER AGENCIES / CONSULTANTS**

The application was referred to the Swan River Trust (SRT) for comment as the site abuts the SRT's Development Control Area (DCA).

Required: Yes  
 Reason: Abutting DCA  
 Support/Object: Conditional Support

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Swan River Trust	Support conditional on the following: 1) Stormwater retained on site. 2) No soil, building materials or rubbish on reserve. 3) Rear boundary fence to be max 1.8m and permeable. 4) Rear gate to not exceed 1.6m.	Support	Necessary modifications have been incorporated into the design and where required conditions of approval issued.	Uphold

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal has been assessed against the provisions of the City's Residential Development Policy CP-078 and Building Height Policy CP-066. Refer to comments section below.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**COMMENTS**

The property has a frontage to both Fraser Road and the Swan River foreshore.

Building Height

As outlined above, a small portion of the development is proposed at a height of 10m, which is 1m above the maximum designated building height of 9m.

This variation results mainly by virtue of the 3.5m downward slope that exists across the lot from front to rear. An illustrative depiction of the impact of this slope, and the resultant over height building portion is provided by Figure 1 and 2. These illustrate that the proposed dwelling is essentially designed within the height maximums advocated by the City's requirements, except for a small portion towards the rear of the lot where the extent of the downward slope is at its peak.

It is considered that the minor over height building portion can be accommodated in this case without detriment to residential or visual amenity, and without prejudice to the objectives of Councils Height Policy. It is considered that the proposed dwelling will harmonise with the established streetscape pattern satisfactorily, it being well aligned in terms of its scale, particularly with the existing dwellings that flank it to both of its side boundaries (see Figure 3).

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

In considering the height impact in general terms, the following is of relevance:

- The lot has a north-south orientation, and as such the over height portion of the building will not create any adverse shadow impact given it is located at the northern end of the lot, and any shadow from it will fall on the lot itself.
- The height proposed will not impact on views of significance for occupiers of properties located on the south side of Fraser Road, as those properties are sited in an elevated position relative to the subject site.
- No objections were received from the surrounding landowners, with three of the four adjoining properties providing verbal support for the design.

In view of this, the building height is considered to comply with Design Principle 5.1.6 P6 of the R-Codes, as well as the amenity provisions of Clause 7.8 of CPS5, and the application is supported on that basis.

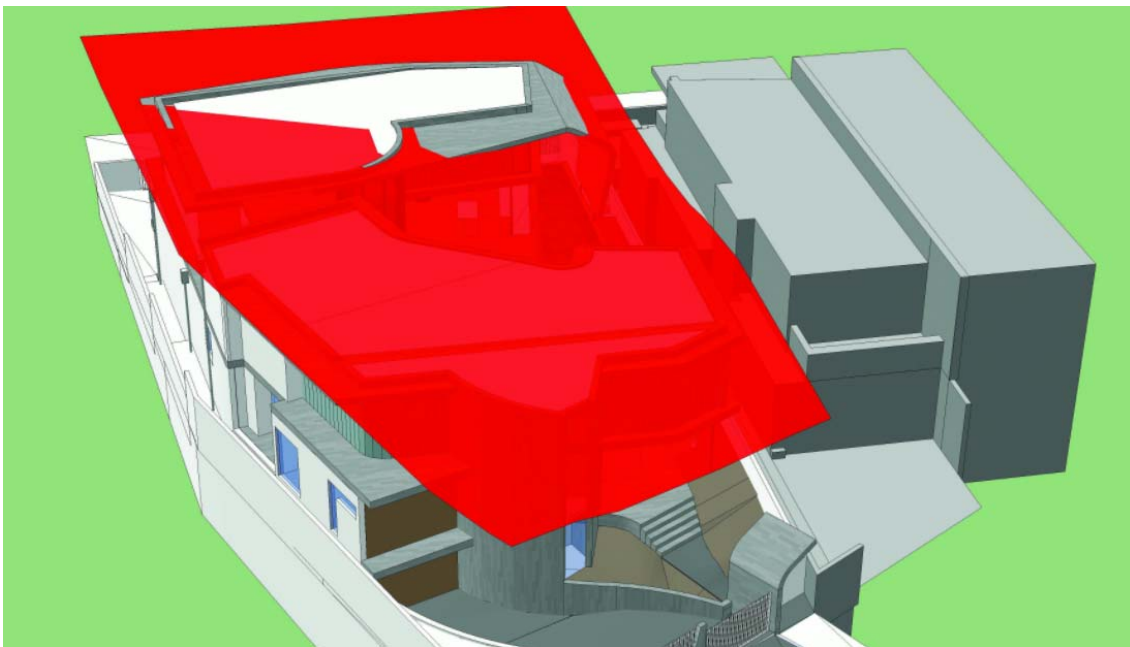


Figure 1: Compliant building height limitation shown in red

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**



Figure 2: Building height variation is largely the result of slope



Figure 3: Proposed building height relative to the adjoining neighbours

### Boundary Setbacks

The setback variations to the western boundary have been considered against Design Principles P3.1 of the R-Codes and are considered to be acceptable for the following reasons:

- The variation to the setbacks are minimal (400mm and 600mm respectively) and abut a driveway running the depth of the adjoining property, creating a distance of at least 7m between the western elevation and the nearest adjoining structure.
- The proposed development satisfies the Deemed-to-Comply provisions of the R-Codes in relation to overshadowing and visual privacy, providing adequate access to direct sun to major openings and outdoor living areas and maintaining the amenity of the adjoining property.

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

The setback variations to the eastern boundary have been considered against Design Principles P3.1 of the R-Codes and are considered to be acceptable for the following reasons:

- The adjoining property has three exposed frontages to the river and road and has chosen to maximise these outlooks at the expense of the other boundary to the west. As a result, the common boundary between these two lots comprises 'dead' space, housing air-conditioning units, a small garden shed, blank walls and highlight windows (See Figure 4). There is no habitable space on the adjoining property with an outlook to the subject site.



Figure 4: The adjoining lot to the east presents their back of house to the subject lot

- The proposed privacy screen triggers an exercise of judgment sought against the setback requirements but serves to screen the two dwellings from each other, improving privacy and making the proposed decking a much more functional space.
- As stated, the proposed development satisfies the Deemed-to-Comply provisions of the R-Codes in relation to overshadowing and visual privacy, therefore adequate access to direct sun to major openings and outdoor living areas and protection of amenity is maintained.

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**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**Site Works and Retaining Walls

The development incorporates up to 1.7m of fill against the eastern lot boundary with an associated retaining wall. This fill forms a garden bed along the side boundary of the lot. Above this retaining wall, it is proposed to install a balustrade and a vegetated screen wall which will also act as a dividing fence.

These works are considered to comply with the Design Principles of Clause 5.3.7 and 5.3.8 of the R-Codes because they respond to the slope of the block appropriately, allowing for the functional use of the proposed outdoor living space whilst also maintaining privacy between the two lots. The fill is also considered acceptable because it's not visible from the public domain (i.e. the street frontage reads as a two storey house at grade and from the river frontage it appears like a first floor addition).

Visual Privacy

The application involves multiple privacy variations to the upper floors. The privacy variations have been considered in the context of Clause 5.4.1 P1.1 & 1.2 of the R-Codes.

The application involves a full height window along the length of the rear elevation. Despite the window being oriented towards the river, there is the potential for overlooking to the western adjoining property. This degree of overlooking to the western adjoining property is considered acceptable as the area overlooked is limited to a driveway and a portion of the rear outdoor living area that is already visible from the public domain. It is noted that this aspect of the proposed development was the subject of consultation with the owner/occupier of the adjoining residence, and no concerns were raised by them in respect of it.

Overlooking to the eastern adjoining property is considered acceptable as the overlooking is limited to the "back of house" of the eastern adjoining property where there are no major openings or outdoor living areas.

**CONCLUSION**

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

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**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3633)  
ABSOLUTE MAJORITY APPROVAL**

At 7:26pm Cr Schuster moved, seconded Cr Pazolli –

**That the Council by Absolute Majority decision approves the planning application for the construction of a two storey (with undercroft) single house at Lot 11 (No. 2A) Fraser Road, Applecross subject to the following conditions:**

- 1. All stormwater generated on site is to be retained on site**
- 2. Prior to the initial occupation of the development, the deck/pool/terrace (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished outdoor living area level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.**
- 4. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 4m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.**
- 5. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.**
- 6. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**
- 7. Prior to the initial occupation of the development, the surface finish of the boundary wall(s) are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.**
- 8. Prior to the initial occupation of the development, the external surface of the retaining wall(s) which are visible from the adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.**
- 9. The rear boundary fence shall be an open view style of a total height not exceeding 1.8m in compliance with Swan River Trust policy *SRT/D3 Development Setback Requirements*.**

**P15/3633 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 11 (NO. 2A) FRASER ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

10. The gate which allows vehicular access to the boat store from the foreshore reserve shall be reduced in width to no more than 1.6m.
11. No soil, building materials, rubbish or other deleterious matter shall be deposited on the Parks and Recreation reserve or allowed to enter the river as a result of the development.
12. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.
13. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City. Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.

At 7:26pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)**

**P15/3634 - RETAINING WALLS (RETROSPECTIVE) AT LOT 430 (NO. 3) SIDDONS WAY, BOORAGOON (AMREC) (ATTACHMENT)**

Ward : City  
 Category : Operational  
 Application Number : DA-2014-1559  
 Property : Lot 430 (No. 3) Siddons Way, Booragoon  
 Proposal : Retaining Walls (Retrospective)  
 Applicant : D. Escott  
 Owner : D. Escott & A. Howson  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3634 - RETAINING WALLS (RETROSPECTIVE) AT LOT 430 (NO. 3) SIDDONS WAY,  
BOORAGOON (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for site works and associated retaining walls at the rear of 3 Siddons Way Booragoon.
- The development has been assessed against the relevant Design Principles of the Residential Design Codes (R-Codes).
- The work undertaken is considered to comply with the requirements of Community Planning Scheme No. 5 (CPS5) and the R-Codes and as such may be retained without prejudice to the objectives of the R Codes.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the application be approved.



**BACKGROUND**

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

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R17.5
Use Type	: Residential
Use Class	: 'P' Permitted

**P15/3634 - RETAINING WALLS (RETROSPECTIVE) AT LOT 430 (NO. 3) SIDDONS WAY, BOORAGOON (AMREC) (ATTACHMENT)**

**Site Details**

Lot Area : 754sqm  
 Street Tree(s) : None Applicable  
 Street Furniture (drainage pits etc.) : None Applicable  
 Site Details : Refer to aerial photo above

**[3634 Site Plan and Wall Dimensions](#)**

**DETAIL**

Retrospective planning approval is sought for retaining walls and site works located at 3 Siddons Way, Booragoon.

The retaining walls and associated works were constructed approximately five months ago without the benefit of planning approval.

**R-Code Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Site works	Site works are permitted to 0.5m in height above natural ground level (NGL), varied to 0.6m by CPS5.	Excavation up to 1.2m below NGL	Requires assessment against Design Principles of the R-Codes	Absolute Majority Decision of Council
Retaining Walls	Retaining walls at lot boundary permitted to 0.5m in height above NGL, varied to 0.6m by CPS5.	1.2m (below NGL)		

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

In accordance with Part 4 of the R Codes, no consultation was undertaken.

**II. OTHER AGENCIES / CONSULTANTS**

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

**P15/3634 - RETAINING WALLS (RETROSPECTIVE) AT LOT 430 (NO. 3) SIDDONS WAY,  
BOORAGOON (AMREC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

No policy implications are relevant to this application.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**COMMENT**

The retaining walls and associated site works require assessment against the Design Principles of Clauses 5.3.6 and 5.3.7 of the R-Codes.

It is considered that in this instance the Design Principles of Clauses 5.3.6 and 5.3.7 of the R-Codes are satisfied, as the walls act to retain adjoining ground of a higher level, and will not result in any adverse impact for occupiers of adjoining properties. As the retaining walls are located behind the front building line, they are not visible within the streetscape.

**P15/3634 - RETAINING WALLS (RETROSPECTIVE) AT LOT 430 (NO. 3) SIDDONS WAY,  
BOORAGOON (AMREC) (ATTACHMENT)****CONCLUSION**

The retention of the retaining walls and associated site works are supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies are satisfied.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3634)  
ABSOLUTE MAJORITY APPROVAL**

At 7:26pm Cr Aubrey moved, seconded Cr Macphail –

**That the Council by Absolute Majority decision, approves the retrospective planning application for site works and associated retaining walls at Lot 430 (No. 3) Siddons Way, Booragoon subject to the following condition:**

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

At 7:27pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)**

**P15/3635 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 298 (23)  
GLENCOE ROAD, ARDROSS (AMREC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2015-246  
 Property : Lot 298 (23) Glencoe Road, Ardross  
 Proposal : Retention of retaining wall and site works  
 Applicant : R Cook  
 Owner : R & E Cook  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : DA-2014-962  
 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 &amp; 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	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P15/3635 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 298 (23)  
GLENCOE ROAD, ARDROSS (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for retaining walls and associated site works (fill) at 23 Glencoe Road, Ardross.
- The retaining walls and site works have been assessed against the relevant Design Principles of the Residential Design Codes (R-Codes).
- The assessment undertaken concludes that the retaining walls and fill may be retained, as amenity levels for occupiers of adjoining properties are not prejudiced by the development.
- In accordance with Clause 7.14(a) of Community Planning Scheme No. 5 (CPS5), an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the application be approved.



**P15/3635 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 298 (23)  
GLENCOE ROAD, ARDROSS (AMREC) (ATTACHMENT)****BACKGROUND**

Planning approval DA-2014-962 was granted on 22 September 2014 for a single storey Single House. The development is currently under construction. Raised levels were endorsed as part of the approval, although in this case the construction of retaining walls and resultant raised levels, were restricted to the area directly adjoining the proposed dwelling, with the levels banking down towards the rear boundary.

**Scheme Provisions**

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

**Site Details**

Lot Area	: 749sqm
Street Tree(s)	: Yes, all retained
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

**[3635 -Site Plan and Photographs](#)****DETAIL**

Retrospective planning approval is sought for retaining walls and associated site works along the southern, eastern and western boundaries at 23 Glencoe Road, Ardross.

The retaining walls and associated works were constructed approximately four months ago without the benefit of planning approval. The retaining walls extend along the rear and side boundaries, and will serve to create a level area within the rear portion of the property.

The retaining walls and site works were constructed after the demolition of the original house and prior to the commencement of the construction of the approved dwelling.

The development has been assessed against all of the relevant provisions of CPS5, the R-Codes and Council Policy.

**P15/3635 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 298 (23)  
GLENCOE ROAD, ARDROSS (AMREC) (ATTACHMENT)**

**R-Code Requirements**

Development Requirement	Required	Proposed	Comments	Delegation to approve variation
Site works	Site works behind the front setback and within 1m of a lot boundary are permitted to 0.5m in height, varied to 0.6m by CPS5.	Maximum height of 0.81m of fill above NGL in the south eastern corner of the lot	Requires assessment against Design Principles of the R-Codes	Absolute Majority Decision of Council
Retaining walls	Retaining walls at lot boundary permitted to 0.5m in height above natural ground level (NGL), varied to 0.6m by CPS5.	Maximum height of 0.81m above NGL in the south eastern corner of the lot	Requires assessment against Design Principles of the R-Codes	Absolute Majority Decision of Council
Visual Privacy	Unenclosed outdoor active habitable spaces – 7.5m	<7.5m from southern and eastern boundaries	Requires assessment against Design Principles of the R-Codes	Absolute Majority decision of Council

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Consultation did not take place in this case although it is noted that the matter was brought to the attention of the City via a complaint from a neighbour.

Advertising Required: No  
Neighbour's Comment Supplied: N/A  
Reason: N/A  
Support/Object: N/A

**II. OTHER AGENCIES / CONSULTANTS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P15/3635 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 298 (23)  
GLENCOE ROAD, ARDROSS (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development. The development satisfies all of these policy requirements.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**COMMENT**

The retention of the retaining walls and resultant raised fill levels have been assessed against the provisions of the R-Codes. In this instance, the Design Principles 5.3.7 and 5.3.8 of the R-Codes are satisfied as the works respond to the natural features of the site, there being an equal amount of cut and fill across it. The amount of fill and the height of the retaining wall represent a minor variation to both the R Code Deemed to Comply provisions and CPS5 requirements. As such there will be a negligible impact, if any, on the amenity levels experienced by owners and occupiers of those adjoining properties. Furthermore, as all of the works are to the rear of the lot, there is no resultant streetscape impact.

Prior to the occupation of the dwelling on this lot, fencing will be installed to supplement the retaining walls, and where necessary, ensure privacy for adjoining occupiers. Before then, and to ensure privacy levels are not compromised during the construction phase, it is recommended that screening measures are implemented within 28 days of decision. A condition of approval to that effect is therefore proposed.

**CONCLUSION**

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

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

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**P15/3635 - RETAINING WALL AND SITE WORKS (RETROSPECTIVE) AT LOT 298 (23)  
GLENCOE ROAD, ARDROSS (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3635)  
ABSOLUTE MAJORITY APPROVAL**

At 7:27pm Cr Pazolli moved, seconded Cr Willis –

**That the Council by Absolute Majority decision, approves the retrospective planning application for site works and associated retaining wall at Lot 298 (23) Glencoe Road, Ardross subject to the following conditions:**

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

At 7:27pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)**

**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING  
DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS  
(SMREC) (ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Application Number	:	DA-2014-1169
Property	:	Lot 899 (18A) Tweeddale Road, Applecross
Proposal	:	Three Storey (with Undercroft) Multiple Dwelling Development (Three Units)
Applicant	:	Dynamic Planning and Developments 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 P14/3454 – Amendment to Approved Plans for a Three Storey (With Undercroft) Multiple Dwelling Development at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 18 February 2014 P15/3599 – Three Storey (With Undercroft) Multiple Dwelling Development (Three Units) at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 17 February 2015
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS  
(SMREC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Planning approval is sought for the construction of a three storey (with undercroft) Multiple Dwelling development (three units) at 18A Tweeddale Road, Applecross.
- A previous development application (reference DA-2011-439) for a broadly similar proposal was approved by the Council on 16 October 2012. This decision was reached after the Council's previous decision to refuse consent for the development was appealed by the applicant to the State Administrative Tribunal (SAT)
- The SAT ordered the City to reconsider its decision to refuse the initial planning application after a process of mediation had concluded. The mediation involved City officers, the applicant, Elected Members and the Mayor. The Council reconsidered the Development Application (DA) at its meeting in September 2012, and subsequently at its meeting of October 2012. The approval issued after the October 2012 Council Meeting lapsed on 15 October 2014.
- The current development proposal is similar to that previously approved, but as it is a new application, a complete re-assessment has been undertaken.
- Prior to the Ordinary Meeting of Council on 17 February 2015, a Quasi Judicial site visit was held. This involved City officers, the applicant, adjoining neighbours and Elected Members. The site visit took place on 12 February 2015.
- The current proposal was presented at the meeting of Council on 17 February 2015, however was deferred to enable officers to undertake further assessment of the proposed ground levels.
- The applicant has subsequently provided additional information and amended plans clarifying natural ground level on site and addressing the City's concerns relating to additional fill taking place.
- Since the deferral of the item by Council at its Ordinary Meeting held in February 2015, the Canning Bridge Structure Plan (CBSP) has been adopted by Council as a Local Planning Policy. The subject site is located within the 'Q1- Kintail Quarter' of the Structure Plan area.
- As Community Planning Scheme No. 5 (CPS5) does not currently contain provisions for the creation and implementation of structure plans, the status of the Structure Plan as adopted is akin to that of a local planning policy the provisions of which do not override Scheme provisions where applicable.
- In this case, when the proposed development is assessed against the development provisions of the CBSP. it is found to be compliant with the provisions of the Structure Plan with the exception of building setback requirements.
- The development application was however lodged prior to Council consideration and adoption of the CBSP. Accordingly the proposed building setbacks have been assessed against the provisions of the R Codes. This approach is considered to be appropriate in this case.
- The Structure Plan permits development on the subject site to build up to four storeys (16m) with no restrictions placed on plot ratio.
- As such, the proposed maximum building height of 11.2m and plot ratio of 1 is considered acceptable. However, as the Structure Pan provisions do not override the Scheme provisions, which provide for a maximum building height of 9m and a maximum plot ratio of 0.5, the decision making clauses of CPS5 continue to apply (Clause 4.2).
- This means that to ensure any decision taken to approve this development is a fully legitimate one in the context of CPS5, a Special Majority decision of Council is required.
- The proposed development is recommended for approval with conditions.

**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS  
(SMREC) (ATTACHMENT)**



**BACKGROUND**

The expired planning approval DA-2011-439 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.

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**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

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 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

On 18 February 2014, Council granted an amended planning approval (DA-2011-439/B) which permitted minor increases to building height and plot ratio.

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

- Building height – 10.29m in lieu of 9.0m
- Plot ratio – 1 in lieu of 0.5
- Various setbacks to the eastern and western boundaries

Further amendments to the original planning approval (DA-2011/439/C) were approved on 9 May 2014. The amendments included a minor reconfiguration of several internal and external walls. The application did not propose an increase to height or plot ratio and therefore did not require the determination of Council.

**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Council considered the current subject planning application at the Ordinary Meeting held on 17 February 2015. At that time it was determined to defer the item P15/3599 in order to:

*'enable further assessment of the property by Council Officers.'*

Prior to the Ordinary Council Meeting held in February 2015, a Quasi-Judicial site visit was conducted involving City officers, the applicant, adjoining neighbours and Elected Members.

At this site meeting it was determined that the assessment of natural ground levels shall be consistent with the levels approved (DA-2008-1557) on 22 December 2008. This determination is consistent with the definition for 'natural ground level' within the Residential Design Codes (R-Codes).

Since the confirmation of ground levels, it was determined that the City would not permit any additional fill to the levels approved in 2008. The applicant has agreed to this and as such, has amended the plans so that ground levels surrounding the development are consistent with the previously approved levels.

**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 sqm
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc.)	: Not Applicable
Site Details	: Refer to photo above

**[3636 Site and Elevation Plans](#)**

**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**DETAIL**

**Canning Bridge Structure Plan (CBSP) & CPS5 Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Plot Ratio	CBSP – n/a CPS5 - 0.5	1	Plot ratio does not apply under CBSP. As CBSP is currently adopted as policy only, Council decision required under CPS5 requirements.	Special Majority decision of Council
Building Height	CBSP – 4 storeys (16m) CPS5 - 9m	11.2m	Maximum height provisions increased under CBSP. As CBSP is currently adopted as policy only, Council decision required under CPS5 requirements.	Absolute Majority Decision of Council

**R-Codes Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Eastern Setbacks	Second Floor - 3m - 4.5m	Second Floor - 2m - 4m	Requires assessment against Design Principles of Clause 5.1.3(P3.1) of the R-Codes	Manager Statutory Planning
Western Setbacks	First Floor - 3.3m  Second Floor - 3m - 1.5m - 4.5m	First Floor - 2m - 4m Second Floor - 1.6m - 1.2m - 2.5m	Requires assessment against Design Principles of Clause 5.1.3(P3.1) of the R-Codes	Manager Statutory Planning
Visual Privacy	>7.5m from side boundary	Ground Floor Alfresco <7.5m from eastern boundary	Requires assessment against Design Principles of Clause 5.4.1 of the R codes	Manager Statutory Planning

**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	<ul style="list-style-type: none"> <li>The proposed 2.2m additional building height will result in an inconsistent streetscape, for which there is no precedent on the northern side of Tweeddale Road.</li> <li>The proposed ground level has been artificially raised. The dwelling is not consistent with the existing and future form of the neighbourhood.</li> <li>An increased noise level and reduced privacy reduces the amenity of adjoining property.</li> </ul>	Objection	<ul style="list-style-type: none"> <li>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. The proposed development is considered to be comparable in scale to the adjoining eastern dwelling.</li> <li>The natural ground level for this lot was approved in December 2008, under DA-2008-1557, which approved retaining walls.</li> <li>The site is actually located within the proposed CBSP area.</li> </ul>	Not Uphold

**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1(continued)	<ul style="list-style-type: none"> <li>Any further visiting and parking traffic will further inhibit traffic flow and seriously inhibit, if not prevent access to emergency vehicles.</li> </ul>		<ul style="list-style-type: none"> <li>The development as proposed will provide necessary levels of off street car parking. This is a residential development which is acceptable in principle in land use terms in this location.</li> </ul>	
2.	<ul style="list-style-type: none"> <li>The proposed height and plot ratio variation will result in a substantial loss of amenity and property values for the nearby homes.</li> <li>The extra 2.2m to the permitted height requirements will have significant impact on river views.</li> </ul>	Objection	<ul style="list-style-type: none"> <li>The plot ratio as proposed has been treated on its merits taking account of the previous planning approval, and the likely future built form character of the locality which will change given the CBSP provisions.</li> <li>Property value is not a material planning consideration that the City can legitimately take into account. The loss of river views is not a material planning consideration. In addition there is a 4.5m difference in ground levels between the subject lot and the submitters' property, and this will provide some mitigation for views from the submitters' property.</li> </ul>	Not uphold

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**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****II. 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 are no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of the CBSP and the Council's policies. Exercise of judgement is sought for the elements of the development mentioned above which have been assessed against the objectives of the CBSP and the Council's Policies and addressed by the imposition of conditions where required.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

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

**COMMENT**

Planning approval is sought for the construction of a three storey Multiple Dwelling development (three units) including undercroft at 18A Tweeddale Road, Applecross.

**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

As mentioned in the previous report presented to Council at its Ordinary Meeting on 17 February 2015, the key differences proposed by the current development proposal are as follows:

- Internal changes to the configuration of the stairs/lift and lobby spaces;
- Internal changes to the configuration of the entry and study on each level;
- Reconfiguration of basement parking and store rooms;
- Provision of mechanical plant room;
- Minor changes to the positioning of several windows;
- Conversion of minor balcony to floor area of the dining/living room for Units 2 and 3; and
- Provision of a services balcony on the western side of Units 2 and 3.

Furthermore, following on from the outcome of the Quasi Judicial Site Visit and additional discussions with City Officers, amended plans were submitted by the applicant to reduce the ground level from 8.0 to 7.5 on the outside of the building to be consistent with the 7.5 sand pad level.

The proposal has been assessed against all of the relevant provisions of the recently adopted CBSP, CPS5, the R-Codes and the applicable Council Policies. As stated an exercise of judgement is sought in respect of plot ratio, building height, and boundary setbacks. This is consistent with the previous grants of planning approval, in that each sought approval for variations to those elements.

**Adoption of Canning Bridge Structure Plan**

A key issue in respect of the determination of this application is linked to the status of the recently adopted CBSP provisions, relative to the provisions of CPS5. Under normal circumstances, a structure plan would override the provisions of a Local Planning Scheme. In the case of the CBSP, Council has, at this juncture, adopted the Structure Plan as a Local Planning Policy.

This decision was taken as there are no provisions within the existing CPS5 that enable the City to adopt Structure Plans in the traditional sense, as outlined in the *Planning and Development Act 2005*. The City has prepared an amendment to CPS5 which will introduce such provisions, but until this is gazetted, the existing Scheme provisions take precedence over the Structure Plan provisions.

The status of the Structure Plan provisions in terms of development standards and guidelines are legitimately capable of use in the assessment and determination of planning applications for development sites located within its boundaries. The current application has been assessed against the development guidelines advocated by the Structure Plan. This is a legitimate approach as Clause 9.6 of CPS5 'Non Statutory Planning Policies' provides for the introduction of policies, and states that when such Local Planning Policies are introduced, the Council will have due regard to their content in its associated decision making.

Legal advice received does suggest however, that the Special and Absolute Majority decision making clauses of CPS5 continue to apply, as would the associated consultation requirements. This is the case as the Structure Plan provisions cannot be construed as superseding the decision making or consultation provisions of CPS5 whilst its status is that of a Local Planning Policy only.

