



MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 18 JUNE 2013

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

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LATE ITEM FROM GOVERNANCE COMMITTEE 10 JUNE 2013

M13/5304 City of Melville – Chief Executive Officer Performance Review 129

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 18 JUNE 2013.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr N Fimmano, A/Governance & Compliance Program Manager read aloud the Disclaimer that is on the front page of these Minutes and then the Deputy Mayor D Macphail, 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

Deputy Mayor D Macphail

COUNCILLORS

Cr A Nicholson
Cr R Willis, Cr C Robartson
Cr N Pazolli, Cr P Reidy
Cr J Barton, Cr S Taylor-Rees
Cr R Hill
Cr N Foxtan, Cr M Reynolds

WARD

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

3. IN ATTENDANCE

| | |
|---|---|
| Dr S Silcox (Until 9.22pm) | Chief Executive Officer |
| Mr M Tieleman (Until 8.49pm) | Director Corporate Services |
| Ms C Young (Until 8.49pm) | Director Community Development |
| Mr J Christie (Until 8.49pm) | Director Technical Services |
| Mr S Cope (Until 8.49pm