**P15/3636 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

In this context, the decision making clauses of CPS5 do not provide delegation for decision making where building height and plot ratio variations are sought. In such cases, a Special Majority decision of the Council is required before an approval can be given for a development that involves any building height and/or plot ratio variations. It is also noted that the application was duly advertised in accordance with the consultation requirements of the Scheme (Clause 7.5).

With the subject development, the proposed height and plot ratio is acceptable when judged against the structure plan provisions. However, legally, and in order that the decision taken on this application is beyond legal challenge, a Special Majority decision of the Council is necessary.

**CPS5 and Policy Requirements***Boundary Setbacks*

The CBSP requires any development within the subject site maintain a minimum side and rear setback of between 3m and 4m. As the application was submitted prior to the Structure Plan being adopted, it is considered that the proposal should be properly and reasonably assessed against the side and rear setback requirements of the R-Codes which provided the framework against which the application should be judged at the time of lodgement.

In the context of setbacks, the development proposes several setback variations to the eastern and western boundaries against the provisions of the R-Codes. The proposal has subsequently been assessed in accordance with the relevant Design Principle of the R-Codes and the variations sought are recommended for support on the basis that:

- There will be no impact with respect to overshadowing on adjoining lots.
- Adequate levels of ventilation are assured by the existence of adequate setbacks which are provided elsewhere along sections of each façade. Setbacks to the eastern boundary range from a minimum of 1.5m to a maximum of 7.2m and setbacks to the western boundary range from 1.2m to 2.5m. This allows for sufficient ventilation to both the subject property, and adjoining existing dwellings.
- As discussed above, an adverse bulk impact towards the eastern neighbour are essentially avoided by virtue of the fact that the adjoining property has been designed devoid of major openings, and with its own reduced setback. This is opposed to the subject development, the eastern side elevation of which is designed and articulated to incorporate staggered setbacks, openings on all floors and the use of a varied palette of materials and colours.

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*Visual Privacy*

The proposal incorporates an alfresco on the northern elevation of the ground floor of the development. The north eastern elevation of the alfresco requires assessment against Design Principle 6.4.1 P1.1 and P1.2 of the R-Codes. The north eastern corner of the alfresco abuts the alfresco of the eastern adjoining property.

As there is still potential for overlooking from the north eastern portion of the ground floor unit alfresco to the eastern adjoining property it is recommended that the non-compliant portion of the alfresco area be made to comply with Clause 6.4.1 of the R-Codes, so as to protect the amenity of the adjoining property.

**CONCLUSION**

This application is presented to the Council for determination, as despite being acceptable when judged against the development provisions of the CBSP, the status of the structure plan is that of a Local Planning Policy. Subsequently, the provisions contained under the CBSP do not over-ride the decision making provisions of CPS5.

In view of this, and in order that a legitimate decision is taken in respect of this planning application, a Special Majority approval is required in accordance with the provisions of Clause 4.2 of CPS5.

This is necessary as the maximum building height and plot ratio provisions of the Scheme continue to apply until such time that the Structure Plan provisions are added to the Scheme text as an amendment to CPS5. When this occurs, the provisions of the adopted CBSP, which includes an increase to building heights and plot ratio requirements, will override the Scheme provisions.

Based on the above, the application is considered to satisfy the objectives of CPS5, the CBSP and the Council's Policies. For these reasons, the proposal is recommended for planning approval with conditions subject to a Special Majority decision of the Council.

At 7:28pm Mr Spencer left the meeting and returned at 7:31pm.

At 7:51pm Ms Young left the meeting and returned at 7:53pm.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3636)  
SPECIAL MAJORITY APPROVAL**

At 7.28pm Cr Macphail moved, seconded Cr Robartson –

**That the Council by Special Majority decision approves the planning application for the construction of a three storey (with undercroft) multiple dwelling (three units) at Lot 899 (No. 18A) Tweeddale Road, Applecross subject to the following conditions:**

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

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**P15/3636 THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

2. Prior to the initial occupation of the development, the eastern and northern elevation of the raised Stone Garden (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 6.4.1 (for Multiple Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
3. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.
4. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 6.2.2 C2 of the Residential Design Codes to the satisfaction of the Manager Statutory Planning.
5. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
6. Prior to the initial occupation of the development, parking bay/s (including visitor bays, loading bays and universal access bays), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained in perpetuity.
7. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be of a clean finish in accordance with the approved plans to the satisfaction of the Manager Statutory Planning.
8. 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.
9. All external clothes drying facilities and air conditioning units where located on balconies shall be screened from view from the primary and secondary streets to the satisfaction of the Manager Statutory Planning.
10. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):
  - (a) The location, number and type of proposed trees and shrubs including size and planting density;
  - (b) Any lawns to be established;

**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS  
(SMREC) (CONFIDENTIAL ATTACHMENT)**

- (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.

11. Prior to the commencement of the development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning. The Public Art shall be provided in accordance with CP – 085: Provision of Art in Development Proposals policy to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by cash-in-lieu at the same rate, made prior to the commencement of the development.
12. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing to the satisfaction of the Manager Statutory Planning. Once approved, the development is constructed in accordance with those details.
13. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.
14. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
  - public safety and site security;
  - hours of operation,
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - traffic management plans for the various phases of the construction, including any proposed road closures;
  - the parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
  - any other matters likely to impact upon the surrounding properties or road reserve.

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

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

**AMENDMENT**

At 7:54pm Cr Schuster moved, seconded Cr Phelan -

**That a point 16 be added as follows:**

**16. That the finished floor level be 8.55RL AHD.**

At 8:06pm the Mayor submitted the amendment, which was declared

**CARRIED (8/3)**

Vote Result Summary	
Yes	8
No	3

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

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**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****COUNCIL RESOLUTION**

That the Council by Special Majority decision approves the planning application for the construction of a three storey (with undercroft) multiple dwelling (three units) at Lot 899 (No. 18A) Tweeddale Road, Applecross subject to the following conditions:

1. All stormwater generated on site is to be retained on site.
2. Prior to the initial occupation of the development, the eastern and northern elevation of the raised Stone Garden (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 6.4.1 (for Multiple Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
3. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.
4. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 6.2.2 C2 of the Residential Design Codes to the satisfaction of the Manager Statutory Planning.
5. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
6. Prior to the initial occupation of the development, parking bay/s (including visitor bays, loading bays and universal access bays), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained in perpetuity.
7. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be of a clean finish in accordance with the approved plans to the satisfaction of the Manager Statutory Planning.
8. 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.
9. All external clothes drying facilities and air conditioning units where located on balconies shall be screened from view from the primary and secondary streets to the satisfaction of the Manager Statutory Planning.

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**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

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

- (a) The location, 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.

11. Prior to the commencement of the development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning. The Public Art shall be provided in accordance with CP – 085: Provision of Art in Development Proposals policy to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by cash-in-lieu at the same rate, made prior to the commencement of the development.

12. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing to the satisfaction of the Manager Statutory Planning. Once approved, the development is constructed in accordance with those details.

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

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

**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

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

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

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

16. That the finished floor level be 8.55RL AHD.

At 8:13pm the Mayor submitted the substantive motion as amended, which was declared

**Lost (7/4) SPECIAL MAJORITY REQUIRED**

Vote Result Summary	
Yes	7
No	4

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

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**P15/3636 – THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS  
(SMREC) (CONFIDENTIAL ATTACHMENT)**

**Reasons for Rejection**

The Development Application was rejected for the following reasons:

1. Not compliant with regard to height and setbacks.
2. The amenity impact of significant views of the neighbours.

At 8.14pm Mr Prendergast left the meeting.

At 8.14pm the meeting was adjourned for a comfort break and resumed at 8.26pm.

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

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Strategic
Application Number	:	N/A
Property	:	N/A
Proposal	:	To report on Submissions from advertising and advise of modifications to Local Planning Scheme 6 following advertising.
Applicant	:	City of Melville
Owner	:	N/A
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P14/3512 - Advertising Of Draft Local Planning Strategy And Local Planning Scheme 6 With Modifications (SMC 24 Jun 2014) P11/3236 - Adoption Of Proposed Local Planning Scheme No. 6 and The Local Planning Strategy and to Seek The Consent from The Western Australian Planning Commission for The Local Planning Scheme No. 6 to be Advertised (SMC 09 Aug 2011) P11/3211 Preparation of Local Planning Scheme No. 6 for The City Of Melville (OMC 17 May 2011)
Responsible Officer	:	Martin Spencer Senior Strategic Urban Planning

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Advertising for Local Planning Strategy (LPS) and Local Planning Scheme 6 (LPS6) was undertaken from October 2014 through to January 2015.
- Submissions were received up until 28 February 2015
- A total of 380 submissions were received; of these 81% (310) were in support; 17% (64) contained objections and 2% (6) expressed a neutral position.
- The main themes raised in support of advertised proposals include support for increased density as proposed and requests for increased density above what was proposed.
- Other themes raised in multiple submissions included concern at additional height proposed for R30 and above (including support for increased residential density but not the height), requests for special consideration for Aged Care complexes, request for a clause to be included in the Scheme to reclaim control from Development Assessment Panel (DAP) decisions.
- The proposed modifications to the LPS6 can be categorised as follows :
  1. Changes to correct errors, editorial changes and correcting omissions
  2. Changes proposed from advertising that can be considered minor as they have little impact on adjoining landowners
  3. Changes that can be considered substantial as they have significant impact and are likely to require further advertising.
- It is recommended that Council endorse the LPS6 and the modifications that are considered to be not substantial and seek final consideration by the WAPC of LPS6 with minor modifications.
- It is recommended that modifications to LPS6 which have been sought via submissions and are considered to be substantial, be considered as part of a separate Scheme Amendment to be initiated on gazettal of the LPS6

**BACKGROUND**

The City's draft LPS and LPS6 have been developed through a process which has involved considerable engagement and research. This has included Melville Visions, an extensive survey with over 8,000 responses, focus groups and public meetings. Various other engagement opportunities have also been considered including ...

- The Strategic Community Plan
- Neighbourhood Planning
- Meetings with Elected Members
- Research into the engagement on planning applications over the past 8 years.

The Council resolved in May 2011 to initiate a new Local Planning Scheme to replace Community Planning Scheme No. 5 which was gazetted in 1999.

The Western Australian Planning Commission (WAPC), through its Central Sub-Region Strategy has set a target for the City to accommodate over 11,000 new dwellings by 2031. The State Planning Framework is also anticipating growth beyond 2031 towards a Metropolitan area of 3.5 to 5 million people.

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

The latest checklist for Directions 2031 shows that the City of Melville is well behind in terms of achievement of its dwelling targets. The City's LPS [3628 Local Planning Strategy Text Final with Modifications](#) and LPS6 as advertised in October 2014 provide a strategic and statutory framework to achieve these targets with little impact on the majority of the residential areas of the City. LPS6 and the LPS will also assist in providing more support for public transport infrastructure, the growth in the local economy and an increase in commercial development and employment within the City.

The draft LPS and LPS6 were adopted for the purpose of public advertising and forwarded to the Environmental Protection Authority and the WAPC for certification in August 2011.

At the Special Council meeting held on 9 August 2011 the Council resolved:

1. *That the Council adopt, for the purpose of public advertising, the Draft Local Planning Strategy for the City of Melville and forward to the WAPC for certification in accordance with Town Planning Regulations 1967*
2. *That the Council adopt, for the purpose of public advertising for public inspection, the Draft Local Planning Scheme No. 6 consisting of:*
  - *Scheme Text;*
  - *Scheme Maps;*
3. *That the Draft Local Planning Scheme No. 6 be forwarded to the Environmental Protection Authority for assessment prior to commencing advertising for public inspection in accordance with the provisions of the Planning and Development Act 2005.*
4. *That the Draft Local Planning Scheme No. 6 be forwarded to the Western Australian Planning Commission for consent for advertising for public inspection in accordance with the provisions of the Planning and Development Act 2005.*
5. *That the Attachments to this report including the Draft Local Planning Strategy, Draft Local Planning Scheme Text and Draft Local Planning Scheme Maps remain confidential until the commencement of the proposed advertising for public inspection.*

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

The response from the Environmental Protection Authority advised that the Scheme should not be assessed under part IV Division 3 of the Environmental Protection Act 1988 and that it was not necessary to provide any advice or recommendations.

Modifications were recommended by the WAPC prior to consent for advertising being granted. Those modifications were considered by Council on 24 June 2014.

At the Special Council Meeting on 24 June 2014 the Council resolved:

1. *That Council resolve to proceed with the Local Planning Scheme 6 including the modifications as proposed by the Minister*
2. *That The West Australian Planning Commission be requested to consider the inclusion of modifications to reflect*
  - a. *the structure plans for*
    - i. *Melville City Centre*
    - ii. *Riseley Street , and*
    - iii. *Willagee, and*
  - b. *The Scheme amendments for*
    - i. *Kitchener Road with height restrictions.*
  - c. *R-codes as reflected in the structure plans endorsed by Council*
    - i. *Riseley Street Activity Centre*
    - ii. *Murdoch Activity Centre*
    - iii. *Willagee.*
3. *That the Western Australian Planning Commission be requested to obtain the consent of the Minister or authorised person to the further modifications, and*
4. *That the scheme documents with the required modifications be resubmitted to the Western Australian Planning Commission.*

The Minister and the Department of Planning were advised of the acceptance of the modifications and advertising began on 4 October 2014.

**DETAIL**

The Report on Submissions [3628 Report on Submissions Attachment 1](#) is a summary of the submissions received during the advertising of the Local Planning Strategy and Local Planning Scheme 6. There was a substantial support (81%) of the LPS6 as advertised, although there were suggestions from several submissions that there should be other areas where an increase in density should occur.

Only two submissions specifically mentioned the Local Planning Strategy. Both were in support. One provided significant editorial suggestions which have been considered. There is no change to the intent of the Strategy and editorial changes have been made to address the concerns raised.

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**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

[3628 Changes from CPS5 to LPS6 as Advertised Attachment 2](#) lists the changes from Community Planning Scheme No. 5 to LPS6 that were advertised and either received substantial support or were not objected to. This document explains the rationale behind the proposed modifications as well as suggesting whether they could be considered minor, and therefore not require further advertising, or substantial, which could necessitate readvertising of the Scheme.

There has been an advice received from the Department of Planning (DoP) on how to interpret what may be considered a minor modification and conversely a significant modification to the Scheme as it was advertised. The DoP has advised that any changes to the Scheme text for administration purposes or corrections and the like that:

- a) do not change the intent of the scheme as it was advertised,
- b) do not remove any development potential from landowners if the proposal has not been advised to those landowners, or,
- c) does not increase the possible impact on adjoining neighbours without them being notified,

may be considered as a minor modification that should not require additional advertising.

Some of these modifications that have been suggested as changes to text or correction of errors that could be considered as minor and should not require further advertising include:

1. Text or Correction Modifications
  - Reformatting and rewording the text to reflect the Model Scheme Text as proposed in the draft Planning and Development (Local Planning Schemes) Regulations 2014. The intent and context of the LPS6 is unchanged, it is just the wording and format that has been changed. [3628 LPS6 Text Attachment 3](#)
  - On the LPS Map, changing the colour of Industrial on the map to match the colour on the Legend.
  - Correcting the zoning of 7 Temby Court, Kardinya which is unzoned on the advertised maps to a zoning of Residential R20 to match the surrounding lots.
  - Updating the Scheme Maps to include the Structure Plans areas of Canning Bridge, Riseley Street, Melville City Centre and Willagee as endorsed by the Council through the Structure Plans and ensuing Scheme amendments to CPS5.
  - Change the coding of lots shown as R30/40 along Canning Highway that do not abut Canning Highway to R40. The conditions of the split coding does mean that all of the lots that do not abut the highway are automatically eligible for the higher coding. So the split coding is superfluous.
  - Adding an urban development zoning to the Murdoch Mixed Use precinct as per amendment 67 of CPS5.
  - Updating the Legend on the Scheme Maps to reflect the proposed zonings under the Model Scheme Text.
  - Remove Text 'Fremantle Cemetery from Hatfield Way Booragoon (error)
  - Change Title of Pine Lakes Reserve to Piney Lakes Reserve (error)
  - Update some formatting, terminology and editorial changes to the LPS to correct some errors.

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

It is recommended that the Western Australian Planning Commission be advised of these changes and that the City is seeking incorporation of these modifications into LPS6 without the need for further advertising.

Some modifications that were suggested in the submissions that may be considered as minor as they do not impact significantly on adjoining landowners and therefore should not require advertising include:

2. Other Minor Modifications

- Adding Local Reserve Local Open Space to eastern corner of Yeovil Crescent and Preston Point Road,
- Change the coding of the Local Commercial Centres on Canning Highway from R40 to R60 to reflect the proximity to the important transport corridor and the frequency of bus services, as well as the intensity of development in areas between the centres on this corridor. This includes the Reynolds Road Centre, the North Lake Road/Canning Highway Centre, Hislop Road Centre, and the McKimmie Road Centre.
- Changing the R-Code designation on the District Centres of Bull Creek and Kardinya to R-AC0 to ensure an Activity Centre Structure Plan is prepared for these district centres prior to any major development commencing.
- Changing the R-Code of Activity Centres on other public transport routes such as Marmion Street from R40 to R60. This includes the Activity Centres at Stock Road, Redwood Crescent and North Lake Road
- Change coding of Western Power Sub Station on Camm Avenue, Bull Creek from residential to Local Reserve, Public Purpose
- Change zoning on 104 and 106 North Lake Road, Myaree from Mixed Business Frame back to Residential and provide an R-Code of R40 to reflect adjoining sites. They are zoned residential under CPS5 and the owners objected to losing ability to develop as residential under new proposed coding.
- Changing coding of No. 30 Engler Street, Booragoon from R20 as advertised to R40 to match development across the road to the west and advertised R40 to south.
- Adjusting the height tables in Clause 26 to reflect the current heights in CPS5 and then introducing in the heights proposed in Table 3 column C and /or Table 4 for the majority of the residential areas of the City of Melville.

<b>R-Code Range</b>	<b>Eaves</b>	<b>External wall (concealed roof)</b>	<b>Overall</b>
R12.5 – R40	8.0 m	9.0 m	10.5 m
R50 and above	As per R codes Table 3 Column C or Table 4.		

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

- Introducing a height table for Canning Highway public transport corridor to recognise the heights currently available in CPS5 and to reduce the proposed height in some areas where there was some concern expressed. This allows for varied heights along the length of Canning Highway.

<b>R-Code Range</b>	<b>Eaves</b>	<b>External wall (concealed roof)</b>	<b>Overall</b>
R12.5 – R25	8.0 m	9.0 m	10.5 m
R30 – R50	11.0 m	12.0 m	13.5 m
R60 and above	15.0 m	16.0 m	17.5 m

- Add additional uses of Medical Centre and Serviced Apartments (Short Stay) to Additional Use No. 18 in Table 1 of LPS6.

It is recommended that the Western Australian Planning Commission be advised of these changes and it be suggested these be incorporated into LPS6 without the need for further advertising. The list of points above is more subjective in terms of whether they require advertising and some further dialogue with the Western Australian Planning Commission may be required before a decision is made to include them in the current version of the Scheme or in a Scheme amendment on gazettal of the Scheme, if it is deemed necessary to advertise them.

Some suggested changes that could be supported but would probably be considered as more significant and likely to require further advertising include:

3. Significant Modifications Requested

- Changing of coding for lots on northern side of Colleran Way and Sprigg Place Booragoon from R20 (as advertised) to R80 on lots adjoining the Melville City Centre Structure Plan Area coded R100.
- Changing of coding for lots on southern side of Colleran Way and Sprigg Place Booragoon from R20 (as advertised) to R40 for lots on the southern side of the roads.
- Changing all other lots in area bounded by Neesham Street, Harry Strickland Park, Allerton Way and Riseley Street advertised as a coding of R20 to R25.
- Changing No. 50 – 58 River View Terrace and No. 5 Gunbower Road from R12.5 (as advertised) to R20 to match lots to North and West.
- Changing R-Code on lots in Mount Pleasant in area surrounded by The Esplanade, Coogee Road, rear lot boundaries of lots abutting Bateman Road on the west, rear lot boundaries of lots abutting Park Road to the west, rear lot boundaries of lots abutting Hawkins Road to the north that were advertised as R12.5 to R20.
- Changing R-Code on lots on the Northern side of Windfield Road, Melville from R20 as advertised to R30.
- Changing R-Code of lots on Marmion Street, Melville between Redwood Crescent and Hornsby Road from R20 as advertised to R40.
- Changing R-Code of lots on the Southern side of Davies Crescent, from R25 (as advertised) to R40.
- Changing R-Code of No. 66 Gilbertson Road and No. 1 Williamson Road, Kardinya from R25 (as advertised) to R40.

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

- Change R-Code of lots bounded by 66 Murray Road, 35 Fifth Street, 69 Waddell Road, Waddell Road, 55 Waddell Road, 19 Fifth Street, 18 Fifth Street, 52 Murray Road and Murray Road Bicton from R20 (as advertised) to R25.
- Change R-Code of lots in area bounded by Waddell Road, Wrexham Street, rear lot boundaries of lots abutting west side of Waddell Road to Pembroke Street, 106 Waddell Road, 103 Stock Road and lots to the west of Stock Road to Preston Point Road from R15 (as advertised) to R20 to match lots to south and west of these lots.
- Change R-Code of lots in area bounded by Stock Road, 102 Stock Road, 101 Moreing Road, 84 Moreing road, 1-5 Lawlor Road, 2 Lawlor Road, 8 Davis Road, 1 Allison Road, and rear lot boundaries of lots east of Moreing Road to Preston Point Road from R15 (as advertised) to R25 to match lots to south of Preston Point Road and provide a corridor from Melville District Centre to Moreing Road Local Centre.
- Change R-Code of lots on Northern side of Swan Road from Braydon Road to Wichmann Road from R15 (as advertised) to R25 to reflect the coding on the opposite side of Swan Road.
- Change R-Code of lots in area bounded by Hislop Road Kingsall Road, Bricknell Road and Wichmann Road from R15 (as advertised) to R25 to reflect the R25 coding to the south of this block and as a buffer from the R50 to the West of this Block.
- Change R-Code of lots in area bounded by Bricknell Road, Wichmann Road, Haig Road, Kingsall Road, Bricknell Road, Stoneham Road, rear lot boundaries of lots to the east of Warragoon Road through to Kingsall Road from R15 (as advertised) to R20 as a buffer to reflect subdivision that has already taken place in the area.

It is recommended that the Western Australian Planning Commission be advised of these changes that were suggested in submissions and that these changes are confirmed by the City to have some merit. It is recognised, however, that these changes are more significant and may require further advertising before they can be implemented into the Scheme. It is therefore suggested that these additional changes be noted for progression separately as part of an "omnibus" scheme amendment to be initiated on gazettal of LPS6.

There are four options to deal with these modifications which are explained in detail later in the item. In summary the options are:

- To reject any modifications to the Scheme and progress LPS6 for final approval without change to what was advertised,
- Accept modifications to LPS6 that are considered minor and reject those that are considered substantial,
- Accept modifications that are considered minor and reject those that are considered substantial, however, recommend that the modifications that are considered substantial be progressed as part of a Scheme amendment on gazettal of the new LPS6
- Accept all proposed modifications resulting from evaluation of submissions and forward to the Western Australian Planning Commission even if it may require further advertising of the Scheme.

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**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)****Update on Council Motion Regarding Multiple Dwellings**

The Council approved a Motion on 16 September 2014 that:

*“The CEO arrange for the investigation and preparation of a report to Council, to be presented as soon as possible, on the potential re-introduction, via a Scheme Amendment, of a minimum area of site per unit for multi unit developments on residential lots, coded R40 and below, outside Activity Centres and High Frequency Transport corridors.”*

The Council has been briefed on the matter at Elected Member Information Session’s (EMIS) held on 23 and 30 September 2014 and 10 February 2015.

As discussed at the EMIS’s the intent of the Notice of Motion is noted as being largely in keeping with the direction of the City’s urban planning framework with respect to providing for intensification of development in activity centres and along transport corridors, while allowing for retention of lower intensity suburban areas. Investigations have however emphasised the importance of identifying strategic areas within the City suited to higher density residential development in terms of providing access to services, housing choice and affordability. As presented at the EMIS’s the City faces a challenge to ensure sufficient opportunities are provided in strategic locations to achieve housing diversity and to adequately respond to established dwelling targets.

The next step to progress the Notice of Motion is an Elected Members workshop. It is proposed to invite representatives from the Department of Planning to the workshop to provide a State Government perspective and an update on progress on proposed amendments to the R-Codes relating to multiple dwellings. The workshop is scheduled for May 2015.

It is noted that this item for final adoption of LPS6 is being presented to Council ahead of the proposed workshop on multiple dwellings and before finalisation of a response to the 2014 Council Motion. From a timing viewpoint, this will not preclude the opportunity for changes to LPS6, at a later date, should that be the outcome of the Council’s consideration of a report on the 2014 Council Motion. The proposed Elected Members workshop will enable detailed investigation of the issues relating to the Notice of Motion and consideration of options in response to these issues. The workshop will also examine submissions received as part of the advertising of LPS6, which have indicated general support for proposed levels of residential density. This approach of dealing with the 2014 Council of Motion separate to LPS6 is expected to enable consideration of options to be informed by current work on the regulation of multiple dwellings being undertaken by the Department of Planning and to potentially have regard to the WAPC outcome on the current amendment to the R-Codes requirements for multiple dwellings in R30 and R35 areas.

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

Advertising Required:	90 days
Actual Advertising period	105 days
Support/Object:	81% (310) Support
	17% (64) Oppose
	2% (6) Neutral

Advertising of the LPS and LPS6 was required to be in accordance with the provisions of the *Planning and Development Act 2005* and more specifically Clause 15 of the *Town Planning Regulations 1967*.

A flyer was included in the Rates notices to all landowners advising of the imminent release of the LPS6 and guiding them to find out more at the dedicated website. In accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, a notice appeared in the Government Gazette on 3 October 2014.

**PL401\*****PLANNING AND DEVELOPMENT ACT 2005**

LOCAL PLANNING SCHEME AND LOCAL PLANNING STRATEGY

AVAILABLE FOR INSPECTION

*City of Melville*Local Planning Scheme No. 6  
and Local Planning Strategy

Ref: TPS/0606

Notice is hereby given that the local government of the City of Melville has prepared the abovementioned local planning scheme and local planning strategy for the purpose of—  
Local Planning Scheme

1. setting out the Council's planning aims and intentions for the scheme area;
2. setting aside land as reserves for public purposes;
3. zoning land within the scheme area for the purposes defined in the scheme;
4. controlling and guiding land use and development;
5. setting out procedures for the assessment and determination of planning applications;
6. making provision for the administration and enforcement of the scheme; and
7. addressing other matters contained in Schedule 7 of the *Planning and Development Act 2005*.

Local Planning Strategy

1. a framework for local planning;
2. the strategic basis for local planning schemes;
3. the interface between regional and local planning;
4. setting out local government objectives for future planning and development;
5. a broad framework for local government objectives; and
6. the means for addressing, economic, resource management, environmental and social issues and factors that affect and are affected by land use and development.

Plans and documents setting out and explaining the local planning scheme and local planning strategy have been deposited at Council Offices, 10 Almondbury Road, Booragoon and at the Western Australian Planning Commission, 140 William Street, Perth, and will be available for inspection during office hours up to and including 16 January 2015.

Submissions on the local planning scheme and local planning strategy may be made in writing on Form No. 4 and lodged with the undersigned on or before 16 January 2015.

Dr S. SILCOX, Chief Executive Officer.

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**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

A similar notice also appeared in the West Australian Newspaper on 4 October 2014 and in the About Melville advertorial in the Melville Times Community Newspaper. At the same time notification was posted on a dedicated webpage as part of the City of Melville website. General notification was also given via Facebook and twitter on several occasions throughout the advertising.

Over 6060 letters were sent to all landowners and residents in those areas impacted by any change in the proposed Scheme. These letters were personalised to each area specifically advising what changes were proposed for their area and explaining that it may impact on their property.

## **II. OTHER AGENCIES / CONSULTANTS**

In accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, letters were also sent to all Government service providers including,

- Western Power,
- Department of Water,
- Atco Gas,
- Synergy,
- Alinta Gas,
- Main Roads WA,
- The Department of Transport and
- The Education Department.

The Adjoining Local authorities were also advised of the advertising of the Documents.

Responses were received from

- The Department of Transport,
- The Education Department,
- The Department of Water,
- Western Power,
- The City of South Perth and
- The City of Cockburn.

The report on submissions is Attachment 1.

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**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The *Town Planning Regulations 1967* provides the process and requirements for advertising and processing of the Local Planning Schemes.

The regulations also provided a Model Scheme Text that was followed in drafting the new LPS6. Advice from the Department of Planning is that the *Draft Planning and Development (Local Planning Schemes) Regulations 2014* which is proposed to be formally gazetted on 1 July 2015 are to be followed in drafting any new Local Planning Scheme. This has resulted in reformatting and redrafting the text of the LPS6 to comply with the Model Scheme Text as proposed.

The LPS6 and a copy of the resolution of the Council will be forwarded to the Western Australian Planning Commission with a full schedule of submissions within 28 days of passing of a resolution by the Council. The Western Australian Planning Commission will then consider the documents and submissions and submit its recommendations to the Minister or an authorised person.

If any proposed modifications to LPS6 recommended by the Council are considered to be substantial the City may be directed to undertake a further advertising phase for the Scheme. Advertising will be for a period of time determined by the Minister but is likely to add a minimum of 6-12 months to the process.

The Community Planning Scheme No. 5 will remain in force until gazettal of a new Scheme rescinds the current Scheme. In legal terms, however, progression of LPS6 through the advertising phase may allow the Scheme to be considered as “seriously entertained”. Accordingly, the content of the Scheme is a relevant consideration in any decisions on development.

**FINANCIAL IMPLICATIONS**

There are no direct up front financial implications above current budget.

The LPS and LPS6 are the two most important documents that determine the future rate revenue earning capacity of the City of Melville. Lower property densities will generally result in higher rates and or reduced services and infrastructure and higher property densities will generally result in lower rates and or higher levels of services and improved infrastructure.

When adopting LPS6 the Council will therefore be setting the scene for the rate revenue earning capacity of the City for the next 15 to 20 years the results of which will then be reflected in the Long Term Financial Plan.

**STRATEGIC, RISK AND ENVIRONMENTAL IMPLICATIONS**

The strategic, risk and environmental implications of the LPS and LPS6 are integral to the documents and the way they direct the future direction for the City of Melville. The strategic direction is contained within the LPS which focuses on how best to encourage the development of an additional 11,000 new dwellings targeting activity centres, transport nodes and public transport corridors for additional growth.

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The LPS6 as advertised is adopted and development does not occur as anticipated.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Further studies of areas not targeted in LPS6 are to be undertaken in next 2 years including Murdoch and Bull Creek train and bus interchange areas. This will enable a review also of uptake of development potential in LPS6.
Council does not adopt the Scheme.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Delays to implementation of initiatives in LPS6 and increased applications for variations under current scheme. .
Council chooses to include the more significant modifications	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	It is likely that the process of gazettal of the Scheme will be delayed by 6-12 months through the need to readvertise. There will also be the added costs of readvertising.

**POLICY IMPLICATIONS**

Planning Policies related to the Community Planning Scheme 5 will be the subject of a review to ensure they are relevant to LPS6. Roll out of reviewed Policies is intended to occur in association with gazettal of LPS6.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

1. Reject the LPS6 and continue to operate under CPS5.  
The Minister may require a new scheme to be prepared.

The new Local Planning Regulations will require every scheme to be reviewed every five years. If a review has not been undertaken in the last five years the Minister can require a review to be undertaken or a new Scheme to be prepared.

2. Adopt the LPS6 as advertised rejecting all suggested modifications and forward it to the Western Australian Planning Commission for consideration.
3. Adopt the LPS6 as advertised with a recommendation that additional modifications, to make corrections that were discovered from advertising and to incorporate Structure plans that have been advertised and approved, be included and that further modifications that would require readvertising be included as an omnibus amendment to the scheme after it has been gazetted.
4. That the LPS6 be adopted with all suggested modifications with the anticipation that the Western Australian Planning Commission may require further advertising of the Scheme to include any modifications that arose from advertising.

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)****CONCLUSION**

The LPS and LPS6 have been prepared after many years of stakeholder engagement and research. The final stage of advertising was undertaken as per the *Town Planning Regulations 1967*.

The Scheme that is presented to the Council represents the Scheme text and maps that were advertised with changes to reflect the Model Scheme Text, corrections that were raised during the advertising period and adjustments in response to submissions received that are able to be considered minor.

Although there were many requests in submissions for an increase in density from what was advertised, it is considered that those requests, although they may be considered as good planning outcomes, would be seen as significant changes that would require further advertising to gain a wider understanding of the local communities thoughts on those changes.

As CPS5 is over 15 years old and is in need of updating to reflect the Model Scheme Text and to incorporate the latest Structure Plans, it is considered that the best way forward is to adopt the LPS6 and LPS as presented to Council. The further changes that have been suggested from Submissions can then be incorporated into an omnibus Scheme amendment to be initiated on gazettal of LPS6.

At 8:48pm Mr Hitchcock left the meeting and returned at 8:49pm

At 9:24pm Cr Aubrey left the meeting and returned at 9:26pm

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3628)****APPROVAL**

At 8:28pm Cr Schuster moved, seconded Cr Macphail –

**That the Council:**

- 1. Adopts the Local Planning Strategy dated May 2015 which incorporates the Local Planning Strategy text and maps as advertised with minor modifications and corrections that arose from submissions received during advertising**
- 2. Requests the Chief Executive Officer to forward the Local Planning Strategy to the Western Australian Planning Commission requesting endorsement of the Local Planning Strategy.**
- 3. Adopts the Local Planning Scheme 6 dated May 2015 which incorporates the Local Planning Scheme 6 text and maps as advertised with minor modifications and corrections that arose from submissions received during advertising (as shown in Attachment 2 to this report).**
- 4. Requests the Chief Executive Officer to forward the report on submissions (Attachment 1 to this report) to the Western Australian Planning Commission.**

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

5. Requests the Chief Executive Officer to forward the Local Planning Scheme 6 text and maps to the Western Australian Planning Commission with the attached list of proposed modifications which are not considered to require further advertising.
6. Requests the Chief Executive Officer to forward to the Western Australian Planning Commission a further list of possible modifications to Local Planning Scheme 6 that are supported by Council, with a request that if the Western Australian Planning Commission considered that any of these modifications are not substantial, and accordingly would not trigger a need for further advertising, that they be included in the version of Local Planning Scheme 6 to be progressed for the Minister's approval.
7. Notes that those modifications not able to be included in Local Planning Scheme 6, without a need for further advertising, are to be considered for progression via inclusion in an omnibus scheme amendment to be initiated on gazettal of Local Planning Scheme 6.
8. Requests the Chief Executive Officer to ensure that all submitters are advised in writing of the Council's decision.

**PROCEDURAL MOTION**

At 8:37pm Cr Pazolli moved, seconded Cr Taylor-Rees -

**That item P15/3628 be deferred to the next Ordinary Meeting of Council to allow Elected Members time to consider the maps provided on Tuesday evening prior to the meeting.**

At 8:42pm the Mayor submitted the amendment which was declared

**LOST (3/8)**

<b>Vote Result Summary</b>	
Yes	3
No	8

<b>Vote Result Detailed</b>	
Cr Barton	Yes
Cr Pazolli	Yes
Cr Taylor-Rees	Yes
Cr Aubrey	No
Cr Foxtton	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Willis	No
Mayor Aubrey	No

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3628)**

**That the Council:**

- 1. Adopts the Local Planning Strategy dated May 2015 which incorporates the Local Planning Strategy text and maps as advertised with minor modifications and corrections that arose from submissions received during advertising**
- 2. Requests the Chief Executive Officer to forward the Local Planning Strategy to the Western Australian Planning Commission requesting endorsement of the Local Planning Strategy.**
- 3. Adopts the Local Planning Scheme 6 dated May 2015 which incorporates the Local Planning Scheme 6 text and maps as advertised with minor modifications and corrections that arose from submissions received during advertising (as shown in Attachment 2 to this report).**
- 4. Requests the Chief Executive Officer to forward the report on submissions (Attachment 1 to this report) to the Western Australian Planning Commission.**
- 5. Requests the Chief Executive Officer to forward the Local Planning Scheme 6 text and maps to the Western Australian Planning Commission with the attached list of proposed modifications which are not considered to require further advertising.**
- 6. Requests the Chief Executive Officer to forward to the Western Australian Planning Commission a further list of possible modifications to Local Planning Scheme 6 that are supported by Council, with a request that if the Western Australian Planning Commission considered that any of these modifications are not substantial, and accordingly would not trigger a need for further advertising, that they be included in the version of Local Planning Scheme 6 to be progressed for the Minister's approval.**
- 7. Notes that those modifications not able to be included in Local Planning Scheme 6, without a need for further advertising, are to be considered for progression via inclusion in an omnibus scheme amendment to be initiated on gazettal of Local Planning Scheme 6.**
- 8. Requests the Chief Executive Officer to ensure that all submitters are advised in writing of the Council's decision.**

**P15/3628 - REPORT ON SUBMISSIONS AND MODIFICATIONS TO LOCAL PLANNING SCHEME NUMBER 6 FOLLOWING ADVERTISING (REC) (ATTACHMENT)**

At 9:38pm the Mayor submitted the substantive motion, which was declared

**CARRIED (7/4)**

<b>Vote Result Summary</b>	
Yes	7
No	4

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No
Cr Phelan	No
Cr Taylor-Rees	No

At 9:37pm the Mayor having declared an interest in item P15/3627 left the meeting and Cr Foxton assumed the Chair.

At 9:37pm Mr Spencer left the meeting.

At 9:45pm Cr Pazolli left the meeting and returned at 9:51pm.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P15/3627
Elected Member	His Worship the Mayor
Type of Interest	Proximity Interest
Nature of Interest	Owns a property on a lot opposite the site
Request	To leave the meeting
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3627
Elected Member	Cr R Aubrey
Type of Interest	Code of Conduct
Nature of Interest	Parents own a property on a lot opposite the site
Request	To Stay
Decision of Council	Not Applicable

Ward	: City
Category	: Strategic
Application Number	: N/A
Property	: 10 Almondbury Road and 125-133 Riseley Street, Booragoon
Proposal	: Melville City Centre Land Exchange with AMP Capital Investors
Applicant	: City of Melville and AMP Capital Investors
Owner	: City of Melville and AMP Capital Investors
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P14-3582 – Melville City Centre Redevelopment – Special Meeting of Council 18 December 2014 P13-3449 – Final Adoption of the Melville City Centre Structure Plan - Special Meeting of Council 9 December 2013
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

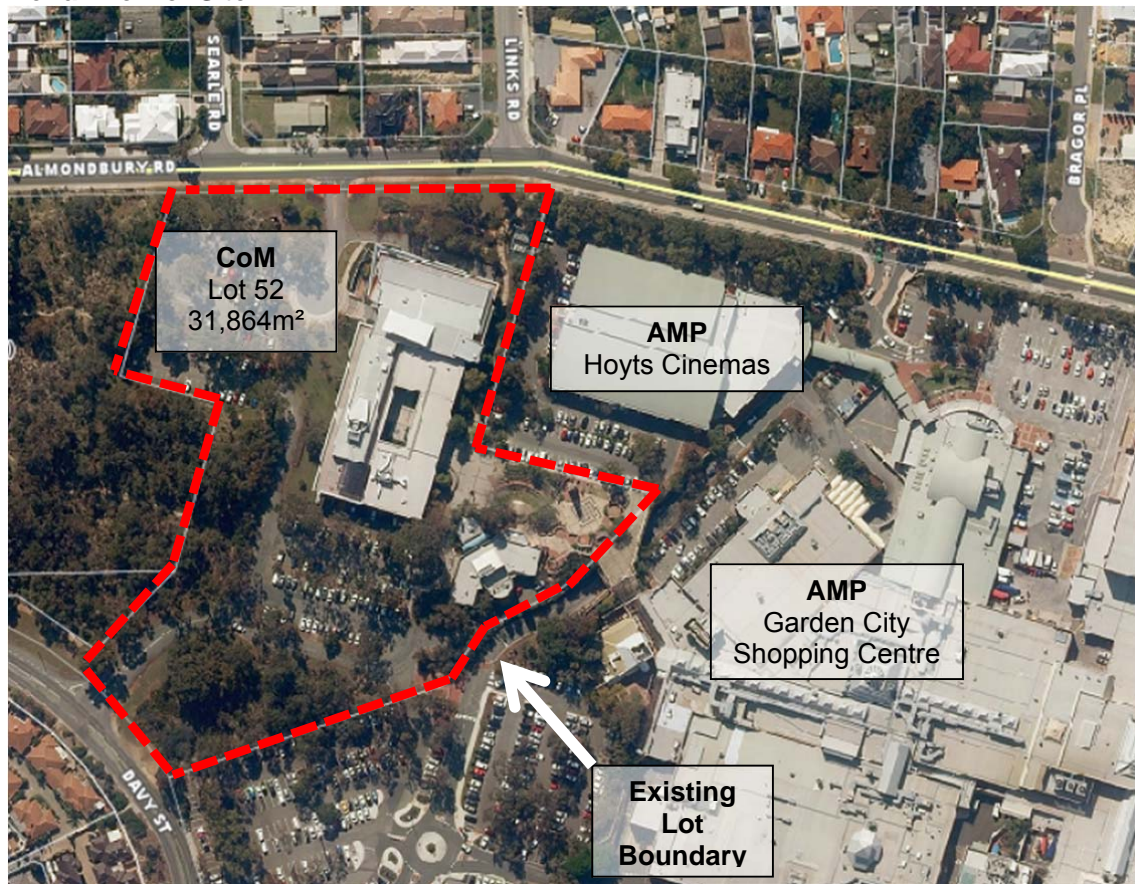
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans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

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The Melville City Centre Structure Plan envisages the creation of a vibrant, pedestrian-friendly, double-sided high street between the City's Civic Centre and the Garden City Shopping Centre.
- The existing lot boundary is irregular and should be realigned in order to facilitate the redevelopment of the new high street and surrounding buildings.
- The key starting point is the design concept plan for the high street. The concept plan informs the potential land transaction to realign the lot boundary and the future development application for the redevelopment of the Garden City Shopping Centre.
- A Local Public Notice was advertised in accordance with the *Local Government Act 1995*. One submission was received providing comments on the proposal.
- It is recommended that Council support the proposed land transaction and authorise the Chief Executive Officer to proceed with the next steps in the process, which includes the following actions:
  - A Land Swap Agreement with AMP providing details on the land transaction
  - A subdivision/amalgamation application.

**Aerial View of Site**



**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****BACKGROUND**

The City owns Lot 52, 10 Almondbury Road, Booragoon in freehold title, which includes the Civic Centre and Civic Square Library. The lot has an area of 31,864m<sup>2</sup> and is zoned 'City Centre' in Community Planning Scheme No. 5 (CPS5) with no maximum residential density.

The Melville City Centre Structure Plan was adopted by Council at a Special Meeting held on 9 December 2013. The Western Australian Planning Commission (WAPC) adopted the Structure Plan on 22 April 2014.

The Melville City Centre Structure Plan provides the vision for the redevelopment of the City Centre and the relevant development requirements. The zonings recommended by the adopted Structure Plan are being progressed through Scheme Amendment 76 to CPS5. The Council approved Amendment 76 at a Special Meeting held on 5 March 2015 following public advertising. It has been referred to the WAPC for final approval and gazettal.

The Structure Plan provides for a new High Street and high quality public spaces to be created between the existing Garden City Shopping Centre and Civic Centre. The new High Street Precinct is expected to be a vibrant, pleasant and commercially successful place.

The Structure Plan also provides for the City Centre to be the central point for the surrounding area and a key social and community hub.

The Council considered a report on a new Library and Cultural Facility at its meeting held on 9 December 2014. The report sought Council support to investigate the opportunities of increased services and functions within the proposed new facility. The investigations will help form a business case on the future facility to best meet the needs of the City of Melville community now and into the future. A separate report will be presented to the Council on the proposed Library and Cultural Facility.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS5 Zoning	:	City Centre
R-Code	:	N/A
Use Type	:	N/A
Use Class	:	N/A

**Site Details**

Lot Area	:	31,864m <sup>2</sup>
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[3627 Proposed Land Exchange Boundaries Map Attachment 1](#)

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****DETAIL**

The City has been in discussions with AMP Capital Investors (AMP) about the future development of the proposed High Street Precinct and a proposed land transaction to facilitate redevelopment of the area. The proposed land transaction would realign the existing lot boundaries, which would otherwise constrain redevelopment.

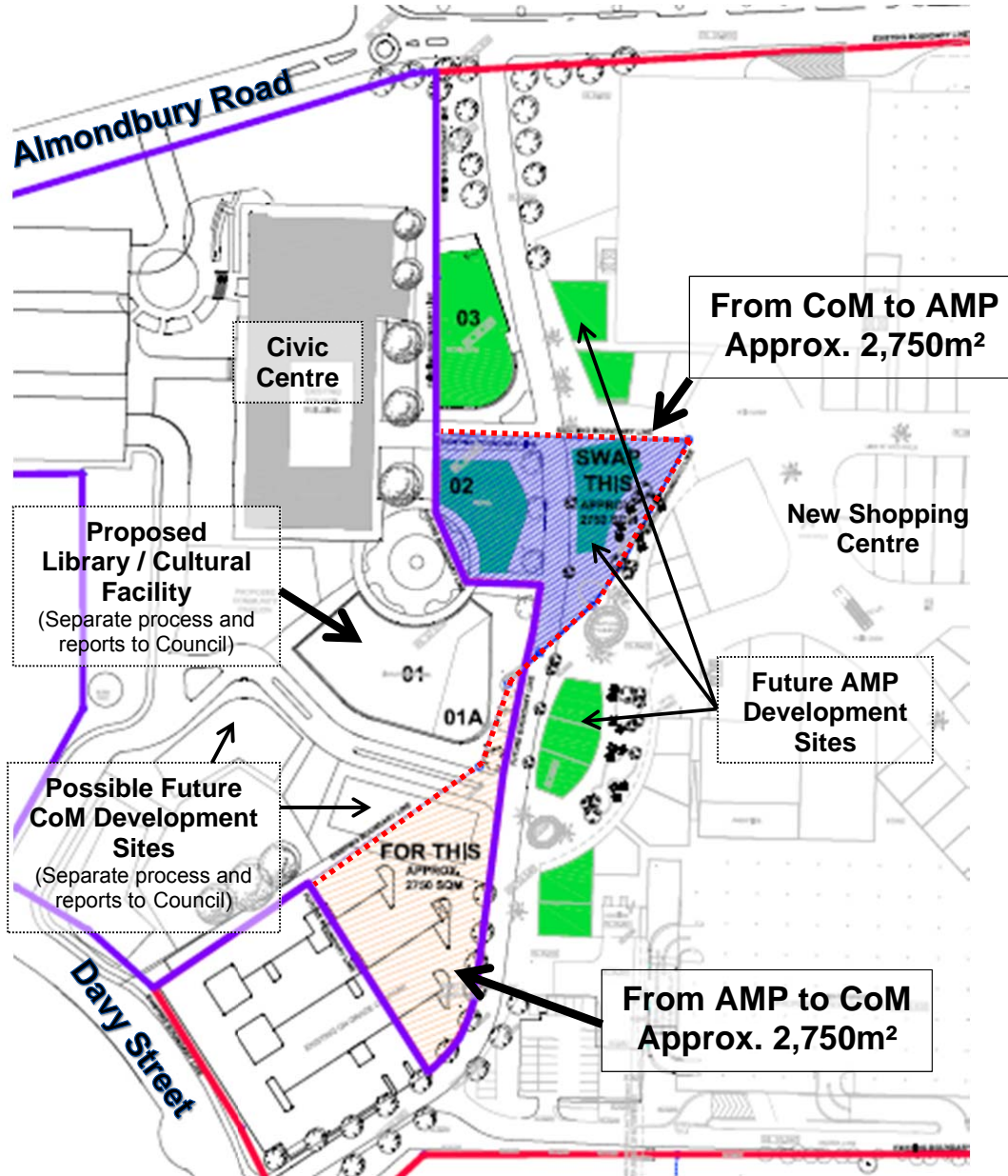
The key starting point is the design concept plan for the High Street Precinct. The design concept plan will inform the potential land transaction/boundary realignment and form the basis for the future development application for the expansion of the shopping centre (expected to be lodged with the City in the coming months).

The latest thinking on the design concept plan is shown on the next page. The key points are:



- An active, double-sided high street is the most important outcome sought by both parties. The high street environment would be pedestrian friendly and have slow vehicle speeds;
- The shopping centre would have retail, café and restaurant uses fronting the street, along with two major entrances to the centre and the entrance to the new cinema;
- AMP would have two major tenancies on the west side of the street. This is positive and will help deliver the double-sided high street in Stage 1 of the development;
- Rather than having one piazza area as originally envisaged, the configuration of the buildings would help form a range of different public spaces;
- The proposed Library and Cultural Facility would be located to the south of the Civic Centre, with a major entrance close to the high street. It would also front a new street to be built on the City's land;
- The new street would assist with the future redevelopment of the City's land to the south of the Civic Centre.

P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)

High Street Precinct Design Concept Plan



Key

-  Existing lot boundary
-  Proposed future City of Melville lot boundary

Notes

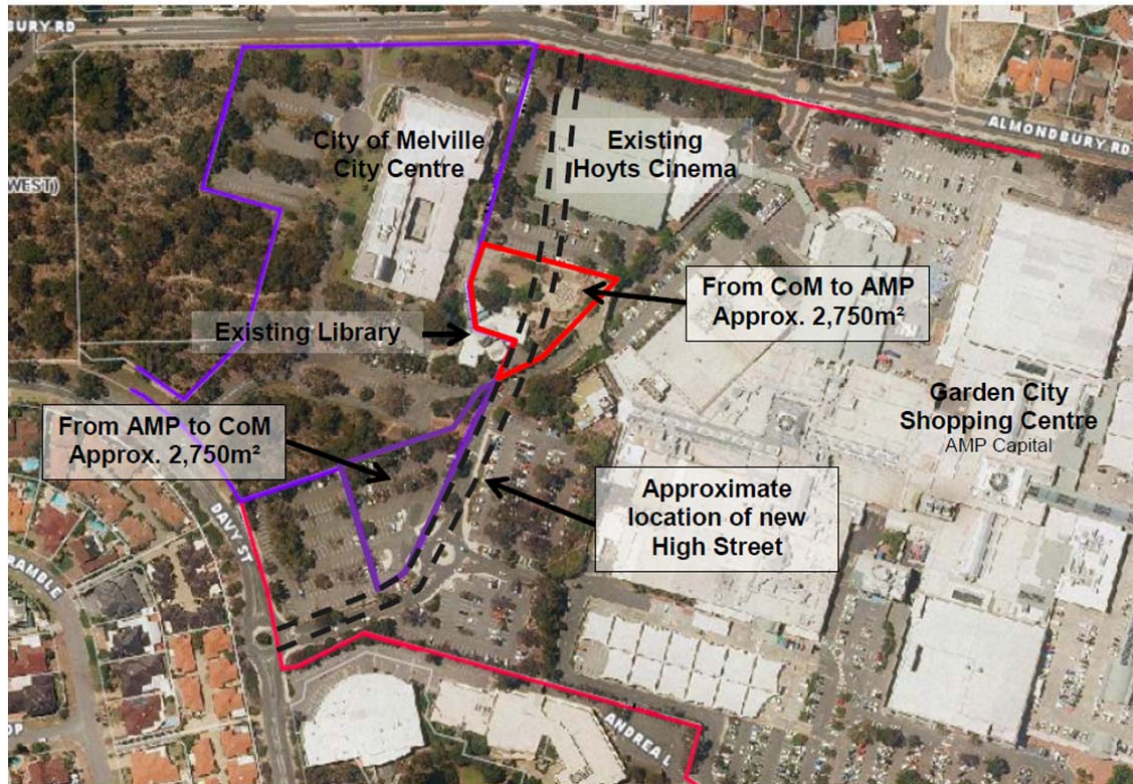
- An independent valuation values both parcels of land as being equal with a market valuation of \$6,550,000.
- The exact boundaries are being surveyed by a licensed land surveyor.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

The City is not required to formally endorse the design concept plan. It is a precursor to the future development application to be lodged by AMP and the basis of the proposed land transaction. Notwithstanding, the City's officers broadly support the proposed concept plan. However refinements to the plan may be required through further discussions with AMP.

An aerial view of the proposed land exchange is shown below.

**Aerial View of Proposed Land Exchange**



Proposed Land Transaction

The existing lot boundary between the City's land and AMP land is irregular and would make it difficult to develop the High Street Precinct. It is considered that a realignment of the current lot boundary is necessary.

The City has three options under Section 3.58 of the *Local Government Act 1995* (the Act) for the disposition of land, which are:

1. To the highest bidder at public auction (Section 3.58 (2)(a));
2. Via a public tender process (Section 3.58 (2)(b); or
3. Via Local Public Notice (Section 3.58 (3)).

All the potential land transaction and development options were considered by the City and its specialist property consultant, NS Projects. In this case, the adjoining landowner (AMP) is really the only external party in a position to develop the High Street Precinct in accordance with the requirements of the Structure Plan. It was therefore not recommended that the City consider disposition via public auction or public tender.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

The Council resolved at a Special Meeting held on 18 December 2014 that:

1. *Note the Potential Land Disposition Process Map as provided in Attachment 2.*
2. *Note the draft Design Concept Plan submitted by AMP Capital Investors for the Melville City Centre High Street Precinct, which is to be further refined in discussion with the City's officers prior to a development application for the redevelopment of Garden City Shopping Centre being lodged.*
3. *Support the principle of a "like for like" land swap of equal monetary value in order to realign the existing lot boundary and facilitate the development of the new Melville City Centre High Street Precinct approximately along the lines of the plan provided in Attachment 1 marked "X", with the intention of having a zero monetary balance upon settlement.*
4. *Authorise the Chief Executive Officer to:*
  - a. *Negotiate with AMP Capital Investors on the final details of the potential land transaction (exact lot boundaries, land area etc.)*
  - b. *Prepare a background Business Case for the potential land transaction*
  - c. *Obtain a valuation of the land involved in the potential land transaction as required by Section 3.58 (4) (c) (i) of the Local Government Act 1995*
  - d. *Prepare and publicly advertise a Local Public Notice in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995 for the land swap*
5. *Note that a further report will be presented for Council consideration following the conclusion of the above-mentioned steps and before entering in to any final agreement with any other party for the dispossession of the City owned land as depicted on "X".*

Further Steps Following Council Resolution

As provided for in the Council resolution, the City's officers discussed the potential lot boundary realignment further with AMP. An updated plan was provided by AMP to inform the land exchange (as shown in the High Street Precinct Design Concept Plan above).

A background Business Case has been prepared and is provided in [Attachment 2](#):

[3627 Business Case Proposed Land Swap in the Melville City Centre](#)

An independent market valuation of the land was sought. A qualified valuer provided a report which states that both of the land parcels are valued at \$6,550,000, or a rate of \$2,382 per square metre. It is important to note that both lots have the same zoning and development potential.

The proposal is that the City would not dispose of its land for cash, but rather for land of an equivalent value adjacent to the proposed High Street (i.e. an exchange of land or lot boundary realignment).

The Local Public Notice process is further detailed below.

The land in question accommodates the Applecross RSL's and City's War Memorial which is planned to be decommissioned late in 2015. A project is underway for the design and installation of a new War Memorial at Wireless Hill scheduled to be completed by Anzac Day 2016. A time capsule is also located on this land and will be removed late in 2015 and relocated to Council land in this vicinity. Public Art installations located on this land, likewise will be removed and relocated.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes as per Section 3.58 (3) of the Act
Neighbour's Comment Supplied:	N/A
Reason:	N/A
Support/Object:	N/A

**I. COMMUNITY**

The City's Stakeholder Engagement Policy CP-002 outlines the different levels of public consultation and communication required depending on complexity, risk, political sensitivity and the impact on the community.

In this case, a Local Public Notice was required to be advertised in accordance with Section 3.58 (3) and (4) of the *Local Government Act 1995*.

An initial Local Public Notice was advertised in the *West Australian* on Monday 9 March 2015. An additional Notice was advertised in the *West Australian* on Thursday 12 March 2015, advising that the public notice period had been extended to 5.00pm, Thursday 26 March 2015. However this advertising did not satisfy the requirements of the Act to advertise the Notice for "not less than 2 weeks after the notice is first given". The *Interpretation Act 1984* defines "not less than 2 weeks" as being a minimum of 16 days and the original Notice was advertised for only 15 days. The Notice was therefore readvertised.

The official Local Public Notice was advertised in the *West Australian* on Wednesday 1 April 2015 and submissions were invited until 5.00pm on Monday 20 April 2015 (20 days). Relevant information was also available on the City's website and at the Customer Service Counter at the Civic Centre. The official Local Public Notice satisfied the requirements of the Act.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

One submission was received during the advertising period providing comments on the proposal.

No.	Summary of Key Points	Response
1	<ol style="list-style-type: none"> <li>1. In making this submission, I acknowledge the considerable amount of work that has been undertaken by the City since the original advertisement on Monday 9 March 2015 (the submitter also provided a submission in response to the first Notice advertised).</li> <li>2. Even though a land swap of this nature is both complex and infrequent, I think the original advertising was poorly managed by the City and if it had followed the resolution of Council's Meeting of 18 December 2014, many aspects of the first submission would have been unnecessary.</li> <li>3. I am not opposed to the proposed land swap, but feel that there are some aspects of the proposal that require further consideration by the City.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted</li> <li>2. The City acknowledges that the initial Local Public Notice did not satisfy the requirements of the Act and therefore readvertised the Notice.</li> <li>3. Noted.</li> </ol>

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

No.	Summary of Key Points	Response
1	<p>4. The Business Case relating to the land swap gives a good summation of the proposal and succinctly outlines the importance of the “High Street Precinct” concept to the future development of both Garden City Shopping Centre and the Civic Centre. The concept design shows that the existing Civic Square Library will need to be demolished as it would be included on the land to be transferred to AMP.</p> <p>5. It is noted in the Business Case that community benefits of the land swap would include a contribution from AMP to the new library/community facility. It does leave the community wondering what the likely level of contribution would be and whether the community will ultimately need to contribute to the construction of the new library/community facility. Until the level of contribution is known it is difficult to see how the equity of the land swap can be determined.</p> <p>6. I am concerned that it is difficult to equate the swapping of land with building improvements (Civic Square Library) with vacant land, all be it the same size, can be the same value irrespective of the amount of the contribution by AMP.</p> <p>I note in the Business Case that the independent market valuation was sought on the basis of an “Unimproved Clean Site” assessment.</p>	<p>4. Noted.</p> <p>5. The land exchange and the additional community benefits to be provided by AMP are considered to be separate processes. The additional community benefits are associated with a future development application for the redevelopment of the shopping centre and are a requirement of Section 9.1 of the Structure Plan. These additional community benefits are substantial and cannot be directly linked to the consideration payable for the land swap. They are requirements of the Structure Plan and are therefore separate from the land exchange process. The City’s thinking and proposed process were independently checked by solicitors, which supported the City’s position in formal legal advice received.</p> <p>6. The City’s brief sought a valuation on the basis of an “Unimproved Clean Site” assessment. This was sought as:</p> <ul style="list-style-type: none"> <li>- The existing library would need to be demolished to make way for the new high street if the land swap proceeded.</li> <li>- The existing library is a Civic building that is unlikely to be used by another landowner for non-civic purposes. It therefore has no inherent value for a purchaser.</li> <li>- AMP would be responsible for the full cost of demolition and remediation. This cost is likely to outweigh any residual building value or value for the City maintaining it as a Civic building</li> </ul>

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

No.	Summary of Key Points	Response
1	<p>7. An independent valuer provided a report which stated that both parcels are valued at \$6,550,000. It is unlikely that the valuations would have been much different, given that they both have the same zoning and development potential.</p> <p>8. I would have thought that given the value involved, it would have been beneficial to the process to have two different valuers undertake the valuation for each lot independent of each other. That way there could be no perceived conflict.</p> <p>9. The most important question is however, why the valuation for the site with the Civic Square Library upon it was requested to be valued as an unimproved site. It is likely that if the existing building was taken in to account that the land transaction would be seen as a major land transaction under Section 3.59 of the Act.</p> <p>10. I believe that the valuation process could be seen as flawed as the land swap includes one parcel of land with a building and there seems to have been no attempt to quantify the value of that building.</p> <p>11. Secondly, the two parcels of land should have been independently valued by different valuers.</p> <p>12. Further if the value of the new library (or the existing library) was taken into account it is likely that the cost would have required the land swap to be treated as a major land transaction (under Section 3.59 of the Act).</p>	<p>7. Agreed.</p> <p>8. There is no requirement in the Act for two valuations to be obtained. As noted in the submission <i>“it is unlikely that the valuations would have been much different, given that they both have the same zoning and development potential.”</i> The most important element is not the actual valuation of the land (i.e. whether it is worth \$6 million or \$7 million), but whether the proposed land exchange is a swap of “like for like” land value. The independent valuation company appointed considered that the lots are valued equally as discussed in the report.</p> <p>9. Disagreed as discussed above.</p> <p>10. See point 6 above.</p> <p>11. See point 8 above.</p> <p>12. See point 5 above.</p>

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

No engagement was required with external agencies or consultants as part of the Local Public Notice process.

**STATUTORY AND LEGAL IMPLICATIONS**

The City has legislative requirements to meet in addition to standard property practices.

Section 3.58 (3) of the Act states that:

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

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

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

*and*

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

The City advertised the public notice and invited and received one submission as noted above. The last statutory step is for Council to make a decision on the potential land transaction and to record the reasons for its decision in any resolution.

If the Council were to approve the proposed land transaction, it would be implemented via:

1. A Land Swap Agreement with AMP providing details of the land transaction; and
2. A subdivision/boundary realignment application.

The City will engage professionals where required to help prepare these agreements.

The Land Swap Agreement would not proceed unless key milestones were satisfied, which may include:

1. A Development Approval being granted for the Garden City Shopping Centre major redevelopment and those works being substantially commenced.
2. The Land Swap Agreement being agreed and executed by both parties.
3. A separate Implementation (or Development) Agreement being agreed and executed by both parties.
4. A subdivision/boundary realignment application being approved and any relevant conditions fulfilled.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

A land transaction as proposed above would not require a Business Plan process in accordance with Section 3.59 of the Act, as the value of the transaction was below the relevant threshold (approximately \$8.3 million in the case of the City).

Section 3.59 of the Act does not apply as the consideration payable for the land cannot be worth more than the actual sworn valuation of the land (i.e. \$6,550,000). Hence the major land transaction threshold is not met and therefore the City is not required to consider the proposal as a major land transaction.

The additional community benefits to be provided by AMP are associated with a future development application for the redevelopment of the shopping centre and are a requirement of Section 9.1 of the Structure Plan. The community benefits would include the contribution to the new library/community facility on the City's land, road and intersection upgrades, the development of the new high street and public spaces and 2,000 square metres of the non-retail commercial space. These additional community benefits are substantial and cannot be directly linked to the consideration payable for the land swap. They are requirements of the Structure Plan.

The City's thinking and proposed process were independently checked by a independent legal firm, which supported the City's position in formal legal advice received.

**FINANCIAL IMPLICATIONS**

There are no major financial implications as a result of this process. Whilst the City's land is valued at \$6,550,000, the "like for like" land exchange means that the result is a \$0 balance.

The City anticipates that it will be necessary to engage solicitors, land surveyors or other professionals to help implement the land exchange as required.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
Risks that the City Centre will not develop as planned in the Structure Plan if the land exchange is not approved.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk.	Council to consider approval of land exchange.

**POLICY IMPLICATIONS**

There are no policy implications as a result of this report.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may decide to not proceed with the proposed land transaction. This would have a significant impact on the development of the proposed High Street Precinct. The street and associated development would likely be shifted further east away from the Civic Centre. This would likely affect the value of the City's landholding and result in the Civic Centre being separated from activity and vibrancy of the street.

If the proposed land transaction did not proceed, the existing Civic Square Library could stay in its existing form. However, this would mean there would be no obligation for AMP to contribute to the proposed new Library / Cultural Centre as per the structure plan.

The implementation of the structure plan recommendations would be constrained by not proceeding with the proposed land transaction.

**CONCLUSION**

The City has fulfilled the requirements of the *Local Government Act 1995* and advertised a Local Public Notice inviting submissions on the proposed land transaction. One submission was received, which while not opposed to the proposal per se, raised issues for the Council to consider. It is considered that these issues have been appropriately addressed as explained in the submissions table of the report.

It is recommended that the Council support the proposed land transaction and authorise the Chief Executive Officer to proceed with the next steps in the process, which includes the following actions:

1. Instructing the City's solicitors to help prepare a Land Swap Agreement with AMP providing details on the land transaction
2. Proceeding with a subdivision/amalgamation application

It should be noted that the proposed land transaction would not occur unless:

1. A Development Approval has been granted for the Garden City Shopping Centre and works have been substantially commenced
2. The Land Swap Agreement has been agreed and executed by both parties
3. An Implementation Agreement has been agreed and executed by both parties
4. A subdivision/boundary realignment application has been approved and any relevant conditions fulfilled

These conditions will be formalised in the legal agreements and provide protection for the City to ensure that the High Street Precinct is developed as per the structure plan requirements.

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3627)      APPROVAL**

At 9:38pm Cr Macphail moved, seconded Cr Willis –

**That the Council:**

1. Notes the one (1) submission received during the Local Public Notice process, which has been duly considered prior to making its decision.
2. Supports the proposed land exchange with AMP Capital Investors as shown in Attachment 1 for the following reasons:
  - a. The existing lot boundary is irregular and would constrain the development of a High Street Precinct as recommended by the Melville City Centre Structure Plan
  - b. The development of a High Street Precinct is critical to the development of the Melville City Centre as a whole
  - c. The land exchange will provide the City with a long frontage to the new High Street and facilitate redevelopment of the City's landholdings
  - d. It supports the proper and orderly planning of the Melville City Centre
3. Authorises the Chief Executive Officer to implement the proposed land exchange via:
  - a. A Land Swap Agreement with AMP Capital Investors providing details of the land transaction.
  - b. An Implementation (or Development) Agreement
  - c. A subdivision/amalgamation application
4. Notes that the proposed land exchange will not occur unless:
  - a. A Development Approval has been granted for the Garden City Shopping Centre major redevelopment and those works have been substantially commenced
  - b. The Land Swap Agreement has been agreed and executed by both parties
  - c. An Implementation (or Development) Agreement has been agreed and executed by both parties.
  - d. A subdivision/boundary realignment application has been approved and any relevant conditions fulfilled

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

**AMENDMENT 1**

At 9:46pm Cr Schuster moved, seconded Cr Barton – ( **Amendment 1** was withdrawn by the mover and seconder)

That item 3 be amended as follows:

**3 Authorises the Chief Executive Officer to progress the proposed land exchange via:**

- a. **A Land Swap Agreement with AMP Capital Investors providing details of the land transaction, to be referred to Council for approval.**

**AMENDMENT 2**

At 9:55pm Cr Schuster moved, seconded Cr Barton -

That item 3 be amended as follows:

**3. Authorises the Chief Executive Officer to *progress* the proposed land exchange via:**

- a. **A Land Swap Agreement with AMP Capital Investors providing details of the land transaction.**
- b. **An Implementation (or Development) Agreement**
- c. **A subdivision/amalgamation application**
- d. **Agreements in clause 3a and 3b be referred to Council for approval.**

At 10:02pm the Deputy Mayor submitted the amendment which was declared

**CARRIED (7/3)**

<b>Vote Result Summary</b>	
Yes	7
No	3

<b>Vote Result Detailed</b>	
Cr Barton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Cr Aubrey	No
Cr Foxtan	No
Cr Phelan	No

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)****COUNCIL RESOLUTION (3627)****That the Council:**

1. Notes the one (1) submission received during the Local Public Notice process, which has been duly considered prior to making its decision.
2. Supports the proposed land exchange with AMP Capital Investors as shown in Attachment 1 for the following reasons:
  - a. The existing lot boundary is irregular and would constrain the development of a High Street Precinct as recommended by the Melville City Centre Structure Plan
  - b. The development of a High Street Precinct is critical to the development of the Melville City Centre as a whole
  - c. The land exchange will provide the City with a long frontage to the new High Street and facilitate redevelopment of the City's landholdings
  - d. It supports the proper and orderly planning of the Melville City Centre
3. Authorises the Chief Executive Officer to *progress* the proposed land exchange via:
  - a. A Land Swap Agreement with AMP Capital Investors providing details of the land transaction.
  - b. An Implementation (or Development) Agreement
  - c. A subdivision/amalgamation application
  - d. *Agreements in clauses 3a and 3b be referred to Council for approval.*
4. Notes that the proposed land exchange will not occur unless:
  - a. A Development Approval has been granted for the Garden City Shopping Centre major redevelopment and those works have been substantially commenced
  - b. The Land Swap Agreement has been agreed and executed by both parties
  - c. An Implementation (or Development) Agreement has been agreed and executed by both parties.
  - d. A subdivision/boundary realignment application has been approved and any relevant conditions fulfilled

**P15/3627 - MELVILLE CITY CENTRE LAND EXCHANGE (REC) (ATTACHMENT)**

At 10:04pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

<b>Vote Result Summary</b>	
Yes	10
No	0

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

At 10:05pm The Mayor returned to the meeting and assumed the Chair.

At 10:05pm Mr Ponton left the meeting.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

Ward : All  
 Category : Strategic  
 Subject Index : Location – Health Clinics, Community Centres & Clubs  
 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 : None  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Leanne Hartill  
 Manager Neighbourhood 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Flexible service delivery options are required to meet the changing needs of our community.
- A community hub is defined as: a conveniently located public space or place that is recognised and valued in the local community as a gathering place for people and an access point for a wide range of community activities, programs, services and events.
- Community hubs provide the opportunity to:
  - Improve efficiencies as different users/groups within the hub can share facilities and resources (e.g. meeting rooms, administrative support, maintenance etc);
  - Create synergies between services; increased cross-referrals and greater awareness by customers of other services/programs offered within the hub;
  - Improve utilisation of open spaces for passive and active recreation
  - Aid community building (by sharing good practices and skills, and expanding services' understanding of broader community needs);
  - Reinforce local identity and generate place-making; and
  - Create more activity, local community vibrancy and improve security.
- Key locations throughout the City have been identified as community hubs with opportunities to enhance existing facilities at these sites and relocate services/facilities.

**BACKGROUND**

Community infrastructure planning was identified as a key component of strategic planning requirements to contribute towards local government sustainability as part of early discussions around structural reform.

The key aim of community infrastructure planning is to ensure:

- Sufficient supply to meet changing community requirements;
- Equitable geographic and generational distribution;
- Financial capacity to meeting current and future requirements; and
- Effective and efficient configuration so that services can respond to changing local community requirements with agility over a long time period.

Whether services and infrastructure are delivered by Local, State or Commonwealth Governments is largely irrelevant to the wellbeing of the population in general. What matters to the community is that services and infrastructure items are delivered in an effective and sustainable fashion with the agility to change as the needs of the community change.

Local governments are leaders and key stakeholders in planning for local community infrastructure. Most local governments fulfil a number of roles in planning and provision, which may include the elements shown below.

CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)

City of Melville's Role in Community Infrastructure Planning and Delivery

Participation in Planning	Participation in Provision
<p><b>Research and data collection</b> Analysis, management and monitoring of data and advice on existing provision.</p>	<p><b>Facility Provision</b> Asset management and staffing of local Community Facilities.</p>
<p><b>Planning Strategies</b> E.g. Master Plans, Strategic Community Plan, Recreation Plans.</p>	<p><b>Resourcing</b> Supporting community networks through financial, informational, staff resources.</p>
<p><b>Integrated Planning</b> Engaging the community and stakeholders to establish or advocate local priorities for community infrastructure and participating in regional agendas.</p>	<p><b>Service Delivery</b> Community, cultural, recreational, informational and health services.</p>
<p><b>Monitoring</b> Evaluating and tracking the effectiveness of local community infrastructure in supporting community wellbeing.</p>	<p><b>Partnerships</b> Collaboration, either project based or ongoing with other local government and State agencies to deliver facilities and services.</p>

The City developed a neighbourhood approach to the delivery of services and programs in response to community input and engagement with the development of the initial Strategic Community Plan in 2007. This was in acknowledgement of the many diverse areas within the City each with their own distinctive characteristics, qualities and community aspirations.

Within each neighbourhood, City facilities emerged at this time as key gathering places for the community and these facilities, and surrounding areas with community support were developed into community hubs. These facilities included Willagee Community Centre and Library (South West Neighbourhood), Bull Creek Community Centre and Library (South East Neighbourhood), Blue Gum Community Centre (North East Neighbourhood) and AH Bracks Library and Melville Recreation Centre (North West Neighbourhood).

Each of these facilities is managed by the City with staff on site to develop key stakeholder relationships in the community. The City Centre Hub including Garden City Shopping Centre, Civic Square Library and Amphitheatre, the Civic Centre administration building, Wireless Hill, and LeisureFit Booragoon continued as a well-established hub for the local community and beyond.

As other projects progressed in response to community requirements and City planning activities engaged the community in future planning activities, additional community hubs were identified.

The primary locations, at this time, included Canning Bridge, Alfred Cove (Tompkins Park and surrounds), City Centre, Riseley Centre and Heathcote. Other sites at Leeming, Deep Water Point, Piney Lakes and Kardinya where sporting, recreation and community facilities are co-located with several user groups on site and may include passive or active recreation, were also identified as having the potential to be further developed into active community hubs in the future.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

Community hubs are developed around the following seven principles:

**1. Maximise usage of existing facilities**

Capacities and performance of existing community facilities need to be understood. Some facilities may be underutilised for a variety of reasons including poor promotion, restricted access by a managing organisation, or poor facilities management.

However, the best facility management practices are no substitute for optimum facility location and access.

**2. Test and monitor desired standards of service**

The infrastructure requirements identified by applying locally appropriate desired standards of service should be tested through community engagement to validate requirements. Similarly, future forecast needs may shift with time as the result of changing demographics, community expectations or societal standards.

**3. Develop flexible, multipurpose facilities**

In many cases, it is not feasible or appropriate to provide stand-alone facilities for the exclusive use of specific community, sporting or socio-demographic groups as it is costly and limits the 'life' of a facility.

There are four models of service delivery:

- **Stand-alone facilities** - dedicated facilities serving a single or multiple community purpose.
- **Co-located facilities** - the joint location of service providers, community or sporting groups within a facility, usually without integration of services, but involving shared premises and possibly some administrative or other services.
- **Integrated service centres or nodes** - the joint location of service providers, community or sporting groups within a facility (as per co-location) but with integration of services to provide a co-ordinated, one-stop-shop approach to case management and service delivery.
- **Community Hub** - a collection of facilities/buildings clustered together on the same or adjoining sites. There may or may not be interaction between these facilities. Together, they create a focal point for community activity. A hub can be also a base for outreach services to other smaller facilities or surrounding communities.

**4. Co-locate compatible uses and create community hubs**

Where it is in the community's best interest, community facilities should be co-located to strengthen the development of community focal points, or hubs. This can be at locations where other activities are provided, such as sporting reserves, schools, and other government of non-government agencies.

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**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)****5. Create facilities appropriate to the level of service demanded**

Generally, local facilities should have a 'neighbourhood' feel, provide relatively informal spaces, have safe and convenient cycle and pedestrian access, and can be managed by the City or local community with local government support or involvement as appropriate.

**6. Optimise location of facilities**

Facility location is one of the primary determinants of function and usage.

Maximum patronage will often be promoted by integrating facilities within broader activity centres with compatible uses. An active, high-profile location may increase real and perceived safety for potential facility users. The location should also maximise accessibility to the facility's target market through good access to public transport (multi-nodal where possible), foot and cycle paths.

**7. Engage in partnerships with the private and public sector to deliver affordable and accessible facilities and services**

Opportunities for a range of public, and public/ private partnership should be considered to encourage private sector investment in community facilities on government-owned land; and relationships should be developed with the owners of significant facilities (such as tertiary education institutions) to allow general public access to underutilised facilities at certain times of the day/week. Wherever possible, the development application process should be utilised to realise community infrastructure requirements (e.g. setbacks to buildings to ensure a public realm is provided/ protected, requirements for community facilities and/or space to host community facilities in high-density developments, etc).

**DETAIL****City of Melville Community Hub Model**

***Community Hub Definition: A conveniently located public space or place that is recognised and valued in the local community as a gathering place for people and an access point for a wide range of community activities, programs, services and events.***

Whilst the neighbourhood model has been our approach to community development, it is proposed to implement and further develop the community hub model to inform future planning for service delivery and asset management across the City.

Community hubs within the City of Melville are more than the traditional community or neighbourhood centre. The mix of uses within a hub is more extensive and may include facilities such as a library, as well as services like sport and recreation, health care and social support, meeting space for community groups, office accommodation for community organisations, space for community functions and events, and possibly some form of enterprise, whether that be commercial or social in nature. Community hubs are also places that encourage social gathering and are designed to provide spaces for people to congregate and meet together in both planned and incidental ways.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

Community hubs are multipurpose places where a variety of activities occur, a range of goals are addressed and different objectives can be pursued. The key to the hub concept is integration. This can mean both integration of services, programs and activities within a multipurpose community facility or an integration of a range of activity generating uses including community and cultural facilities, shops, transport, public parks and plazas.

Many hubs also incorporate, or attempt to cluster with, private commercial uses that may also generate and draw activity to a place. Local neighbourhood shops, public transport nodes, schools, and public outdoor recreation spaces, which are people gathering places, are natural partners in community hubs. It is through both the range and the clustering of people generating and attracting activities that community hubs become more than just multipurpose community buildings and can be catalysts for community activity and social interaction.

Successful community hubs are places that:

- Co-locate or cluster a range of community facilities and human services;
- Respond to, and are shaped by, the unique circumstances and needs and assets of the local community;
- Include a variety of uses and services (including community services, health care, active and passive recreation and retail) that attract different groups of people at different times of the day; meet a wide range of community needs and support community strengths;
- Attract people and are identified as a focal point for the community; and
- Are readily accessible to ensure all community members can utilise them.

Hubs bring together multiple services and activities in ways that promote:

- Enhanced convenience for people who can access multiple services from a single location;
- Greater coordination of service delivery as collocation promotes closer ties and more collaborative working relationships;
- Improved 'back room' efficiencies for community service providers who can pool resources for administrative and maintenance functions and/or share meeting spaces, training rooms, parking or other facilities that would not be available (or affordable) in a separate (stand-alone) facility; and
- Greater synergy, visibility, safety, security and the creation of focal points for the community through clustering facilities, activities and services.

While promoting service collaboration and efficiencies is important, addressing local community needs and supporting and developing community strengths is fundamental and paramount. The requirement for hubs to be responsive to their communities is a critical success factor. To ensure the focus on local community needs and strengths, comprehensive community and stakeholder engagement and community planning studies contribute through the strategic community planning process.

Hubs will need to change as the community's needs change and its strengths develop. This requirement for adaptability may have implications for leasing and licensing arrangements for community hubs to ensure flexibility and maximise responsiveness.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

Community Hubs in the City are categorised across a number of levels:

**Level One**

Regional attraction

Proximity to major retail, commercial, outdoor activities

Example: City Centre Hub – includes Civic Centre, Main Hall, LeisureFit Booragoon, Civic Square Library and Limestone Amphitheatre, Wireless Hill Museum, Park, and buildings.

Unique Regional Sites

Examples: Heathcote – Heritage listed buildings including Gallery and Museum, playground, park, TAFE, community use buildings, Restaurant, Artists in Residence, Lower Parklands.

Point Walter – Regional river destination for recreation, boating, and river activities. Playground, café, Golf Course and Function Centre, Tennis Courts, War Memorial, Attadale Toy Library Facility, major event space.

**Level Two**

Multi use, neighbourhood based

Examples:

- Melville Community Hub – includes Melville Recreation Centre, AH Bracks Library, Stock Road Senior Citizen's Centre, Melville Theatre;
- Willagee Community Centre and Library;
- Bull Creek Community Centre and Library;
- Blue Gum Community Centre (Brentwood), Scout Hall, Blue Gum Tennis and Squash;
- Canning Bridge - including Canning Bridge Library Lounge, Tivoli Theatre, Rowing Clubs;
- Tompkins Park and Function Centre / Atwell Arts Association and Gallery, Melville Bowling Club;
- Morris Buzacott Reserve/ Kardinya Community Centre, sporting facilities for hockey, tennis, football, bowls, cricket, t-ball and netball; and
- Leeming Community Hub – Striker Recreation facility, Skate Park, Leeming Family Centre.

**Level Three**

Multi use, less activity based sites. Examples include:

- Piney Lakes Environmental Centre, bushland, Sensory Playground, Community Gardens;
- Deep Water Point – boating and recreation activities, café, event space, playground; and
- Active Sporting Reserves which cater for more than one sport or activity.

**Current stand-alone facilities not in hub sites**

Predominantly stand-alone, single usage facilities, neighbourhood based – current examples: Melville Bridge Club, Kids are Kids, Melville Cares, Scouts, Guides, Senior Citizens Centres, and Mount Pleasant Bowling Club.

The community hubs are shown visually on Attachment 1.

[8067 Community Hub Map](#)

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

The table below outlines the current community hubs in the City, including users and facilities and details future opportunities to co-locate activities into existing hubs.

These community hubs are further enhanced by streetscapes, public artwork, pedestrian access, seating, footpaths and cycleway, to contribute to a vibrant visual amenity and easy access to the location.

<b>Hub Location</b>	<b>Current – City owned facilities / Reserves User Groups</b>	<b>Future Opportunities/Investigations (some in progress)</b>
<b>City Centre Hub including LeisureFit Booragoon</b>	Civic Centre, Civic Square Library, Melville Discovery Centre, Main Hall, Amphitheatre Wireless Hill and buildings, BBQs, Aquatic facilities Gym fitness facilities Sporting Reserve – soccer, athletics (Len Shearer Reserve) Booragoon Occasional Child Care	Civic Centre, Proposed Community Cultural Centre – includes Library, Museum, Gallery Exhibition space, community meeting space, Volunteer Resource Centre; Melville Community Theatre Group Wireless Hill Museum, City War Memorial, Aquatic facilities Gym fitness facilities Booragoon Occasional Child care Refurbishment of Clubrooms at Len Shearer Reserve
<b>Melville</b>	Melville Recreation Centre AH Bracks Library Meeting space, Woodturners Skate Park Sporting facilities Guides facility Stock Road Senior Citizen Centre Melville Theatre	Leisure Fit Melville AH Bracks Library Seniors meeting space and access to café dining Commercial café Bicton Child Health
<b>Willagee</b>	Community Centre, Park adjacent to Library	Community Centre Library (combined) Meeting space for Seniors Space for HACC groups, community activities, Melville Citizens Relief Fund
<b>Bull Creek</b>	Community Centre Library	Community Centre Library Interface with any redevelopment of Stockland Bull Creek
<b>Brentwood</b>	Blue Gum Community Centre Brentwood Child Care Brentwood Infant Health Tennis Squash Brentwood Scout Hall	One facility incorporating: Community space, Brentwood Child Care, Infant Health Service; Brentwood Scouts Community meeting space Integrate Tennis and Squash
<b>Alfred Cove</b>	Sporting groups/Tompkins Park Function Centre and sporting reserve Atwell Art Gallery Melville Bowling Club	Sporting groups/Tompkins Park, Atwell Art Association and Gallery, Melville Bridge Club Café facility

CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)

Hub Location	Current – City owned facilities / Reserves User Groups	Future Opportunities (some in progress)
<b>Kardinya</b>	Morris Buzacott Reserve and sporting groups – hockey, tennis, bowls, football, cricket, t-ball, netball Kardinya Community Centre	Morris Buzacott Reserve and Sporting Groups redevelopment into integrated hub –hockey, tennis, bowls, football, cricket, t-ball, netball Kardinya Community Centre
<b>Leeming</b>	Striker Recreation facility Skate Park Leeming Family Centre	
<b>Riseley Centre</b>	Baden Powell Reserve Ardross, Scouts/Guides Bridge Club – Canning Highway Shirley Strickland Reserve	Relocation of Scouts to Hickey Street community building, Guides to Melville (Kitchener Road) Redevelopment of Shirley Strickland Reserve with inclusion of further activities
<b>Deep Water Point</b>	Café Playground Recreation Reserve Recreational Boating/Skiing	Improvements to Café/Dining facilities Boat launching/Jetty improvements Improvements to pedestrian and cyclist access through the site
<b>Point Walter</b>	Point Walter Golf Course and Function Centre Attadale Toy Library Point Walter Café Playground and reserve Tennis Courts River and boating recreation activities War memorial site (Honour Avenue and Nurses memorial) Primary City events site	
<b>Piney Lakes</b>	Environment Centre Sensory Playground Community Garden Parkland/passive recreation	
<b>Heathcote/Canning Bridge</b>	Heathcote Museum and Gallery, Playground, Lower Lands, Restaurant ,TAFE, Playgroup, Toy Library Heathcote buildings – Swan, Murray House, Kitchen Rowing Clubs Library Lounge Tivoli Theatre	Master Planning for Heathcote Cultural precinct including Interpretation Plan for the site and development of Lower Lands for passive recreation/POS

In addition to City owned facilities, there are additional activities that enhance community participation at these Hub locations such as small shopping centres, cafes and restaurants, churches, schools and other government, sporting and not for profit agencies i.e. Department of Sport and Recreation facility at Point Walter, the Rowing Clubs at Canning Bridge and the South of Perth Yacht Club adjacent to the Heathcote Cultural Hub.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

Due to proximity the Canning Bridge and Heathcote Hubs should become one major hub with a focus on the broader foreshore link between the two locations to improve connections. The Heathcote Cultural precinct has the opportunity to develop into a regional tourist destination with a number of buildings recently returning to the management of the City.

**Characteristics of a good community hub:**

- Located in an activity centre or node;
- Provides a focal point for the community;
- Contains a number of (related) services and facilities;
- Intergenerational focus;
- Is “owned” by the community;
- Is flexible and adaptable;
- Considers final program delivery in its spatial design of community areas; and
- Co-located near public open space.

**Benefits:**

- Local human capital development;
- Builds social capital;
- Local employment multipliers;
- Local self-sufficiency;
- Greater efficiency in service delivery;
- Reduced transport emissions – walkability;
- Potential financial benefits for the City;
- Higher property values and development;
- More efficient land use outcomes;
- Increased service delivery efficiency through cross-referrals;
- Economies of scale in operation of community infrastructure;
- Potential to attract new users (additional residents / members / customers);
- Potential to leverage funding from other partners;
- Ability to expand service provision from community hubs; and
- Potential customer service devolvement to suitable hubs.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

City of Melville’s Strategic Community Plan – *People Places Participation – a Community Plan for the City of Melville 2012 – 2022* outlines the community’s long term **vision, values, aspirations and priorities**, with reference to other government plans, information and resource capabilities. This Plan is developed as a result of extensive engagement with the community and other stakeholders.

In addition, Neighbourhood Plans were developed in collaboration with the community; which outline the aspirations of local community neighbourhoods and how both community members and others can contribute to these aspirations. A common theme across all neighbourhoods is the development of community hubs and the identification of activities, services and programs to be delivered from these locations.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

A focus on the development of a community hub approach is directly informed by ongoing engagement with the community and responds to local community requirements.

**II. OTHER AGENCIES / CONSULTANTS**

Engagement with other government and non-government organisations is ongoing as we partner with other agencies to build on services and activities at each of the community hubs.

**STATUTORY AND LEGAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

No direct financial implications.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Relocation of user groups to community hubs is not supported by the members.	Minor consequences which are possible, resulting in a <b>Medium</b> level of risk.	Initiate early discussions with affected groups and work collaboratively for improved outcomes for group members.
Ability of City to fund infrastructure to support hub models.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk.	Range of strategies including rationalisation of stand alone facilities (where possible); Land Asset Strategy; Grants where applicable, inclusion in Long Term Financial Plan
Time delay in relocation activities results in change of position of impacted groups.	Minor consequences which are possible, resulting in a <b>Medium</b> level of risk.	Ensure any agreements are documented and shared so new management committees continue with commitments.
Income generation activities to support new community hub infrastructure are not achieved.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk.	Openness of dialogue with affected groups that change is dependent on income generation from other projects so as not to create unrealistic expectations.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The endorsement of Recommendations in this Report affirms the current Council Policies in relation to Community Hubs:

- CP-037 Neighbourhood Development Policy
- CP-031 Asset Management Policy
- CP-038 Discretionary Services Policy
- CP-002 Stakeholder Engagement Policy

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The community hub model is not supported leading to inefficiencies in community infrastructure planning and delivery and an inability to meet changing community requirements in a timely manner.

**CONCLUSION**

Community hubs are multipurpose places and spaces where a variety of activities occur, a range of goals are addressed and different objectives can be pursued. The key to the hub concept is integration and adaptability to enable transitions as community requirements evolve. This can mean both integration of services, programs and activities within a multipurpose community facility or an integration of a range of activity generating uses including community, sporting and cultural facilities/places, shops, transport, public parks and plazas.

Community hubs are not just about co-locating services, the key purposes of service coordination and delivery; place making and community building are generally thought to be foundations of a community hub. Ongoing engagement with the community informs how community hubs best operate.

Planning within community hubs is also informed by strategic urban planning processes at locations such as the City Centre, Canning Bridge, Willagee, Melville and Riseley Centre.

A community hub model for the City provides the opportunity to expand and contract community activity/focus around the hub as required and provides more flexibility for service delivery options. This has built on the neighbourhood focus as identified by the community through extensive engagement processes for community planning and individual projects within the neighbourhoods.

Community hubs provide the vehicle to enable a more agile, efficient and community generated response by the City to the requirements of local communities.

**CD15/8067 - CITY OF MELVILLE COMMUNITY HUBS (REC) (ATTACHMENT)**

At 10.05pm Cr Schuster left the meeting.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8067)      APPROVAL****That the Council:**

- endorses a community hub approach to the delivery of community services and programs;
- acknowledges that community hubs are priority areas for future community infrastructure funding in preference to stand alone facilities; and
- requests that community and stakeholder engagement activity informs the priority areas for service delivery at the community hubs.

At 10.06pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (11/0)**

**CD15/8071 – CHARITABLE VENUE HIRE (REC)**

Ward : All  
 Category : Council Policy  
 Subject Index : Booking Applications and Hire  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not applicable  
 Works Programme : Not applicable  
 Funding : Nil  
 Responsible Officer : Christine Young  
 Director Community Development

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**CD15/8071 – CHARITABLE VENUE HIRE (REC)****KEY ISSUES / SUMMARY**

- A Notice of Motion was tabled by Cr Schuster at the April 2015 Ordinary Meeting of Council. This was deferred to the May 2015 Ordinary Meeting of Council and a request made for an Officer's Report on the matters raised in the Notice of Motion.
- The Notice of Motion was in regard to proposed budget consideration for charitable venue hire and review of the Grants Policy.
- This Report recommends the development of an In-Kind Grant Council Policy and investigations associated with the implications of such a Policy.

**BACKGROUND**

At the April 2015 Ordinary Meeting of Council, a Notice of Motion was tabled by Cr Schuster in regard to proposed budget consideration for charitable venue hire and review of the grants policy. This was deferred to the May 2015 Ordinary Meeting of Council and a request made for an Officer's Report on the matters raised in the Notice of Motion.

The Notice of Motion was as follows:

***“That the Council:***

- 1. Request the Chief Executive Officer to consider the inclusion in the 2015/2016 budget and future years the sum of \$10,000, to be used to offset the fees that would otherwise be paid for Council managed and operated venue (building and reserves) hire by organisations that have Deductible Gift Recipient status under Australian law for a one off event or annual event, or otherwise where the ultimate beneficiary of any funds raised by the proposed event is a holder of Deductible Gift Recipient status, compliant upon no profit being taken by the organiser;***
- 2. In the event that in any year the existing budget allowance of \$5,000 for donations to disaster relief is not used in part or wholly the remaining balance be transferred to reserves to assist in funding this item in the following budget year; and,***
- 3. Request the Chief Executive Officer to amend any existing operational Policy and procedures to account for this motion.”***

**DETAIL**

The intent of the Notice of Motion was to support charitable organisations seeking to hold fund raising events in City buildings or land by way of in-kind venue provision. There is acknowledgement that such activities strengthen our community and add to community vibrancy through activating spaces and community participation.

The eligibility criteria for this support were proposed to be Deductible Gift Recipient Status. Further investigation has shown this may not be the most appropriate and equitable criteria to use as many charitable groups and organisations do not have this status. Such groups are still valuable community assets that support community wellbeing in many ways.

**CD15/8071 – CHARITABLE VENUE HIRE (REC)**

The current situation for groups seeking in-kind support is a formal request to the Chief Executive Officer (under Delegated Authority) to waive the fees and charges associated with a venue or Reserve hire. This has been the practice for some time and it is usual that in any 12 month period an estimated 12 events have the booking, hire fees and charges waived. Following a request from a group, Officers recommend in-kind support is provided where the group or organisation is fund raising, is a charitable group providing a service to the community, and would be for a one off or annual event.

Examples of such events include charitable Garage Sales (Reserve hire), Car Boot Sales (Reserve hire) aimed at fund raising, Clean Up Australia Day Events (Reserve hire), Australia Day events (Parks and Reserves hire), Red Cross training sessions (Community Centre hire) and Neighbourhood Watch (Reserve and Friendly Neighbourhood Trailer hire).

Within any year there are an estimated 350 bookings for the Civic Centre Main Hall, over 800 bookings for all our reserves and parks, and over 45 bookings for specific events (including City of Melville events). Total number of bookings including those mentioned, and also filming requests and the Friendly Neighbourhood Trailer hire are estimated at over 1,200 per annum. The majority of these bookings are at the community hire rate reflecting a high usage of our various venues by associated community groups and organisations.

Occupancy at Willagee Community Centre is 75%, at Bull Creek Community Centre is at 100%, and at Blue Gum Community Centre is at 80% occupancy rate. These bookings again are predominantly community groups, organisations and activities who pay the relevant community hire fees.

The approach for the waiving of Fees and Charges is adhoc. It is a reactive process whereby groups must instigate this request in the course of their booking. Officers have investigated approaches used by other Local Government Authorities and propose an In-Kind Grant Policy be developed. Such a Policy will provide clarity for the Community and Officers in the granting of such assistance, and support the outcome desired by the Notice of Motion.

There needs to be sound investigation of the most appropriate eligibility criteria for such a Policy as Officers are concerned that with the high number of predominantly community based groups and organisations hiring the City venues this may have a significant impact on budgets if the eligibility criteria is quite wide. A large number of bookings are related to fund raising activities for either sporting groups, schools, community groups and organisations.

It needs to be noted that from over 1,200 bookings per annum it is has been an estimated that one to two percent request fees and charges to be waived.

The current Community Partnership Fund (CPF) provides \$140,000 per annum for funding to community groups and organisations. There are three levels of funding (from \$1,000 to \$10,000 grants), Friendly Neighbourhood grants (small grants to \$250), and Youth Development Funding (up to \$500). CPF also regularly offers other funding opportunities (up to \$1,000) to community groups and organisations for special events in the annual calendar (Harmony Week, Family and Children Week, NAIDOC Week, etc). Venue hire is a type of cost covered in the CPF grants program, however the CPF does not support direct fund raising activities or events.

**CD15/8071 – CHARITABLE VENUE HIRE (REC)**

Through the Community Partnership Funding, recipients of funding need to acknowledge Council's financial contribution via recognition in promotion materials. Currently, there is no recognition of Council's support by community groups which have received in-kind contributions (waiving of venue hire fees). If a group is successful in obtaining a CPF grant that includes venue hire this should preclude them from seeking waiving of hire fees.

The proposed Community Partnership Fund – In-Kind Grant Policy would seek to ensure access to in-kind support to charitable groups and organisations for the provision of fund raising activities and would also investigate such support for special annual events where the activity celebrates a particular occasion. As an example, this may be applicable to events associated with Christmas or Australia Day or other special celebratory annual events.

In-Kind Grants could include hire costs of City of Melville managed and operated venues (facilities and recreation/reserve spaces), and/or City of Melville owned equipment (e.g. Friendly Neighbourhood Trailer).

It is suggested that In-Kind Grants could be applied for in a similar way to the existing Community Partnership Fund by way of online application, be limited to an upper cost, and be obtained once only in any 12 month period by the same group.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The level of communication in accordance with Stakeholder Engagement Policy CP-002 for this item is to inform the community of any changes to the hiring policy of Council managed and operated facilities and spaces.

No formal engagement with the community has occurred albeit requests for the waiving of hire fees from various charitable groups over a period of time indicate feedback on this matter.

**II. OTHER AGENCIES / CONSULTANTS**

No engagement with agencies or consultants has occurred with investigation into this item.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no Statutory or Legal Implications associated with this report.

**FINANCIAL IMPLICATIONS**

Income is estimated at \$100,000 for annual bookings for the Main Hall, Parks and Reserves, and equipment. Currently where Fees and Charges are waived these relate to hire fees and Account Number 100.25300.7900.000. (CEO - Community Assistance) is available to offset these costs. Estimated cost of annual fees and charges currently waived is \$1,500.

**CD15/8071 – CHARITABLE VENUE HIRE (REC)**

The implications of eligibility criteria for a proposed Community Partnership Fund – In-Kind Grant Policy needs to be fully investigated and understood to ensure its impact on budgets is sustainable. Without this being fully investigated it may see a significant reduction in income of fees and charges for venue/reserve hire.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Lack of understanding of the financial impact of the introduction of an In-Kind Grant Policy.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk.	Thorough investigation and research regarding eligibility criteria for such a grant.

**POLICY IMPLICATIONS**

There is no current Council Policy that relates to Grants. There are operational Procedures and Work Instructions that relate to the Community Partnership and Youth Funds and related work instructions.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternate option may be to continue the adhoc manner of groups receiving in-kind support through the Chief Executive Officer's agreement to waiver fees and charges relating to venue or equipment hire. This does not provide clarity to the community or clearly demonstrate the Council's support of such events.

**CONCLUSION**

Further investigation has shown that there are issues associated with the eligibility criteria suggested in the Notice of Motion being Deductible Gift Recipient status. It would appear that this eligibility does not meet the outcomes intended with the Notice of Motion as this is a status not available to a large number of groups.

Officers suggest further investigation and the development of a proposed Council Community Partnership Fund – In-Kind Grant Policy is actioned and presented at the June 2015 Meeting of Council. Sound research is to be undertaken to ensure that the eligibility criteria for such In-Kind Grants meets the outcomes desired by the Notice of Motion, but is also financially appropriate and sustainable.

**CD15/8071 – CHARITABLE VENUE HIRE (REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8071)      APPROVAL**

**That the Council requests the Chief Executive Officer to develop a Community Partnership Fund – In-Kind Grant Policy for consideration by the Council at the June 2015 Ordinary Meeting of Council.**

At 10.06pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (11/0)**

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

Ward	: All
Category	: Strategic
Subject Index	: Delegated Authority
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	: M14/5369 Review of City of Melville Delegated Authority Manual – Ordinary Meeting of Council 17 June 2014
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
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<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

This report seeks the Council's consideration in reviewing and adopting certain delegations of authority that permit officers to perform functions within a prescribed parameter.

**BACKGROUND**

The *Local Government Act 1995* (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by the Council's instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have reviewed the delegations and this report requests the Council to undertake a review of the reviewed delegations as submitted by the Officers.

**DETAIL**

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are, still necessary. Although the provisions of the *Local Government Act 1995* do not affect delegations made under other legislation, it is also considered an appropriate time to review those delegations.

"Delegated Authority" refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he feels appropriate.

[5418 Delegated Authority Manual](#) the City of Melville Delegated Authority Manual is attached. This attachment provides specific detail as to the extent of each delegation.

All Delegations have been reviewed by officers and suggestions have been included in Delegations for changes to descriptions and sub-delegations to or from positions. The review process was undertaken by all Directors and their suggestions have been noted on each Delegation.

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

It was apparent to Officers that due to the extensive work on the Delegation Authority Manual over the past years, the main amendments recommended are fine tuning of the existing delegations. A listing of all Council Delegations is provided as an attachment with notes identifying any specific change to a delegation. [5418 Listing of Council Delegations](#)

**Minor Amendments to Delegations.**

There are instances where delegations have been amended to note the change of officer position titles; minor amendments have also been made to various Delegations to reflect changes to the enabling legislation as follows.

**Delegation DA-012** Authority to sign Construction Documents on behalf of The City of Melville - Deleted Manager Operations.

**Delegation DA-15** Bonds for uncompleted Works - Deleted Manager Operations and amended Executive Manager (Engineering Design) to Manager Engineering.

**Delegation DA-16** Approval Under Local Laws - Minor changes made to reflect the repeal of four old Local Laws and the adoption of Activities in Thoroughfares, Public Places and Trading Local Law.

**Delegation DA-027** Consideration and Acceptance of Tenders - Significant changes made - refer to marked up changes in document.

**Delegation DA-029** Expressions of Interest - Minor changes to reflect full extent of the legislation which governs the calling of expressions of interest.

**Delegation DA-030** Consideration of Expressions of Interest to Supply Goods and Services - Minor changes made to reflect that the delegation can only be exercised provided that the provisions of the enabling legislation are met.

**Delegation DA-032** Granting a Concession or Writing off Debts owed to the City - Minor changes made to reflect that write offs are to be notified to Council on a monthly rather than a quarterly basis in the monthly Statements of Financial Activity that are submitted to Council.

**Delegation DA-037** Reimbursement of Expenses & Payment of Allowances/advances to Elected & Committee Members - Updated Policy reference number and Title.

**Delegation DA-049** Power to carry out works on Private Land - Deleted Manager Operations.

**Delegation DA-051** Making an opening in a Fence - Deleted Manager Operations and included Manager Engineering.

**Delegation DA-057** Notices - Environmental Protection Notices - Reference to Noise Abatement Directives removed from delegation.

**Delegation DA-063** Management of Land - Deleted Manager Operations and included Manager Engineering.

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

**Delegation DA-069** Health Orders - Added Coordinator Environmental Health and Senior Environmental Health Officer.

**Delegation DA-070** Health Licences and Registrations - Added Coordinator Environmental Health and Senior Environmental Health Officer.

**Delegation DA-073** Delegations under the Food Act 2008 - Added Director Community Development, Coordinator Environmental Health and Senior Environmental Health Officer.

**Delegation DA-081 Thoroughfares** - Deleted Manager Operations.

Delegation DA-085 Parking Control Schemes – Deleted subject to the affected Ward Councillors and Mayor being in agreement with the Scheme.

**New Delegations**

There were no new Delegations approved during 2014/2015.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No external public consultation has been carried out as these delegations are considered to be an internal matter requiring only the Councils consideration

**II. OTHER AGENCIES / CONSULTANTS**

The City of Melville Delegated Authority Manual has been modelled on the Department of Local Governments guidelines introduced in the February 2007. These guidelines were prepared in collaboration between Department of Local Government Staff, McLeods Barristers & Solicitors, and officers from various local governments including the City of Melville.

**STATUTORY AND LEGAL IMPLICATIONS**

The following are the key issues under the The Act affecting delegated authority:

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16(1) and s.5.42(1)].

- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2) and s.5.44(2)].
- All Delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely. Any decision to amend or revoke a delegation must be by absolute majority [s.5.16(3)].
- Any of the Council powers or duties under The Act can be delegated to a Committee comprising Council members only, EXCEPT any power or duty requiring absolute or special majority decisions; or any other power or duty as prescribed [s.5.17(1)(a)].
- Delegations **CANNOT** be made to Committees comprised of “other persons” only [s.5.9(2)(f)] (i.e. with no council members or employees). Following from this, delegations cannot be made to a committee comprised of employees only [such a committee cannot exist by virtue of s.5.9(2)].

A Local Government may delegate to the Chief Executive Officer, by absolute majority, any of its powers or duties under The Act [s.5.42(1)], EXCEPT those identified in s.5.43 as listed below:

- “(a) any power or duty that requires an absolute or special majority decision or seventy five percent (75%) majority of the Local Government;*
- (b) accepting a tender which exceeds an amount determined by the Local Government;*
- (c) appointing of an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;*
- (e) any powers under s.5.98 (fees for Council Members), s.5.99 (annual fee for Council Members in lieu of fees for attending meetings), or s.5.100 (payments for certain Committee Members);*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in s9.5*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the Local Government*
- (h) any power or duty requiring the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.”*

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)**

- Any powers or duties which can be delegated to the Chief Executive Officer in accordance with s.5.42 and s.5.43, can be delegated to a Committee comprising Council members and employees [s.5.17(1)(b)]. Further, the Chief Executive Officer may delegate to any employee any of these powers or duties (other than the power of delegation) [s.5.44(1)]
- Any powers or duties that are necessary or convenient for the proper management of the City of Melville's property or related to an event in which the City of Melville is involved, can be delegated to the following types of Committee:
  - (i) comprised of council members, employees and other persons
  - (ii) comprised of council members and other persons
  - (iii) comprised of employees and other persons [s.5.17(1)(c)]
- Registers must be kept of all Delegations made to Committees, the Chief Executive Officer and employees, and such Delegations are to be reviewed at least once every financial year. [s.5.18, s.5.46(1) & (2)]
- The Chief Executive Officer and any other employee who has been delegated a power or duty under The Act is required to keep a written record of:
  - (i) how and when the power was exercised or the duty discharged
  - (ii) the persons or classes of persons directly affected (other than Council or Committee members, or employees) by the use of the delegation [s.5.46(3) and Reg. 19].

**FINANCIAL IMPLICATIONS**

Should the Council choose not to delegate authority to its Officers, additional financial cost will be incurred in the extra administrative resources that would need to be applied in order to prepare reports seeking authorisation for individual actions from the Council.

**STRATEGIC, ENVIRONMENT AND RISK MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
An issue arises that requires urgent attention of officers to ensure public safety.	Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.	Implementation of delegation of power to authorise officers to enter site to make a situation safe.
That Officers exercise a delegation that results in a decision being made that is contrary to the wishes of the Council	Moderate consequences which are unlikely resulting in a <b>Medium</b> level of risk.	Clear Council policy is established to guide delegated Officers/committees in the exercise of the delegation.

**M15/5418 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENTS)****POLICY IMPLICATIONS**

A number of Council policies adopted by the Council have enabling delegation to the Chief Executive Officer who in turn may on delegate to other appointed Officers.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

All delegations are subject to the discretion of the Council and can be removed at any time. The Council may choose to remove delegations which in turn will then require formal consideration of relevant matters or items at the next available meeting of the Council.

Should delegations to Officers not be granted, customers would experience increased timeframes in obtaining approvals and authorisations.

**CONCLUSION**

It is important to note that major decisions or actions made under delegation are as a matter of procedure referred onto Elected Members for their information. In addition, whilst many decisions may be procedural, circumstances may make a decision contentious and therefore may be referred onto the Council for formal decision despite a delegation to officers being in existence.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5418)  
ABSOLUTE MAJORITY**

At 10:07pm Cr Robartson moved, seconded Cr Willis –

**That the Council by Absolute Majority decision adopt the City of Melville Delegated Authority Manual as attached [5418 Delegated Authority Manual](#).**

At 10.07pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)**

At 10.08pm Cr Schuster returned to the meeting.

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 24 March 2015 up to and including 20 April 2015 and recommends that the information be noted and endorsed.

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

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>ECM Reference</b>
1010	The City of Melville and Melville City Playgroup	Renewal of Management Licence Melville City Playgroup for five years from 1 June 2015 until 31 May 2020	3430461
1039	The City of Melville and Community First International Ltd	Deed of Extension of Lease for a further One year term commencing 1 July 2015 and expiring 30 June 2016	3519693
1041	The City of Melville and Stock Road Senior Citizens	Stock Road Senior Citizens - Extension to 30 June 2017. Renewed Term - Two years commencing on 1 July 2015 and expiring on 30 June 2017.	3519912
1043	The City of Melville and Tivoli Club of WA Inc.	Tivoli Club extension for a further two years commencing 1 July 2015 to 30 June 2017	3520083
1063	The City of Melville	Community Planning Scheme No. 5 Scheme Amendment No. 73 Rezoning the Riseley Centre as per The Riseley Centre Structure Plan	3540393
1064	The City of Melville	Community Planning Scheme No. 5 Scheme Amendment No. 76 Rezoning the Melville City Centre as per the Melville City Centre Structure Plan	3540359
1070	The City of Melville and Belgravia Health and Leisure group	Management Agreement and Lease of Point Walter Golf Course for five years commencing 1 December 2014 and expiring on 30 November 2019	3544262
1073	The City of Melville	Community Planning Scheme No 5 Amendment No 71 The Willagee Structure Plan	3544401

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**M15/5000 – COMMON SEAL REGISTER (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

There are no financial implications in this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

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**M15/5000 – COMMON SEAL REGISTER (REC)****CONCLUSION**

This is a standard report for Elected Members' information.

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

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the document listed under the Common Seal of the City of Melville from 24 March 2015 up to and including 20 April 2015.**

At 10.08pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (11/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

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

**BACKGROUND**

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

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

**DETAIL**

Summary details of investments held as at 31 March 2015 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 March 2015	
<b>SUMMARY BY FUND</b>	
	<b>AMOUNT</b> \$
MUNICIPAL	\$ 43,947,759
RESERVE	\$ 80,257,474
TRUST	\$ 272,939
CITIZEN RELIEF	\$ 204,517
	<b>\$ 124,682,689</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	
	<b>AMOUNT</b> \$
11AM	\$ 4,814,482
31DAYS AT CALL	\$ 1,000,000
60DAYS AT CALL	\$ 1,000,000
TERM DEPOSIT	\$ 112,637,562
BOND	\$ 2,000,000
FRTD	\$ 3,000,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 124,682,689</b>
<b>SUMMARY BY CREDIT RATING</b>	
	<b>AMOUNT</b> \$
AA	\$ 7,000,000
AA-	\$ 79,152,044
A+	\$ 13,000,000
A	\$ 1,900,000
A-	\$ 23,400,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 124,682,689</b>

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

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

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 March 2015						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$3,500,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$306,690	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,007,792	On call
					<b>\$4,814,482</b>	
WESTPAC (31DAYS AT CALL)	Very Low	31DAYS AT CALL	3.00%	AA-	\$1,000,000	On call
					<b>\$1,000,000</b>	
WESTPAC (60DAYS AT CALL)	Very Low	60DAYS AT CALL	3.10%	AA-	\$1,000,000	On call
					<b>\$1,000,000</b>	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$7,500,000	Various
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$2,000,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$5,500,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$11,225,369	Various
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$14,000,000	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$8,000,000	Various
ANZ BANK (TERM)	Very Low	TERM	Various	AA-	\$5,000,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$10,400,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$1,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$23,290,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$5,000,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$4,100,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$5,000,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$9,721,408	Various
					<b>\$112,637,562</b>	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	\$3,000,000	Various
					<b>\$3,000,000</b>	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.76%	AA	\$2,000,000	20-Dec-15
					<b>\$2,000,000</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
<b>TOTAL FUNDS INVESTED</b>					<b>\$124,682,689</b>	

**CREDIT RISK COMPARISON**

CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$7,000,000	6%	80%	
AA-	\$79,152,044	63%	80%	
A+	\$13,000,000	10%	50%	
A	\$1,900,000	2%	50%	
A-	\$23,400,000	19%	50%	
BBB+	\$0	0%	20%	
UNITS IN LOCAL GOVT. HOUSE	\$230,645	0%	0.1%	Council Decision
<b>TOTAL</b>	<b>124,682,689</b>	<b>100%</b>		

**DIVERSIFICATION RISK**

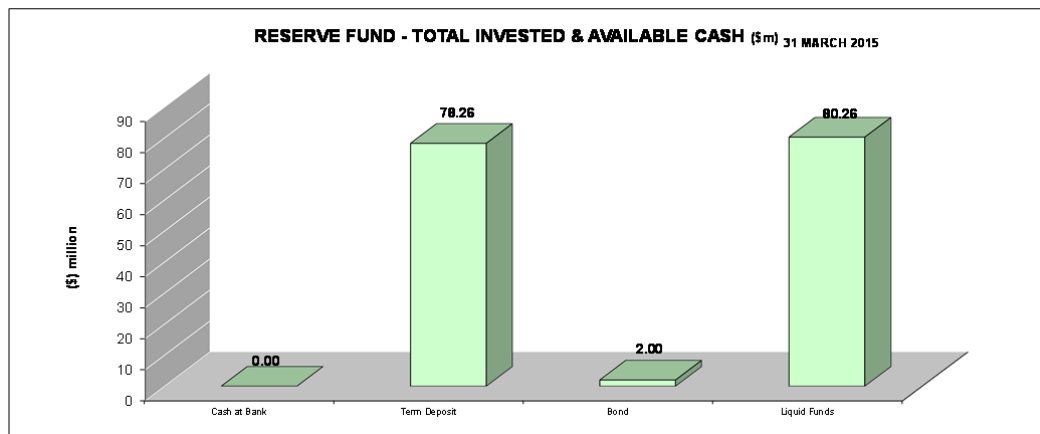
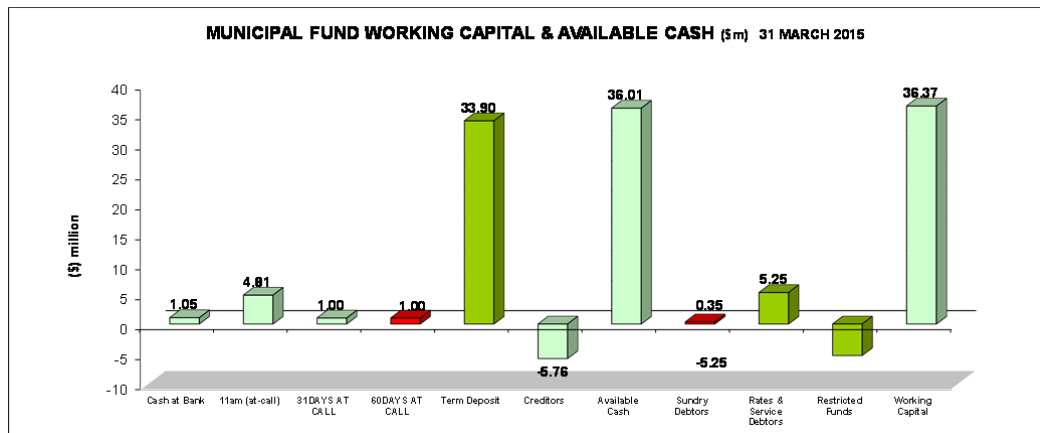
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION
ANZ BANK (TERM)	TERM	AA-	5,000,000	4.01%	4.01%	20%
AMP BANK (TERM)	TERM	A+	8,000,000	6.42%	6.42%	15%
BANKWEST (11AM)	11AM	AA-	-	0.00%		
BANKWEST (TERM)	TERM	AA-	2,000,000	1.60%	1.60%	20%
BANK OF QUEENSLAND (TERM)	TERM	A-	7,500,000	6.02%	6.02%	15%
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	5,500,000	4.41%	4.41%	15%
CITIBANK (TERM)	TERM	AA-	11,225,369	9.00%	9.00%	20%
COMMONWEALTH BANK (TERM)	TERM	AA-	14,000,000	11.23%		
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.60%		
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	12.83%	20%
ING BANK (TERM)	TERM	A-	10,400,000	8.34%	8.34%	15%
MACQUARIE BANK (TERM)	TERM	A	1,900,000	1.52%	1.52%	15%
NAB (TERM)	TERM	AA-	23,290,784	18.68%	18.68%	20%
RABODIRECT (TERM)	TERM	AA	5,000,000	4.01%	4.01%	15%
ST GEORGE BANK (TERM)	TERM	AA-	4,100,000	3.29%	3.29%	20%
SUNCORP METWAY LTD (TERM)	TERM	A+	5,000,000	4.01%	4.01%	15%
WESTPAC (MAXI BONUS 1)	11AM	AA-	306,690	0.25%		
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,007,792	0.81%		
WESTPAC (MAXI DIRECT)	11AM	AA-	3,500,000	2.81%		
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	1,000,000	0.80%		
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	1,000,000	0.80%		
WESTPAC (FRTD)	FRTD	AA-	3,000,000	2.41%		
WESTPAC (TERM)	TERM	AA-	9,721,408	7.80%	15.67%	20%
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.18%	0.18%	
			<b>124,682,689</b>	<b>99%</b>	<b>100%</b>	

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

<b>MATURITY COMPARISON</b>			
<b>TERM to MATURITY</b>	<b>AMOUNT</b>	<b>\$</b>	<b>ACTUAL PROPORTION</b>
			<b>MAX. % IN ANY ONE YEAR</b>
<b>MUNICIPAL &amp; TRUST FUNDS</b>			
< 1 year	43,990,053		100%
	<b>43,990,053</b>		<b>100%</b>
<b>RESERVE FUNDS</b>			
< 1 year	80,257,474		100%
	<b>80,257,474</b>		<b>100%</b>

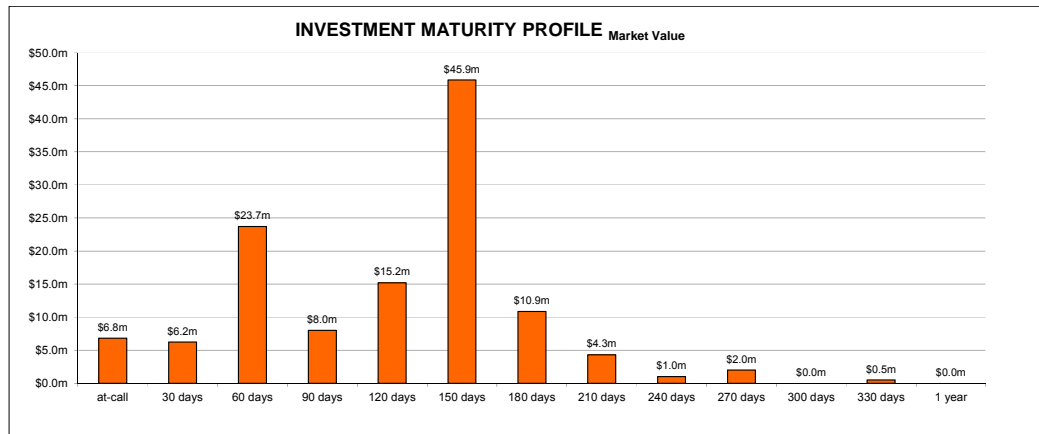
**Net Funds Held**

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 March 2015.



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

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



**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

**FINANCIAL IMPLICATIONS**

For the period ending 31 March 2015:

- Investment earnings on Municipal and Trust Funds were \$877,512 against a year-to-date revised budget of \$852,500 representing a \$25,012 positive variance.
- Investment earnings on Reserve accounts were \$2,529,351 against a year-to-date revised budget of \$2,125,000 representing a \$404,351 positive variance.

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**C15/6000 - INVESTMENT STATEMENTS FOR MARCH 2015 (REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

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

**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

Future investment earnings are expected to continue to decrease when compared to previous years as interest rates continue to decrease, new restrictions put on banks by the regulators and the legislative restrictions that have been implemented by the State Government limiting term deposits to a maximum term of 12 months, resulting in the City not being able to invest in term deposits with the higher interest rates that are available on longer term investments.

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

**That the Investment Report for the month of March 2015 be noted.**

At 11.00pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (11/0)**

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

Ward	: All
Category	: Operational
Subject Index	: Financial Statement and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: Not Applicable
Funding	: 2014/2015 Budget
Responsible Officer	Bruce Taylor – Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

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

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

**DETAIL**

The Schedule of Accounts Paid for the month ending 31 March 2015 ([6001 March 2015](#)), including Payment Registers numbers, Cheques 449 to 454 and Electronic Funds Transfers batches 361 to 362 was distributed to the Elected Members of Council on 1 May 2015.

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

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Amcom Telecommunications	E043277	Data access and unlimited internet	\$118,437.79
Asphaltech Pty Ltd	E043287 & E043508	Progress claim 2 for road resurfacing at Envall Way and Calley Drive	\$483,545.41
Axiis Contracting	E043300	Concrete works, paving Parry & Karen Avenue	\$33,077.34
Bucher Municipal Pty Ltd	E043135 & E043380	Repair and replace engineering equipment	\$34,586.08
CAM Management Solutions	E043213	Annual licence fee	\$29,579.99
Carringtons Traffic Services WA	E043355 & E043573	Traffic management services	\$31,967.10
City of Cockburn	E043373	Tip fees for February	\$69,351.17
Crabclaw Holdings Pty Ltd	E043196 & E043433	Building maintenance at various locations	\$36,603.79
Densford Civil	Chq 061187	Drainage upgrade to Norma Road	\$221,392.57
Dickies Tree Service	E043130 & E043375	Tree lopping, chipping & pruning services	\$58,419.07
Downer EDI Works Pty Ltd	E043252 & E043477	Progress claim 1 and 2 for road resurfacing at Kirby Way and progress 1 for road resurfacing at Evershed Street and Garling Street	\$287,139.54
Fire & Emergency Services Authority WA	E043276	ESL remittance for February	\$338,779.88
Flexi Staff	E043156 & E043399	Temporary employment	\$53,288.00
Goodyear & Dunlop Tyres (Australia) Pty Ltd	E043218 & E043448	Tyre renewal	\$26,061.19
Hyder Consulting Pty Ltd	E043537	Submission of draft report for Operational Waste Collection review	\$31,006.80
JMG Air Conditioning & Electrical Services Pty Ltd	E043275 & E043496	Maintenance to air conditioners at various locations	\$53,804.10
Komatsu Australia	E043536	Purchase of Komatsu WA150-5 Wheel Loader	\$164,956.00
Melville Mitsubishi	E043272	Purchase of Mitsubishi Lancer	\$25,151.70
Natural Area Management & Services	E043349 & E043570	Progress claim 1 for revegetation and weed control at Marmion Lake and foreshore weed control to City of Melville foreshore pockets	\$36,363.58

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

Supplier Name	Remittance Number	Remittance Details	Amount
RBM Drilling	E043177 & E043419	Replacement of bores at Hogarth Way, Herb Naphthally Reserve and Millers Bakehouse	\$89,295.80
Rhysco Electrical Services	E043244 & E043470	Electrical services at various locations	\$25,122.81
South West Group	E043421	2014-15 Council member contributions second instalment	\$38,000.00
Southern Metropolitan Regional Council	E043212 & E043445	MSW gate fees for February, RRRC loan repayment for March quarter, recyclable gate fees for February and green waste gate fees for February	\$1,170,403.39
Supersealing	E043474	Crack sealing works	\$56,883.53
Synergy	E043155 & E043398	Electricity charges	\$101,641.79
Titan Ford	E043178 & E043422	Purchase of Ford PX Ranger Supercab and servicing to vehicles	\$36,412.15
TJS Cleaning Services Perth Pty Ltd	E043298	Cleaning of LeisureFit Booragoon and LeisureFit Melville	\$25,199.99
Tree Amigos Tree Surgeons	E043242 & E043467	Tree lopping services	\$50,278.22
Tree Planting & Watering	E043285 & E043506	Street tree watering	\$75,876.05
Water Corporation	Chq's 061170 & 061337	Water charges	\$42,231.47
Western Power	E043152	Cash call 3 for Ardross East Underground Power	\$650,000.00

**STAKEHOLDER ENGAGEMENT**

- I. **COMMUNITY**  
Not applicable.
- II. **OTHER AGENCIES / CONSULTANTS**  
Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2015 (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

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

At 10.12pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY EN BLOC (11/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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 March 2015 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 March 2015 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of March 2015 and recommends that they be noted by the Council.

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

The Statements of Financial Activity for the period ending 31 March 2015 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**DETAIL**

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

For the period ending 31 March 2015, net operating positive variances of \$8.915m and net capital positive variances of \$6.161m were recorded.

**Variations**

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

CITY OF MELVILLE STATEMENT OF VARIANCES IN EXCESS OF \$50,000 FOR THE PERIOD ENDED 31 MARCH 2015							
	February Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
<b>Revenues</b>							
Governance	309,986	1,486,161	1,876,351	390,190	26%	6,495,230	1,866,043
General Purpose Funding	409,011	10,208,019	10,801,040	593,021	6%	12,112,400	12,148,405
Community Amenities	66,441	938,616	873,762	(64,854)	-7%	1,170,728	1,152,132
Recreation and Culture	917,084	7,392,851	7,522,204	129,353	2%	10,147,119	9,835,795
Transport	750,498	4,846,757	3,682,190	(1,164,567)	-24%	4,231,564	6,284,286
Other Property and Services	(101,323)	284,856	138,049	(146,807)	-52%	395,143	315,421
	2,382,382	28,525,337	28,274,381	(430,998)	-1%	37,998,637	35,108,113
<b>Expenses</b>							
Governance	(601,887)	(9,047,959)	(7,567,238)	1,480,720	-16%	(16,642,685)	(11,229,938)
Health	(67,247)	(705,641)	(652,559)	53,082	-8%	(937,721)	(930,690)
Education & Welfare	(442,391)	(4,217,988)	(3,744,216)	473,772	-11%	(5,637,590)	(5,614,036)
Community Amenities	(1,151,363)	(16,342,405)	(14,290,076)	2,052,329	-13%	(21,193,172)	(21,644,886)
Recreation and Culture	(2,354,739)	(22,993,148)	(21,344,514)	1,648,634	-7%	(29,964,882)	(30,509,597)
Transport	(875,762)	(8,137,883)	(7,032,209)	1,105,674	-14%	(11,348,408)	(10,906,884)
Economic Services	(39,551)	(80,577)	(136,383)	(55,806)	69%	(117,436)	(107,436)
Other Property and Services	(825,273)	(7,208,004)	(6,994,628)	213,377	-3%	(8,524,746)	(9,312,879)
	(7,320,723)	(74,855,991)	(67,585,004)	10,588,130	-10%	(103,021,227)	(98,832,899)
<b>Capital Revenue &amp; Expenditure</b>							
Purchase of Furniture & Equipment	(20,306)	(1,142,001)	(492,211)	649,790	-57%	(1,593,524)	(1,957,246)
Purchase of Plant & Equipment	(221,419)	(6,876,917)	(4,522,364)	2,354,553	-34%	(4,702,747)	(8,052,604)
Purchase of Land & Buildings	(121,514)	(2,239,094)	(1,179,591)	1,059,503	-47%	(2,034,000)	(3,927,350)
Purchase of Infrastructure Assets	(1,681,772)	(13,826,505)	(10,495,609)	3,330,896	-24%	(16,125,081)	(20,954,809)

**Revenue**

\$77.723m in Rates was raised to 31 March 2015. This is compared with a revised year to date budget of \$77.569m, resulting in a positive variance of \$154K.

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

Not applicable for March 2015.

**Budget Amendments**

Details of Budget Amendments requested for the month of March 2015 are shown in attachment [6002J March 2015](#). Highlighted are three budget amendment journals greater than \$50,000 that were processed in March 2015.

- \$635,332 – Mid-year budget review adjustments as per Council approval at the Ordinary Meeting of Council on 17 March 2015.
- \$199,096 – Adjustments to budget to align with actual depreciation.
- \$1,318,260 – Mid-year budget review adjustments relating to the Capital Works Program for 2014/2015 as per Council approval at the Ordinary Meeting of Council on 17 March 2015.

**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 \$7.175m were collected over the course of the month. Rates collection progress for the month of March is 1.6% above target which represents a dollar value of \$1,348,014. As at 31, March 95.6% of 2014/2015 rates had been collected. This was 0.8% more than collected for the same time last year.

Total sundry debtor balances decreased by \$14,552.71 over the course of the month. The 90+ day's debtor balance decreased by \$9,330.42.

**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.

The amount of \$6,883.83 was written off under delegated authority in the month of March 2015. This amount relates to a debt incurred by a former employee that has now left the country. This debt was raised with all the relevant authorities and all reasonable efforts to collect the debt have now been exhausted.

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

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

DESCRIPTION	LINK
Rate Setting Statement March 2015	<a href="#">6002A March 2015</a>
Statement of Financial Activity – March 2015	<a href="#">6002B March 2015</a>
Representation of Net Working Capital – March 2015	<a href="#">6002E March 2015</a>
Reconciliation of Net Working Capital – March 2015	<a href="#">6002F March 2015</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – March 2015	<a href="#">6002H March 2015</a>
Details of Budget Amendments requested – March 2015	<a href="#">6002J March 2015</a>
Summary of Rates Debtors – March 2015	<a href="#">6002L March 2015</a>
Graph Showing Rates Collections – March 2015	<a href="#">6002M March 2015</a>
Summary of General Debtors aged 90 Days Old or Greater – March 2015	<a href="#">6002N March 2015</a>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2015 (AMREC)  
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

Variances are dealt with in attachment [6002H\\_March 2015](#) (Notes on Statement of Variances in excess of \$50,000).

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**CONCLUSION**

The attached financial reports reflect a positive financial position of the City of Melville as at 31 March 2015.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)  
ABSOLUTE MAJORITY**

At 10:12pm Cr Schuster moved, seconded Cr Willis –

**That the Council:**

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

<b>DESCRIPTION</b>	<b>LINK</b>
Rate Setting Statement March 2015	<a href="#">6002A March 2015</a>
Statement of Financial Activity – March 2015	<a href="#">6002B March 2015</a>
Representation of Net Working Capital – March 2015	<a href="#">6002E March 2015</a>
Reconciliation of Net Working Capital – March 2015	<a href="#">6002F March 2015</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – March 2015	<a href="#">6002H March 2015</a>
Details of Budget Amendments requested – March 2015	<a href="#">6002J March 2015</a>
Summary of Rates Debtors – March 2015	<a href="#">6002L March 2015</a>
Graph Showing Rates Collections – March 2015	<a href="#">6002M March 2015</a>
Summary of General Debtors aged 90 Days Old or Greater – March 2015	<a href="#">6002N March 2015</a>

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

- 2. By Absolute Majority Decision adopts the budget amendments not previously adopted at the 17 March 2015 Ordinary Council Meeting, as listed in the Budget Amendment Reports for March 2015, as detailed in attachment [6002J March 2015](#).**

At 10.12pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)**

At 10:13pm Cr Barton left the meeting and returned at 10:15pm

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Budgeting – Review  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not Applicable  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Wayne Nicholls  
 Acting Senior Management Accountant

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report outlines the Elected Members involvement in the annual budget preparation process.
- The report also presents the 2015/2016 New Budget Requests, identifies where the total requests exceed the funding identified in the reviewed Long Term Financial Plan (previously presented to Elected Members), and requests the Councils consideration and decision on whether or not to include the requested additions in the 2015/2016 Draft Annual Budget.

**BACKGROUND**

This report outlines the manner in which Elected Members provide the strategic guidance which the Financial Services Team, Budget Responsible Officers and the Operational and Executive Management Teams use to formulate the draft budgets that are placed before Council for consideration and adoption.

The report also places before Council those new budget requests that have been considered and supported by the Executive Management Team as worthy of further consideration by the Council, but which are either not funded or not fully funded in the reviewed Long Term Financial Plan that was presented to Elected Members at the Elected Members Workshop Tuesday, 30 March 2015.

In addition, items are listed for new services or programmes for Elected Members to consider. As representatives of the community, it is appropriate that Elected Members make these determinations. Elected Members are being requested to include or exclude these items from the budget preparation process, and that in doing so they understand that these decisions will impact on the level of rates to be presented to Council for adoption for the 2015/2016 financial year.

**DETAIL**

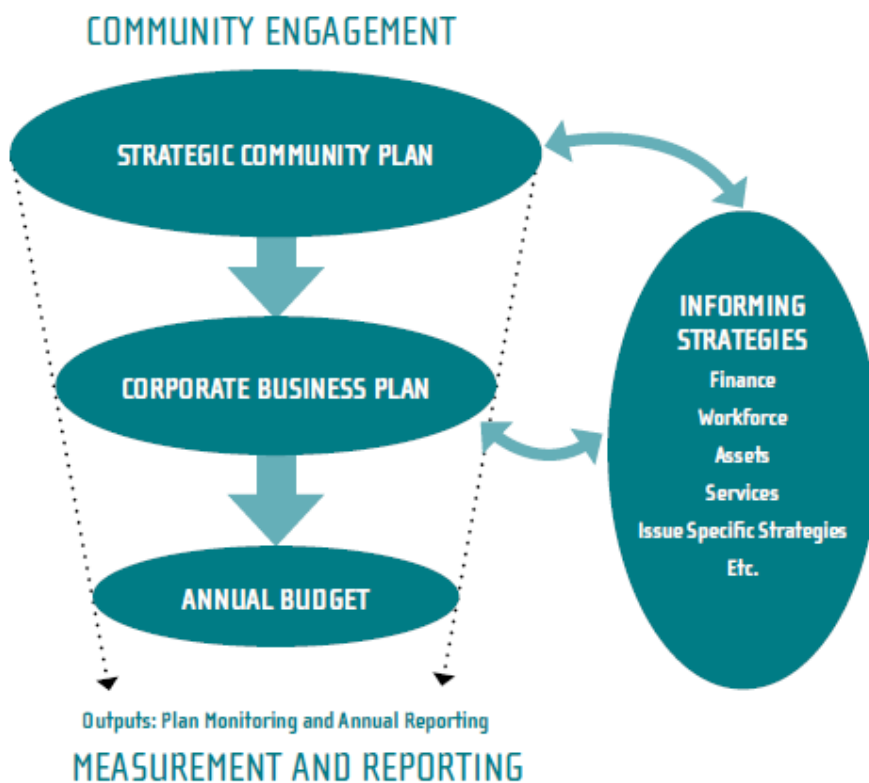
The Annual Budget is the final document that is prepared at the end of a detailed Integrated Corporate Planning process. This process, depicted in the diagram below, is guided by the Department of Local Government's Integrated Planning and Reporting Framework and Guidelines.

The Draft Annual Budget placed before Council each year is formulated so as to ensure that the aspirations of the Community, which are summarised in the Strategic Community Plan and Neighbourhood Plans can be met. The basis for formulating the annual budget is the Long Term Financial Plan (LTFP), which seeks to provide for the overall costs of providing the products and services delivered by the City in order to meet community expectations.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

The manner in which these products and services are delivered is guided by the adopted Strategies, Plans, Service Levels, Schemes and Policies of Council. The Integrated Planning Framework also contains specific plans that are developed to address the asset and workforce resources required to enable the delivery of products and services and define the level of services that will be funded.

Formulation of the Draft Annual Budget is therefore an incremental process and input to this process by Council takes place via the adoption of various strategies, plans and policies and specific Council decisions made during the course of a year.



In previous years the inclusion of new budget items in the annual budget has been achieved by a process of the City's Executive Management Team (EMT) vetting, prioritising and including the requests in the Draft Finalised Budget placed before Council for adoption.

As was done last year, the City's Executive Management Team supported requests are being presented to the Council prior to budget adoption in order to provide Elected Members with more opportunity to be involved in the City's budget preparation. In addition, consideration of these items prior to presentation of the final budget document should make for a budget adoption where Elected Members are more familiar with the finalised budget document, having been involved in the preliminary decision making required to be made during it's compilation.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

The items listed below are budget requests, submitted by Budget Responsible Officers and Operational Managers that have been considered by the EMT for inclusion in the 2015/2016 Annual Budget. The total value of these requests does however exceed the funding provided for in the latest revision of the revised Long Term Financial Model (LTFM) presented to Elected Members at the Elected Members Information Session on Tuesday, 30 March 2015.

As the inclusion of budget items additional to the LTFM will influence the level of the projected rate rise, it is appropriate for Council to consider the benefit to the community of these requests. **It should be remembered that Elected Members are being requested to effectively include or exclude these items from the budget preparation process, and that in doing so they understand that these decisions will impact on the level of rates to be presented to Council for adoption for the 2015/2016 financial year.**

The revised LTFM presented to Council in March 2015 resulted in a balanced position i.e. Opening funds plus revenue raised from all sources plus transfers from reserves less total operating and capital expenditure and transfers to reserves equalled zero.

The revised LTFM used the following assumptions to arrive at a balanced position:

- opening funds \$1,250,000
- projected rate in the dollar (\$) increase of 3.75% plus growth in the rates base of 0.50% being a total rate revenue increase of 4.25%;
- total employee costs forecast to grow at 4.5%;
- general cost increases expected to be 2%;
- construction costs forecast to increase by 4.8%; and
- utility costs forecast to rise by 4.0% (except for street lighting, which is budgeted for a 36% cost increase).

The New Budget Requests supported by the EMT for the 2015/2016 budget total \$26,453,307. By comparison, the expenditure approved by Council for these requests in the LTFM was \$23,856,834. The expenditure supported by the EMT for presentation to Council, over and above the amount set in the Long Term Financial Plan, is therefore \$2,596,473. The use of \$1,948,161 additional reserve funding to that provided for in the Long Term Financial Plan of \$23,067,133 and cost savings of \$408,996 arising from business cases for the new items, results in a negative variance of \$239,316. This represents 0.297% of rates when compared to the Long Term Financial Plan.

The expenditure not supported by the Executive Management Team for presentation to Council was \$582,204. The full list of [6080A New Budget Requests - Amended](#) is included as an attachment to this report. Those items supported in full or part by the EMT are shown with a green tick and those items not supported are shown with a red cross.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)****Special Project Funding – LTFM \$1,191,562 – EMT Supported Requests Total \$1,094,865.**

1. Cultural Services Project Costs (1) – \$25,000 (no rate impact compared to LTFM). To fund the review and update of the Cultural Vitality Plan incorporating the Future Plan for Libraries and Museums (both due for review) and Master Planning for the Heathcote Cultural Precinct.
2. Cultural Services Project Costs (2) – \$27,000 (no rate impact compared to LTFM). Civic Square Library relocation costs for temporary Library Service.
3. Participatory Budgeting Project - \$10,000 (no rate impact compared to LTFM). To fund the use of an online budgeting tool to allow participants to assist with indicating their preference for priority works as an input to the 2017/2018 capital works budget, This tool would also be used as an engagement tool for the Strategic Community Plan review.
4. Strategic Urban Planning (SUP) Projects – Total \$366,150 (no rate impact compared to LTFM)
  - Access Advisory Group - \$4,150 (no rate impact compared to LTFM)
  - SUP Activity Centre Planning - \$55,000 (no rate impact compared to LTFM)
  - SUP Project Housing Strategy - \$75,000 (no rate impact compared to LTFM)
  - SUP Project Reserves and Public Places Strategy - \$45,000 (no rate impact compared to LTFM)
  - SUP Project Place Plans - \$5,000 (no rate impact compared to LTFM)
  - SUP Project District Centre SP's - \$62,000 (no rate impact compared to LTFP)
  - SUP Project Transport Strategy - \$120,000 – (no rate impact compared to LTFP)

**Permanent Changes Funding – LTFP \$24,471 – EMT Supported Requests Total \$114,341. Cost Savings of \$9,375.** Exceeds LTFP amount by \$80,495 equivalent to a 0.01% rate increase.

5. Main Roads Median Maintenance – \$10,248 (0.013% rate impact compared to LTFM). To fund the maintenance of the new median landscaping installed at the South Street and Murdoch Drive intersection as part of the Main Roads Upgrade. This funding provides for maintenance from the handover date of 28 February 2016 to 30 June 2016.
6. Riseley Centre Precinct High Pressure Water Cleaning – \$3,888 (0.005% rate impact compared to LTFM). To fund the annual cleaning of the hard surface areas due to a build up of chewing gum, bird excrement etc.
7. Hislop Road Streetscape High Pressure Water Cleaning - \$900 (0.001% rate impact compared to LTFM). To fund the annual cleaning of the hard surface areas due to a build up of chewing gum, bird excrement etc.
8. Attadale Shopping Centre High Pressure Water Cleaning – \$2,380 (0.003% rate impact compared to LTFM). To fund the annual cleaning of the hard surface areas due to a build up of chewing gum, bird excrement etc.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

9. Brentwood Shops High Pressure Water Cleaning – \$1,455 (0.002% rate impact compared to LTFM). To fund the annual cleaning of the hard surface areas due to a build up of chewing gum, bird excrement etc.
10. Archibald Street Shops High Pressure Water Cleaning – \$1,680 (0.002% rate impact compared to LTFM). To fund the annual cleaning of the hard surface areas due to a build up of chewing gum, bird excrement etc.
11. Applecross Village High Pressure Water Cleaning – \$7,817 (0.010% rate impact compared to LTFM). To fund the annual cleaning of the hard surface areas due to a build up of chewing gum, bird excrement etc.
12. Line Marking Machine running costs – \$604 (0.001% rate impact compared to LTFM). To fund the annual running costs of a line marking machine for the marking and stencilling of car park bays, footpaths and other pavement marking as needed.
13. Walk Behind Cylinder Mower running costs – \$1,286 (0.002% rate impact compared to LTFM). To fund the annual running costs of a Walk Behind Cylinder Mower to be purchased to grow replacement turf for the Point Walter Golf Course.
14. 1.8 tonne Mini Digger running costs – \$12,000 (0.015% rate impact compared to LTFM). To fund the annual running costs of a 1.8 tonne Mini Digger to be purchased for the repair of mainline breaks, flow meter installations and new bore connections.
15. Environmental Community Liaison Officer Vehicle running costs – \$12,918 (0.016% rate impact compared to LTFM). To fund the annual running costs of a vehicle to be purchased for an Environmental Community Liaison Officer.

**New Employee Requests – LTFM \$323,230 – EMT Supported Requests Total \$781,266.  
Cost Savings of 399,621.** Greater than LTFM amount by \$58,415 equivalent to a 0.072% rate increase compared to LTFM.

16. Workplace Health and Safety Officer – \$87,845 (0.109% rate impact compared to LTFM). To fund the employment of a Workplace Health and Safety Officer to ensure the effective management of safety and allow for additional support to all City of Melville sites.
17. ICT Project Officer – \$81,776 (0.101% rate impact compared to LTFM). To fund the employment of an ICT Project Officer to provide better capability to manage IT projects in an efficient manner.
18. ICT Support Officer – \$92,129 (0.114% rate impact compared to LTFM). To fund the employment of an ICT Support Officer to provide enhanced user support across a broadening range of equipment and services used by both staff and the general public.
19. Museum and Gallery Officer – \$37,744 (0.047% rate impact compared to LTFM). To fund an increase in hours of existing staff to take bookings at the Heathcote Cultural site (Swan House, Administration and Kitchen buildings) following the transfer of management of these facilities from Challenger TAFE to the City of Melville in April 2015. This will be offset with expected income for hire of facilities.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

20. Community Safety Officer – \$74,015. To fund the employment of an additional Community Safety Officer required to maintain service delivery during periods of leave taken by other officer and to reduce the impost on other officers of overtime shifts currently required.
21. Environmental Health Officer (Temporary) – \$54,495 (0.068% rate impact compared to LTFM). To fund the employment of an additional Environmental Health Officer on a temporary basis to deal with increased workloads with emphasis on unlawful industrial discharge (pollution into the drainage system) and air conditioning (air cooling systems) compliance matters.
22. Ranger – \$65,573 (0.081% rate impact compared to LTFM). To fund the employment of an additional Ranger. It is planned that for the first 12 months, this officer will canvas ratepayers to ensure all Cats and Dogs are registered in line with the legal requirements, and subsequently will have a primary focus on parking compliance now that we have 49 parking machines and more restrictions to enforce.
23. Environmental Community Liaison Officer – \$75,151 (0.093% rate impact compared to LTFM). To fund the permanent employment of an Environmental Community Liaison Officer.

**Capital Program Funding – LTFM \$22,317,571 – EMT Supported Requests Total \$24,462,835.** Greater than LTFM amount by \$100,406 equivalent to a 0.125% rate increase compared to LTFM.

The Capital Program Budget supported by the EMT to be funded from General Purpose Funding, for the 2015/2016 budget, totalled \$24,462,835. By comparison, the expenditure approved by Council to be funded from General Purpose Funding for these requests in the Long Term Financial Plan was \$22,317,571. Funding provided from reserve accounts is \$23,920,429. The remaining expenditure supported by the Executive Management Team for presentation to Council, over and above the amount set in the Long Term Financial Plan and the amount funded from the Community Facilities Reserve, is \$100,406 (0.125% rate impact compared to LTFM).

24. Draft Capital Works Program (Renewal) - \$13,562,089 (no additional rate impact, funded from reserve). This amount represents the net expenditure on the renewal component of the Technical Services [6080B Draft Capital Works Program](#).
25. Draft Capital Works Program (New/Upgrade) - \$5,399,488 (0.128% rate impact compared to LTFM). Funding is provided by the Community Facilities Reserve (\$3,051,000), LTFM (2,245,172) and Municipal Funding (\$103,316). This amount represents the net expenditure on the new and upgrade component of the Technical Services [6080B Draft Capital Works Program](#)
26. Website Redevelopment (Phase 1) – \$20,000 (0.025% rate impact compared to LTFM). To optimise the current City of Melville website to enable it to be more effectively used by residents using mobile devices.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

27. Operations Centre External Audio Visual – \$25,000 (0.031% rate impact compared to LTFM). To fund the design and development of a suitable audio visual solution to the external area of the Operations Centre.
28. Upgrade Audio Visual Technology in Meeting Rooms – \$15,000 (0.019% rate impact compared to LTFM). To fund the installation and/or upgrade of audio visual technologies in meeting rooms.
29. Line Marking Machine – \$7,290 (0.009% rate impact compared to LTFM). To fund the purchase of a line marking machine for the marking and stencilling of car park bays, footpaths and other pavement marking as needed which will enable savings to be made in the employment on contractors currently engaged to carry out this work.
30. Fleet Capital Program – \$3,732,066 (no rate impact, fully funded from the Plant Replacement Reserve). To fund the net replacement of fleet assets in the 2015/2016 Fleet Replacement Program.
31. Walk Behind Cylinder Mower – \$5,082 (0.006% rate impact compared to LTFM) To fund the purchase of a Walk Behind Cylinder Mower to be used to grow replacement turf for the Point Walter Golf Course.
32. 1.8 Tonne Mini Digger – \$45,000 (0.056% rate impact compared to LTFM) To fund the purchase of a 1.8 tonne Mini Digger to be purchased for the repair of mainline breaks, flow meter installations and new bore connections. This will enable savings to be made in the employment on contractors currently engaged to carry out this work.
33. Public Art Acquisitions – \$120,000 (-0.002% rate impact compared to LTFM) To fund purchase of community art and purchases from Sculpture Walk, Art Awards/TILT and other major artworks.
34. Public Art Acquisitions (Large Artworks) – \$75,000 (0.093% rate impact compared to LTFM) To fund the purchase of significant artworks.
35. CSRFF Capital – \$50,000 (0.062% rate impact compared to LTFM) To provide funding for community sporting and recreation groups.

**New or increased services – LTFM \$Nil – Referred to Council for direction - Total \$55,176.** These requests are proposals for new services or increased levels of service. Direction is sought from Council as to whether or not these new services or increased levels of service fit the needs of the community as determined by Elected Members.

36. Pop Up Support - \$7,800 (0.010% rate impact compared to LTFM). To fund the hosting of social service providers. This will fund a mobile bus hire provided by Medicare Local based at Willagee to provide access to a range of not for profit and some government services.
37. Traffic Counts - \$40,000 (0.050% rate impact compared to LTFM). To fund the collection of traffic count data on a more regular basis to ensure that traffic count data is up to date and relevant.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****II. COMMUNITY**

Not applicable.

**III. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

*Local Government Act 1995*

**1.3. Content and intent**

*Section 1.3 (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.*

**2.7 Role of council**

*(1) The council —*

*(a) governs the local government's affairs; and*

*(b) is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to —*

*(a) oversee the allocation of the local government's finances and resources; and*

*(b) determine the local government's policies.*

**3.1. General function**

*(1) The general function of a local government is to provide for the good government of persons in its district.*

*Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and the raising of rates and charges and fees and charges.*

**5. CEO's duties as to financial management**

*(1) Efficient systems and procedures are to be established by the CEO of a local government*

*—*

*(a) for the proper collection of all money owing to the local government; and*

*(b) for the safe custody and security of all money collected or held by the local government; and*

*(c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and*

*(d) to ensure proper accounting for municipal or trust —*

*(i) revenue received or receivable; and*

*(ii) expenses paid or payable; and*

*(iii) assets and liabilities; and*

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

*(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and*  
*(f) for the maintenance of payroll, stock control and costing records; and*  
*(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*

(2) *The CEO is to —*

*(a) ensure that the resources of the local government are effectively and efficiently managed; and*  
*(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*  
*(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.*

The items presented in this report will have an impact on the preparation of the 2014/2015 budget, which will be prepared in order to meet these statutory obligations.

**FINANCIAL IMPLICATIONS**

The items detailed in this report would have financial implications in the 2015/2016 budget if approved. In total, the budget requests listed above would have a total financial impact of \$239,316, or an equivalent rate increase of 0.3% when compared to the total rates of \$80.576m for 2015/2016 when compared to the Long Term Financial Model. The financial impacts of the individual budget requests are detailed above.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The Strategic Risks associated with the funding the City's operations have been extracted from the Strategic Risks Register and shown below. Specific actions undertaken by the Council during the development and adoption of the Annual Budget will impact on the level of these risks. Following a review of the risks implicit in the subject of this report, no extreme risks have been identified; however medium and high risks have been identified.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
R2.1 Funding changes and / or unforeseen changes to assumptions in the Long Term Financial Plan may result in reduced levels of service	Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.	<ul style="list-style-type: none"> <li>• Annual review of Long Term Financial Plan assumptions</li> <li>• Mandatory and discretionary products and services reviews (Public Benefit Test and the Executive Functions Test)</li> <li>• Asset Management planning</li> <li>• Organisational Salary Review (OSR) process</li> <li>• Policy for acquisition and disposal of land assets (Land Asset Management Strategy)</li> <li>• Business Excellence including Continuous Improvement Teams / Process Improvement Teams</li> <li>• Monthly financial reporting to Council</li> </ul> Review of budgetary cycle and discussion on LTFM with Council
R2.2 Cost shifting due to legislative or regulatory changes (i.e. Cat Act, Building Act, Emergency Services Levy) results in financial strain	Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.	<ul style="list-style-type: none"> <li>• Lobbying and making submissions to state government agencies</li> <li>• Public education</li> <li>• Applications for grant funding</li> <li>• Review of fees and charges</li> <li>• Alliances with WALGA and LGMA</li> </ul>

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS**  
**(REC) (ATTACHMENT)**

<p>R2.3 Legislative restrictions or failure to develop alternative revenue streams or a broader rate base mix results in an over-reliance on residential rates to fund the City's operations</p>	<p>Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.</p>	<ul style="list-style-type: none"> <li>• Lobbying state government agencies</li> <li>• Land Asset Management Strategy</li> <li>• Local Planning Scheme</li> <li>• Grant availability register and applications made</li> <li>• Review of the long term sustainability of the current community and sporting groups lease, management and licence arrangements</li> <li>• Reform submissions</li> <li>• Review of fees and charges</li> <li>• Differential, Service Charges and Special Area rating</li> <li>• Unit cost reviews</li> <li>• Specific project (i.e. John Connell, Tompkins Park)</li> <li>• Structure planning for Activity Centres and Key Transport Corridors</li> </ul>
<p>R2.5 Loss of federal and state grant support results in an inability to maintain services, assets or deliver projects</p>	<p>Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.</p>	<ul style="list-style-type: none"> <li>• Lobbying state and federal government agencies</li> <li>• South West Group alliance</li> <li>• Land Asset Management Strategy to generate alternative revenue streams</li> <li>• Audit assurance of grant acquittal</li> <li>• Review of rate revenue</li> <li>• Review of fees and charges</li> </ul>
<p>R3.4 Failure to adequately fund and resource natural environment (e.g. foreshore rehabilitation and maintenance) results in environmental damage and threatens the integrity of City assets and infrastructure</p>	<p>Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.</p>	<p>Asset Management planning Natural Area Asset Management Plan (NAAMP) Foreshore Management Plan Long Term Financial Plan ISO 14001 Accreditation</p>

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

<p>R4.5 Lack of resources results in an inability to deliver capital, maintenance, major projects and contract management</p>	<p>Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.</p>	<p>Continuous Improvement processes and frameworks Business Planning Process Improvement processes Setting realistic expectations on deliverables Workforce planning Project management and project prioritisation Corporate planning processes Asset management planning Long Term Financial Plan Cross functional teams Annual Budgets Business Plans Performance Reporting at all levels Appropriate training for staff Online Workplace Learning (OWL) Services review Ensure sound Financial policy positions are adopted by Council and that the consequences of insufficiently funding the City's operations are well understood.</p>
<p>An excessive quantum of funding is requested by some officers and directed towards areas of expenditure that are not a priority of the Community and Council or a Technical or Statutory requirement.</p>	<p>Minor consequences which might occur at some stage, resulting in a <b>Medium</b> level of risk.</p>	<p>Ensure budget development process is sound and subject to independent review by all Managers, Finance and Council.</p>

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The budget has been developed on the principles outlined in the Council's policies

- CP-008 Financial Sustainability – Forward Financial Planning and Funding Allocation;  
To establish clear principles and guidelines that will form the basis for the development of:-
  1. the Long Term Financial Plan;
  2. the Annual Budget;
  3. the Funding Allocation Prioritisation Methodologyto ensure;
  - a. robust and transparent financial planning processes are established;
  - b. good stewardship of the City of Melville's (City) assets and the continuing delivery of services both now and into the future; and
  - c. significant annual variations in rates and charges are eliminated.
- CP-024 Asset Financing and Borrowing Policy,  
To affirm that the preferred policy position of Council is to remain debt free, and should that not be practicable, to set out the circumstances in which the Council may consider Borrowings or Other Financial Accommodation to fund the acquisition, renewal or construction of specified assets and to provide guidance as to the appropriate terms of any such borrowing.
- CP-025 Accounting Policy.  
To provide a policy framework for the financial management of the City of Melville that secures the accuracy and reliability of accounting data, financial reporting and budgeting and ensures that all statutory obligations and Australian Accounting Standards are met.
- CP-031 Asset Management Policy.  
To provide the City with a framework to manage its asset portfolio, ensure a corporate approach to asset management and ensure adequate provision is made for the long term replacement of major assets.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternative options are presented however the Council may choose to not approve of any of the requests or make new requests.

**CONCLUSION**

The items presented in this report for consideration by Elected Members are considered by Officers to be appropriate for inclusion in the 2015/2016 Annual Budget.

Each budget request has been shown separately below in order to enable clarity on each Officer Recommendation.

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6080)                      APPROVAL**

1. That the Council endorse the inclusion of the Cultural Services Project Costs (1) - \$25,000 budget request in the draft 2015/2016 Annual Budget - (0.031% rate impact compared to LTFM)
2. That the Council endorse the inclusion of the Cultural Services Project Costs (2) - \$27,000 budget request in the draft 2015/2016 Annual Budget - (0.034% rate impact compared to LTFM)
3. That the Council endorse the inclusion of the Participatory Budgeting Project - \$10,000 budget request in the draft 2015/2016 Annual Budget - (0.012% rate impact compared to LTFM)
4. That the Council endorse the inclusion of the Strategic Urban Planning (SUP) Projects - \$366,150 budget request in the draft 2015/2016 Annual Budget (0.454% total rate impact compared to LTFM)
5. That the Council endorse the inclusion of the Main Roads Median Maintenance - \$10,248 budget request in the draft 2015/2016 Annual Budget (0.013% rate impact compared to LTFM)
6. That the Council endorse the Riseley Centre Precinct High Pressure Water Cleaning - \$3,888 budget request in the draft 2015/2016 Annual Budget (0.005% rate impact compared to LTFM)
7. That the Council endorse the inclusion of the Hislop Road Streetscape High Pressure Water Cleaning - \$900 budget request in the draft 2015/2016 Annual Budget (0.001% rate impact compared to LTFM)
8. That the Council endorse the inclusion of the Attadale Shopping Centre High Pressure Water Cleaning - \$2,380 budget request in the draft 2015/2016 Annual Budget (0.003% rate impact compared to LTFM)
9. That the Council endorse the inclusion of the Brentwood Shops High Pressure Water Cleaning - \$1,455 budget request in the draft 2015/2016 Annual Budget (0.002% rate impact compared to LTFM)
10. That the Council endorse the inclusion of the Archibald Shops High Pressure Water Cleaning - \$1,680 budget request in the draft 2015/2016 Annual Budget (0.002% rate impact compared to LTFM compared to LTFM)
11. That the Council endorse the inclusion of the Applecross Village High Pressure Water Cleaning - \$7,817 budget request in the draft 2015/2016 Annual Budget (0.010% rate impact compared to LTFM)
12. That the Council endorse the inclusion of the Line Marking Machine running costs - \$604 budget request in the draft 2015/2016 Annual Budget (0.001% rate impact compared to LTFM)

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

13. That the Council endorse the inclusion of the Walk Behind Cylinder Mower running costs - \$1,286 budget request in the draft 2015/2016 Annual Budget (0.002% rate impact compared to LTFM)
14. That the Council endorse the inclusion of the 1.8 tonne Mini Digger running costs - \$12,000 budget request in the draft 2015/2016 Annual Budget (0.015% rate impact compared to LTFM)
15. That the Council endorse the inclusion of the Environmental Community Liaison Officer Vehicle running costs - \$12,918 budget request in the draft 2015/2016 Annual Budget (0.016% rate impact compared to LTFM)
16. That the Council endorse the inclusion of the Workplace Health and Safety Officer - \$87,845 budget request in the draft 2015/2016 Annual Budget (0.109% rate impact compared to LTFM)
17. That the Council endorse the inclusion of the ICT Project Officer - \$81,776 budget request in the draft 2015/2016 Annual Budget (0.101% rate impact compared to LTFM)
18. That the Council endorse the inclusion of the ICT Support Officer - \$92,129 budget request in the draft 2015/2016 Annual Budget (0.114% rate impact compared to LTFM)
19. That the Council endorse the inclusion of the Museum and Gallery Officer – \$37,744 budget request in the draft 2015/2016 Annual (0.047% rate impact compared to LTFM)
20. That the Council endorse the inclusion of the Community Safety Officer – \$74,015 request in the draft 2015/2016 Annual Budget
21. That the Council endorse the inclusion of the Environmental Health Officer (Temporary) – \$54,495 budget request in the draft 2015/2016 Annual Budget (0.068% rate impact compared to LTFM)
22. That the Council endorse the inclusion of the Ranger – \$65,573 budget request in the draft 2015/2016 Annual Budget (0.081% rate impact compared to LTFM)
23. That the Council endorse the inclusion of the Environmental Community Liaison Officer – \$75,151 budget request in the draft 2015/2016 Annual Budget (0.093% rate impact compared to LTFM)
24. That the Council endorse the inclusion of the draft Capital Works Program (Renewal) - \$13,569,779 budget request in the draft 2015/2016 Annual Budget (no additional rate impact, funded from reserve)

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

25. That the Council endorse the inclusion of the draft Capital Works Program (New/Upgrade) - \$5,431,488 budget request in the draft 2015/2016 Annual Budget (0.168% rate impact compared to LTFM)
26. That the Council endorse the inclusion of the Website Redevelopment (Phase 1) – \$20,000 budget request in the draft 2015/2016 Annual Budget (0.025% rate impact compared to LTFM)
27. That the Council endorse the inclusion of the Operations Centre External Audio Visual – \$25,000 budget request in the draft 2015/2016 Annual Budget (0.031% rate impact compared to LTFM)
28. That the Council endorse the inclusion of the Upgrade Audio Visual Technology in Meeting Room(s) – \$15,000 budget request in the draft 2015/2016 Annual Budget (0.019% rate impact compared to LTFM)
29. That the Council endorse the inclusion of the Line Marking Machine – \$7,290 budget request in the draft 2015/2016 Annual Budget (0.009% rate impact compared to LTFM)
30. That the Council endorse the inclusion of the Fleet Capital Program – \$3,732,066 budget request in the draft 2015/2016 Annual Budget (no rate impact, fully funded from the Plant Replacement Reserve)
31. That the Council endorse the inclusion of the Walk Behind Cylinder Mower – \$5,082 budget request in the draft 2015/2016 Annual Budget (0.006% rate impact compared to LTFM)
32. That the Council endorse the inclusion of the 1.8 Tonne Mini Digger – \$45,000 budget request in the draft 2015/2016 Annual Budget (0.056% rate impact compared to LTFM)
33. That the Council endorse the inclusion of the Public Art Acquisitions – \$120,000 budget request in the draft 2015/2016 Annual Budget (-0.002% rate impact compared to LTFP)
34. That the Council endorse the inclusion of the Public Art Acquisitions (Large Artworks) – \$75,000 budget request in the draft 2015/2016 Annual Budget (0.093% rate impact compared to LTFM)
35. That the Council endorse the inclusion of the CSRFF Capital – \$50,000 budget request in the draft 2015/2016 Annual Budget (0.062% rate impact compared to LTFM)
36. That the Council endorse the inclusion of the Pop Up Support - \$7,800 budget request in the draft 2015/2016 Annual Budget (0.010% rate impact compared to LTFM)
37. That the Council endorse the inclusion of the Traffic Counts - \$40,000 budget request in the draft 2015/2016 Annual Budget (0.050% rate impact compared to LTFM)

**LATE ITEM - C15/6080 - CONSIDERATION OF 2015-2016 DRAFT BUDGET REQUESTS  
(REC) (ATTACHMENT)**

**COUNCIL RESOLUTION (6080)**

At 10:51pm Cr Schuster moved, seconded Cr Willis -

**That items 1-37 be accepted en bloc for inclusion in the 2015/2016 Draft Budget.**

At 11:02pm the Mayor submitted the motion, which was declared

**CARRIED (10/1)**

<b>Vote Result Summary</b>	
Yes	10
No	1

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Pazolli	No

At 11.02pm Mr Taylor left the meeting.

**LATE ITEM - C15/6081 ENDORSEMENT OF DIFFERENTIAL RATING ADVERTISEMENT  
(REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Budget - Operational  
 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 : Nil  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Wayne Nicholls  
 Senior Management Accountant

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM - C15/6081 ENDORSEMENT OF DIFFERENTIAL RATING ADVERTISEMENT  
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- To gain the Council's endorsement for the advertising of differential rates as per attachment [6081A Objects of, and Reasons for, Differential Rates 2015 2016](#);
- The notice of differential rates is to be published in a newspaper circulating generally within the district, exhibited to the public on the community information notice boards at the civic centre and each library in the City;
- A document describing the objects of, and reasons for, differential rates is to be made available for inspection at the civic centre, libraries, and the community consultation page on the City's website.

**BACKGROUND**

According to the Local Government Act a local government is required to give local public notice before imposing a differential rate. This notice must be posted in sufficient time, allowing at least 21 days for submissions from the public. The notice may be given 2 months preceding the commencement of the financial year. A document describing the objects of, and reasons for, each proposed differential rates and minimum payment is to be prepared and advertised as above and made available for inspection by the public.

**DETAIL**

The Department of Local Government and Communities issued a guiding policy in February 2015 in respect of the imposition of differential rates and the matters to be considered by Local Governments in doing so.

A suggestion made in the document was that the decision to advertise Council's Intention to Levy a differential rate be endorsed by Council before doing so.

Rates are levied on all rateable properties within the boundaries of the City of Melville Municipality in accordance with the Local Government Act 1995. The overall objective of the proposed rates and charges in the 2015/2016 Budget is to provide for the net (i.e. after taking into account all other forms of revenue) funding requirements of the City's services, activities, financing costs and the current and future capital requirements of the City as outlined in the City's Corporate Plan and Long Term Financial Plan.

**LATE ITEM - C15/6081 ENDORSEMENT OF DIFFERENTIAL RATING ADVERTISEMENT  
(REC) (ATTACHMENT)**

In accordance with past years practices the City intends to establish the following differential rate categories:

- Residential Land - incorporates residential single dwellings, duplex, multi unit, strata and Homeswest improved properties.
- Minimum rate in respect to Residential Land
- Residential Unimproved Land – incorporates all vacant residential land
- Minimum rate in respect to Residential Unimproved Land
- Commercial/Industrial Land - incorporates industrial, commercial, service station, hotel / tavern, TAB and hospitals.
- Minimum rate in respect to all Commercial/Industrial Land

**Basis for Differential Rates in Respect to Residential Unimproved Land**

Residential Unimproved land incorporates, Residential and Homeswest unimproved properties zoned for residential purposes.

The rate in the dollar set for this category will be equal to that set for Residential Improved land plus 12.65%. The minimum rates set for this category will be less than that set for Residential Improved land by the calculated amount of what would be the standard domestic refuse charge if a separate refuse charge was raised ie. the cost of domestic refuse collection was not recovered via General Rates.

The positive differential rate for Residential Unimproved land is proposed in order to fund the additional costs of servicing these types of properties. Vacant properties are more likely to be the sites of illegal dumping and in some cases can become overgrown and unkempt, or become places of antisocial behaviour. Additional street cleaning and gully educting is also required due to sand and debris originating from vacant land spreading onto the roads and gutters. The above requires the allocation of City resources over and above that required for Residential Improved properties.

**Basis for Differential Rates in Respect to All Commercial/Industrial Land**

Commercial improved land incorporates industrial, commercial, service station, hotel / tavern, TAB and hospitals.

Commercial/Industrial land is proposed to have a rate in the dollar that will be equal to that set for Residential Improved land plus 4% and a minimum rate that will be equal to that set for Residential Improved land minus 23%.

**LATE ITEM - C15/6081 ENDORSEMENT OF DIFFERENTIAL RATING ADVERTISEMENT  
(REC) (ATTACHMENT)**

The positive differential rate for commercial/industrial improved land is proposed in order to fund the additional costs of servicing these types of properties. Commercial premises generate higher volumes of pedestrian and traffic movements than residential properties and this results in increased road and streetscape maintenance requirements, additional on-street parking needs and the requirement to install additional traffic treatments. Due to the increased presence of litter surrounding commercial and industrial land the City is also required to provide additional litter collection services to these areas. Patrons and employees of commercial and industrial premises are consumers of municipal services but unless they are also property owners within the City, are not contributing to the cost of services used by them in the City of Melville.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

A Statement of Objects and Reasons for adopting these differential general and minimum rates will be prepared and will be made available for inspection at the Civic Centre, 10 Almondbury Road, Booragoon between 8.30am and 5.00pm and at City of Melville public libraries during normal library opening hours.

The Statement will also be made available on the community consultation page on our website.

Submissions will be invited from any elector or ratepayer with respect to the proposed rates, and any related matters, within twenty one days of the date of the notice.

**II. OTHER AGENCIES / CONSULTANTS**

Not Applicable

**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995 sets out the basis on which Differential Rates may be imposed. When setting the differential rates City officers will ensure that these statutory requirements are met.

**6.33. Differential general rates**

*(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —*

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
- (b) a purpose for which the land is held or used as determined by the local government; or*
- (c) whether or not the land is vacant land; or*
- (d) any other characteristic or combination of characteristics prescribed.*

**LATE ITEM - C15/6081 ENDORSEMENT OF DIFFERENTIAL RATING ADVERTISEMENT  
(REC) (ATTACHMENT)**

- (2) Regulations may —
- (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

**FINANCIAL IMPLICATIONS**

Should differential rates not be applied, the City would experience a loss of revenue equivalent to the percentage that the differential rates exceed the base residential improved rate. To make up this loss of revenue would require the base residential improved rate in the \$ to be increased by a minimum of 1.7% before the application of any other rate increases applied to recover the increased costs of service delivery in the 2015/2016 financial year.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
As a result of advertising a differential rate without Council endorsement, the differential rate may be disallowed by the Department of Local Government and Communities.	Moderate reputational consequences which are possible, resulting in a <b>Moderate</b> level of risk	Seek endorsement of the Council prior to advertising a differential rate
As a result of advertising a differential rate without Council endorsement, the differential rate may be disallowed by the Department of Local Government and Communities.	Insignificant financial consequences which are possible, resulting in a <b>Low</b> level of risk	Seek endorsement of the Council prior to advertising a differential rate

**LATE ITEM - C15/6081 ENDORSEMENT OF DIFFERENTIAL RATING ADVERTISEMENT  
(REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There is no Council Policy that relates to the advertising of differential rates.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may choose not to impose any differential rates with the effect being that the shortfall would be required to be met by increasing residential improved rates by a minimum of an additional 1.73% prior to the application of any other increases required to generate sufficient revenue to ensure that total revenue equals total expenditure.

**CONCLUSION**

In accordance with the Local Government Act 1995 the City is required to give Local Public Notice of its intention to impose differential rates, make available a document outlining the objects of, and reasons for, each differential rate and provide sufficient time for public submissions to be received.

This report recommends that the Council continues the practice of applying differential rates and approve the advertising of the required Local Public Notice of its intention to do so.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6081)****APPROVAL**

**That the Council endorse the advertisement of the proposed differential rates and the objects of, and reasons for the differential rates as documented in attachment [6081A Objects of, and Reasons for, Differential Rates 2015 2016](#).**

At 11.03pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (11/0)**

**LATE ITEM - C15/6082 - ANNUAL REVIEW OF FEES AND CHARGES (REC)**  
**(ATTACHMENT)**

Ward  
Category : All  
Operational  
Subject Index : Fees and Charges  
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 : Nil  
Works Programme : Not Applicable  
Funding : Not Applicable  
Responsible Officer : Wayne Nicholls  
Acting Senior Management Accountant

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**LATE ITEM - C15/6082 - ANNUAL REVIEW OF FEES AND CHARGES (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the draft proposed Fees and Charges Schedule for the 2015/2016 financial year for the Council's information.
- The Fees and Charges for 2015/2016 will be adopted by Council at the Special Meeting of Council to be held on 24 June 2015 as part of the budget adoption process.

**BACKGROUND**

Fees and Charges must be incorporated into the annual budget. The draft proposed Schedule of Fees and Charges for the 2015/2016 Financial Year [6082A Fees and Charges 2015 2016](#), forms part of the Attachments to the Agenda.

This document contains details of the Fees and Charges for the current year (2014/2015) and those draft proposed Fees and Charges for the next financial year (2015/2016).

**DETAIL**

The majority of adjustments to fees and charges in the attachment reflect changes in operating costs. Some fee adjustments, such as Parking and Infringement related fees have been determined by benchmarking with other local governments, and others such as the LeisureFit charges have been influenced by competitors in the market.

Proposed adjustments to the Fees and Charges Schedule are shown throughout the document. New charges can be identified by the comment "NEW" in the 2014/2015 column. Those services that are no longer offered or Fees no longer charged, will be identified by the comment "N/A" in the 2015/2016 column. Those fees that have yet to be calculated by officers will be identified by the comment "TBA" and will be referred to Council at the time of Budget Adoption.

Of note also are those fees that may not be changed by the Council, but are determined by statute. An example of this type of fee is the one charged for Freedom of Information enquiries. However, whilst the fees that may be charged are restricted the City will incur cost increases in providing these services. This in turn puts pressure on the need to increase rates to cover any shortfall. In some cases however, the fees set by statute are expressed as a percentage of a cost base e.g. some Building and Planning Fees are calculated as a percentage of building costs, which as a result of increases in the cost base will result in an increase in income and therefore a shortfall would only arise if the City's costs increase at a percentage in excess of the percentage increase in the cost base.

Significant amendments to the Fees and Charges Schedule include:

**LATE ITEM - C15/6082 - ANNUAL REVIEW OF FEES AND CHARGES (REC)  
(ATTACHMENT)****BUILDING AND PLANNING SERVICES**

Building and Planning Services Fees are to a large extent set by the State Government. At the time of writing this report no changes have been advised for 2015/2016 but may be advised after announcement of the State Government Budget scheduled for 14 May 2015.

**RANGER SERVICES**

Parking infringement fees are proposed to be increased by up to forty percent across the board. Parking infringements have previously not been increased since 2007, and recent benchmarking has concluded that an increase is appropriate.

Parking fees have also increased, and will contribute to the ongoing provision of parking facilities in the City of Melville.

**LIFESTYLE SERVICES**

Lifestyle Services LeisureFit fees have been reviewed with both increases and decreases being applied for 2015/2016. LeisureFit fees are to a large extent market driven, and competitive pressures over the past financial year have prompted very close scrutiny of charges in this area.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Local Government Act 1995:

The imposition of fees and charges reference in the Act is quoted below:

**6.16. Imposition of fees and charges**

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

**LATE ITEM - C15/6082 - ANNUAL REVIEW OF FEES AND CHARGES (REC)  
(ATTACHMENT)**

*\*Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
  - (b) supplying a service or carrying out work at the request of a person;*
  - (c) subject to section 5.94, providing information from local government records;*
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
  - (e) supplying goods;*
  - (f) such other service as may be prescribed.*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) imposed\* during a financial year; and*
- (b) amended\* from time to time during a financial year.*

*\*Absolute majority required.*

**6.17. Setting the level of fees and charges**

(1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*

- (a) the cost to the local government of providing the service or goods;*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

(2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

(3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*

- (a) under section 5.96;*
- (b) under section 6.16(2)(d); or*
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*

(4) *Regulations may —*

- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*
- (b) limit the amount of a fee or charge in prescribed circumstances.*

**LATE ITEM - C15/6082 - ANNUAL REVIEW OF FEES AND CHARGES (REC)  
(ATTACHMENT)**

**6.19. Local government to give notice of fees and charges**

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

**FINANCIAL IMPLICATIONS**

Income estimates are to be included in the 2015/2016 Budget.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
If no increases in Fees or Charges are prescribed for a service which the Council provides this may result in a budget deficit.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Fees and Charges to be increased to cover CPI and other cost increases and thus ensure cost recovery is maintained so far as is possible.

**POLICY IMPLICATIONS**

There is no Council policy which relates to the setting of Fees and Charges.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options are presented as this report is for noting only.

**CONCLUSION**

The draft proposed Schedule of Fees and Charges has been compiled after careful examination by the responsible officers of the costs associated with delivery of the products or services for which the fees and charges are imposed. Officers have reviewed charge out rates in relation to the proposed fees and charges and feel confident that the schedule submitted fairly reflects the increased costs and adjustments for the services provided.

**LATE ITEM - C15/6082 - ANNUAL REVIEW OF FEES AND CHARGES (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6082)                      NOTING**

**That the Council note the draft proposed Fees & Charges Schedule for 2015/2016, as documented in attachment [6082A Fees and Charges 2015 2016](#) the final version will be included in the Budget document that will be presented to a Special Meeting of the Council for adoption on 24 June 2015, with the amended Fees and Charges being effective from 1 July 2015.**

At 11.04pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (11/0)**

At 11.04pm the Mayor vacated the Chair and Cr Foxtton assumed the Chair.

At 11:07pm Cr Pazolli left the meeting and returned at 11:11pm.

At 11.10pm Mr Nicholls left the meeting and returned at 11.12 pm.

At 11:19pm Cr Phelan left the meeting and returned at 11:21pm.

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15.1 Development of Funding Options to Mitigate the Effects of Climate Change**

At 11:05pm Mayor Aubrey moved, seconded Cr Macphail –

**That the Council:**

- 1. Requests the Chief Executive Officer to develop funding options to progress the development and implementation of an Urban Forest, a Foreshore Protection and a Vegetation Corridor Strategy to mitigate the effects of climate change with a particular focus on the following:**
  - Reducing the urban heat island effect by increasing tree canopy cover across the City.**
  - Assessment of coastal vulnerability associated with the predicted sea level rise and the impacts on foreshore erosion and rehabilitation on the Swan and Canning River foreshores.**
  - The further development and implementation of the City's Foreshore Restoration Strategy.**
  - The establishment of vegetation and nature corridors to preserve and enhance natural biodiversity.**
- 2. Requests the Chief Executive Officer to present the funding options to an Elected Member Information Session in July 2015 for discussion and future consideration as part of the Community Plan review process.**

At 11:25pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

Reasons for Motion

There is no denying that climate change is a concern for everyone, albeit that the future impacts are difficult to quantify at this moment in time.

One of the longer term impacts of climate change is the predicted increase in sea levels, and when coupled with increased storm activity poses significant erosion issues for the Swan and Canning River foreshores and the residents who live close to these areas.

We do know that as a result of climate change we can expect longer and hotter summer periods and higher than average rainfall and inundation during winter periods. These higher temperatures pose significant health issues for the more at risk members of our community, such as the elderly.

### **15.1 Development of Funding Options to Mitigate the Effects of Climate Change (Continued)**

Concerns have been raised in the past with regard to the loss of mature trees on private property as a result of the increased urbanisation of the City. Smaller block sizes and the need to maximise plot ratio has seen reduced landscaped areas and an increase in build form, leading to reduced amenity in some higher density areas. As this trend continues, there will be a need for the City to counteract this trend and determine how to fund initiatives to green and cool the City.

The development and implementation of an Urban Forest Strategy will essentially, put the “garden” back into the “Garden City”.

Increasing tree canopy cover will assist in reducing the urban heat island effect, by cooling the City, providing shade and improving the aesthetics and amenity of the City. It will also provide essential vegetation and nature corridors that support the movement of wildlife and increase biodiversity.

Green infrastructure is considered to be an essential element within the streetscape environment and the development and implementation of an Urban Forest Strategy will contribute to the health and well-being of our community.

As we are aware, there are limited funding opportunities available for foreshore restoration and recently there has been significant erosion and damage to City infrastructure close to the Swan and Canning Rivers. It is therefore important to undertake an assessment of the vulnerability of those communities and City infrastructure close to the Swan and Canning Rivers to determine what mitigation measure will be needed in the future.

At 11.26pm the Cr Foxtan vacated the Chair and Mayor Aubrey assumed the Chair.

At 11:27pm Dr Silcox left the meeting and returned at 11:29pm.  
 At 11:28pm Cr Foxtton left the meeting and returned at 11:29pm.  
 At 11:32pm Cr Robartson left the meeting and returned at 11:36pm.  
 At 11:47pm Cr Willis left the meeting and returned at 11:49pm.  
 At 11:56pm Mr Tieleman left the meeting and returned at 11:57pm.

## 15.2 Parking in Groves Avenue, Attadale

At 11:27pm Cr Barton moved, seconded Cr Taylor-Rees –

**That the Council requests the Chief Executive Officer to arrange for the parking bays on the southern side of Groves Avenue, Attadale to be designated as “Permit Holders Only” parking and that “Permit Holders” be limited to residents who reside in Groves Avenue and to their visitors.**

At 11:56pm the Mayor submitted the motion, which was declared

**Lost (4/7)**

Vote Result Summary	
Yes	4
No	7

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

## 16. EN BLOC ITEMS

At 11:58pm Cr Schuster moved, seconded Cr Willis –

**That the recommendations for items, CD15/8067, CD15/8071, M15/5000, C15/6000, C15/6001, C15/6081 and C15/6082 be carried En Bloc.**

At 11:58pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

## 17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

**The Meeting be closed to the public.**

At 11:58pm Cr Robartson moved, seconded Cr Phelan –

**That the meeting be closed to the public to permit discussion on a confidential matter (Item M15/5425 which relates to the Chief Executive Officer Performance Review) covered under Section 5.23 (2) (c) of the Local Government Act 1995.**

At 11.58pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

At 11.58pm the Mayor adjourned the meeting for two minutes to allow time for officers to leave and the meeting resumed at 12.00am.

At 11.59pm the following officers left the meeting

Dr S Silcox  
Mr M Tieleman  
Ms C Young  
Mr J Christie  
Mr S Cope  
Mr L Hitchcock  
Mr N Fimmano  
Ms G Healey – Burgess

**14. ITEM FROM THE GOVERNANCE COMMITTEE MEETING HELD ON 6 MAY 2015**

The following item from the Governance Committee of 6 May 2015 requires consideration by the Council.

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Personnel file
Customer Index	: Personnel file
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M15/5314 – City of Melville – Chief Executive Officer Performance Review – Governance Committee 16 March 2015 M15/5405 – Ordinary Meeting of Council – 17 February 2015 – Chief Executive Officer Performance Review
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Dean McAuliffe Employee Service Coordinator

Disclosure of Interest

Item No.	M15/5425
Officer	Dr Shayne Silcox
Type of Interest	Financial Interest
Nature of Interest	Relates to his position as CEO
Request	To leave the meeting
Decision of Council	Not Applicable

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE  
REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Governance Committee has been determined through Council to be the reviewers of the Chief Executive Officer (CEO) performance.
- The Governance Committee will discuss the CEO performance, future expectations and performance criteria, performance development and review the salary package, for recommendation to the Council.
- A defined process is followed for the CEO performance review, as detailed in the agenda item.

**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 April 2014 and in 2014 a new five year contract was finalised with the Chief Executive Officer, and made effective from 20 March 2014 in accordance with the Council resolution (5358).

Clause 7 of the CEO contract details that there 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.

A Performance Review Consultant, Ms Helen Hardcastle from Learning Horizons, has been engaged by the City of Melville to facilitate the discussions between Council and the Chief Executive Officer during the Performance and Remuneration Review process. This has included opportunities for all Elected Members to meet individually with the Consultant and discuss survey feedback.

**DETAIL**

The review process endorsed by Council on 17 February 2015 is included as attachment [5425 Chief Executive Officer Performance Review](#), which details estimated dates. As indicated in the process, the Governance Committee is to discuss the CEO performance, future expectations, performance criteria, performance development, and review the salary package, for recommendation to the Council.

The role of the Performance Review Consultant is to assist in discussions between Elected Members, His Worship the Mayor and the CEO in all aspects of the performance and development discussion and future performance criteria, as well as the salary package review.

A confidential copy of the CEO Performance Review – Consultant Report (Confidential Attachment A) and the Performance Report from the CEO (Confidential Attachment B) was distributed to Elected Members on Friday 1 May 2015 under confidential cover.

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

The process for the Governance meeting is as follows:

<i>Action</i>	<i>Purpose</i>	<i>CEO involvement</i>
1. Discussion between Ms Helen Hardcastle and Governance Committee relating to the report from the Performance Review Consultant on survey results, potential changes to performance criteria and relevant remuneration data which forms Confidential Attachment A.	Clarify key comments to be delivered to the CEO on behalf of the Elected Members including -past performance -future performance criteria -performance development	CEO not present
2. CEO to provide comment on performance and future priorities	Discussion on the CEO's Performance Review document which is confidential Attachment B and CEO to detail his perspective of his and the organisation's performance and future priorities	CEO to be present
3. Feedback to CEO from Governance Committee on performance	Ensure CEO understands views of Elected Members on performance and priorities, with reference to the survey response report, which is within confidential Attachment A	CEO to be present
4. Discussion of current performance criteria which are detailed in Attachment A	To ensure contract performance criteria reflect expected desired outcomes	CEO to be present
5. Discussion of performance development plan	To ensure performance development areas are discussed. It is noted the Mayor is authorised to approve professional development for the CEO, as specified in the contract of employment.	CEO to be present
6. Remuneration discussion	Review of salary level – refer to confidential Attachment A.	CEO not present

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES/CONSULTANTS**

There has been no liaison with any other agencies or Consultants beyond Learning Horizons.

**STATUTORY AND LEGAL IMPLICATIONS**

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 5.23 (2) 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.

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.

**FINANCIAL IMPLICATIONS**

The fee for the Performance Review Consultant has been included in the 2014/2015 Operational Budget. Any change to the salary package of the CEO will be reflected in the Operational Budgets for 2014/2015 and 2015/2016.

**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	<b>Low</b>	Defined process that includes this stage

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

Not applicable

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as the requirement for a performance review are mandatory.

**CONCLUSION**

The purpose of the Governance Committee Meeting is to provide recommendations to the Council in relation to the Performance and Salary Review for the Chief Executive Officer.

Specifically the meeting is to provide feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarify expectations, which are to be reflected in the Chief Executive Officer Contract performance criteria.

The review of current contract performance criteria is an important opportunity for the Council and the Chief Executive Officer to clarify expectations and desired outcomes to be achieved. The current performance criteria may not be reflecting current priorities and should be an important aspect of this review process.

At 6.46pm Cr Robartson moved, seconded Cr Schuster –

**That Standing Orders Local Law Clause 9.5 be suspended allowing Elected Members permission to speak more than once.**

At 6.46pm the Presiding Member submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (7/0)**

At 7.05pm Cr Schuster moved, seconded Cr Robartson –

**That Standing Orders Local Law Clause 9.5 be reinstated.**

At 7.05pm the Presiding Member submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (7/0)**

At 7.22pm Dr Silcox entered the meeting.

At 8.11pm Cr Aubrey left the meeting and returned at 8.14pm.

At 8.24pm Cr Foxton left the meeting and returned at 8.29pm.

At 8.40pm Dr Silcox left the meeting.

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****COMMITTEE RECOMMENDATION (5425)****APPROVAL**

That the base salary component for the Chief Executive Officer be amended as recommended by the Governance Committee and the revised base salary change be provided under confidential cover to the Council as an attachment entitled “Salary Recommendation 2015” for approval, to take effect from 20 March 2015.

Reject and Replace

At 7.06pm Cr Robartson moved, seconded Cr Schuster –

**That the Governance Committee recommends to the Council:**

- 1 That the Council accepts that the Chief Executive Officer has met his agreed performance criteria for 2014/2015.
- 2 That the Council acknowledge the Chief Executive Officer’s outstanding performance over the past twelve months in leading the City through the Local Government Reform process and progressing the development of the City during this period.
- 3 That the Mayor be requested to write to the Executive Management Team expressing the Council’s appreciation for their substantial performance and contribution over the past twelve months.
- 4 That the Chief Executive Officer Performance review Report M15/5425 Attachment (A) to the Governance Committee Agenda of 6 May 2015 be received.
- 5 That the Chief Executive Officer Performance Review Report M15/5425 Confidential Attachment (B) to the Governance Committee Agenda of 6 May 2015 be noted.
- 6 That the base salary component for the Chief Executive Officer be amended as recommended by the Governance Committee and the revised base salary change be provided under confidential cover to the Council as an attachment entitled “Salary Recommendation 2015” for approval, to take effect from 20 March 2015.
- 7 That we record the appointment of the Chief Executive Officer as National President of the Local Government Managers Association and agree to support his involvement in these activities including support for domestic and international travel associated with this role and the activities of the International City/County Management Association (noting that the travel costs to be funded by the Local Governments Managers Association); and
- 8 The Governance Committee address the Performance Criteria and Key Performance Indicators as agreed with the Chief Executive Officer to be used in 2015/2016, at a Governance Committee meeting to be held in June 2015.

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

Amendment

At 8.44pm Cr Robartson moved, seconded Cr Foxtton –

**That the following text become point 6 and the subsequent points be renumbered.**

- 6 That the confidential attachment entitled “Salary Recommendation 2015” have the agreed percentage amount inserted.**

At 8.53pm the Presiding Member submitted the motion, which was declared

**CARRIED (6/1)**

For - Cr Aubrey, Cr Foxtton, Cr Phelan, Cr Robartson, Cr Schuster, Cr Taylor-Rees

Against - Mayor Aubrey

**COMMITTEE RESOLUTION (5425)**

**That the Governance Committee recommends to the Council:**

- 1 That the Council accepts that the Chief Executive Officer has met his agreed performance criteria for 2014/2015.**
- 2 That the Council acknowledge the Chief Executive Officer’s outstanding performance over the past twelve months in leading the City through the Local Government Reform process and progressing the development of the City during this period.**
- 3 That the Mayor be requested to write to the Executive Management Team expressing the Council’s appreciation for their substantial performance and contribution over the past twelve months.**
- 4 That the Chief Executive Officer Performance review Report M15/5425 Attachment (A) to the Governance Committee Agenda of 6 May 2015 be received.**
- 5 That the Chief Executive Officer Performance Review Report M15/5425 Confidential Attachment (B) to the Governance Committee Agenda of 6 May 2015 be noted.**
- 6 *That the confidential attachment entitled “Salary Recommendation 2015” have the agreed percentage amount inserted.***
- 7 That the base salary component for the Chief Executive Officer be amended as recommended by the Governance Committee and the revised base salary change be provided under confidential cover to the Council as an attachment entitled “Salary Recommendation 2015” for approval, to take effect from 20 March 2015.**
- 8 That we record the appointment of the Chief Executive Officer as National President of the Local Government Managers Association and agree to support his involvement in these activities including support for domestic and international travel associated with this role and the activities of the International City/County Management Association (noting that the travel costs to be funded by the Local Governments Managers Association).**
- 9 The Governance Committee address the Performance Criteria and Key Performance Indicators as agreed with the Chief Executive Officer to be used in 2015/2016, at a Governance Committee meeting to be held in June 2015.**

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

At 9.03pm the Presiding Member submitted the motion, which was declared

**CARRIED UNANIMOUSLY (7/0)**

Reasons for Reject and Replace

Cr Robartson advised that the additional points were required to confirm the Chief Executive Officer's performance, acknowledge the contribution of the Executive Management Team, record the appointment of the Chief Executive Officer as the National President of the Local Government Manager's Association and ensure a further meeting of the Governance Committee would be held to address the Performance Criteria and Key Performance Indicators for 2015/2016 and gain agreement with the Chief Executive Officer and the Council.

**COUNCIL AND COMMITTEE RESOLUTION (5425)**

At 12.02pm Cr Robartson moved, seconded Cr Phelan –

**That the Council:**

- 1 Accepts that the Chief Executive Officer has met his agreed performance criteria for 2014/2015.
- 2 Acknowledges the Chief Executive Officer's outstanding performance over the past twelve months in leading the City through the Local Government Reform process and progressing the development of the City during this period.
- 3 Requests the Mayor to write to the Executive Management Team expressing the Council's appreciation for their substantial performance and contribution over the past twelve months.
- 4 Receives the Chief Executive Officer Performance review Report M15/5425 Attachment (A) to the Governance Committee Agenda of 6 May 2015.
- 5 Notes the Chief Executive Officer Performance Review Report M15/5425 Confidential Attachment (B) to the Governance Committee Agenda of 6 May 2015.
- 6 Approves the agreed percentage amount contained in the confidential attachment entitled "Salary Recommendation 2015".
- 7 Amends the base salary component for the Chief Executive Officer as recommended by the Governance Committee and the base salary change provided under confidential cover to the Council as an attachment entitled "Salary Recommendation 2015" for approval, to take effect from 20 March 2015.
- 8 Records the appointment of the Chief Executive Officer as National President of the Local Government Managers Association and agrees to support his involvement in these activities including support for domestic and international travel associated with this role and the activities of the International City/County Management Association (noting that the travel costs to be funded by the Local Governments Managers Association).
- 9 Notes that the Governance Committee will address the Performance Criteria and Key Performance Indicators as agreed with the Chief Executive Officer to be used in 2015/2016, at a Governance Committee meeting to be held in June 2015.

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

**AMENDMENT**

At 12.12am Cr Phelan moved, seconded Mayor Aubrey –

**That the Council:  
Amends the percentage amount contained in the confidential attachment entitled  
“Salary Recommendation 2015” as discussed.**

At 12.21 am the Mayor submitted the motion, which was declared

**CARRIED (6/5)**

<b>Vote Result Summary</b>	
Yes	6
No	5

<b>Vote Result Detailed</b>	
Mayor Aubrey	Yes
Cr Aubrey	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Willis	Yes
Cr Barton	No
Cr Foxtton	No
Cr Pazolli	No
Cr Schuster	No
Cr Taylor-Rees	No

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****COUNCIL RESOLUTION (5425)**

At 12.25am the Mayor submitted the substantive motion as amended –

**That the Council:**

- 1 Accepts that the Chief Executive Officer has met his agreed performance criteria for 2014/2015.
- 2 Acknowledges the Chief Executive Officer's outstanding performance over the past twelve months in leading the City through the Local Government Reform process and progressing the development of the City during this period.
- 3 Requests the Mayor to write to the Executive Management Team expressing the Council's appreciation for their substantial performance and contribution over the past twelve months.
- 4 Receives the Chief Executive Officer Performance review Report M15/5425 Attachment (A) to the Governance Committee Agenda of 6 May 2015.
- 5 Notes the Chief Executive Officer Performance Review Report M15/5425 Confidential Attachment (B) to the Governance Committee Agenda of 6 May 2015.
- 6 *Amends the percentage amount contained in the confidential attachment entitled "Salary Recommendation 2015" as discussed.*
- 7 Approves the agreed percentage amount contained in the confidential attachment entitled "Salary Recommendation 2015".
- 8 Amends the base salary component for the Chief Executive Officer as recommended by the Governance Committee and the base salary change provided under confidential cover to the Council as an attachment entitled "Salary Recommendation 2015" for approval, to take effect from 20 March 2015.
- 9 Records the appointment of the Chief Executive Officer as National President of the Local Government Managers Association and agrees to support his involvement in these activities including support for domestic and international travel associated with this role and the activities of the International City/County Management Association (noting that the travel costs to be funded by the Local Governments Managers Association).
- 10 Notes that the Governance Committee will address the Performance Criteria and Key Performance Indicators as agreed with the Chief Executive Officer to be used in 2015/2016, at a Governance Committee meeting to be held in June 2015.

**M15/5425 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

At 12.26am the Mayor declared the motion –

**CARRIED (8/3)**

Vote Result Summary	
Yes	8
No	3

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

At 12.30am Cr Aubrey moved, seconded Cr Foxtton –

**That the meeting come out from behind closed doors and the public be invited back into the meeting.**

At 12.30am the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

No members of the public returned to the Chamber.

**18. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 12.31am.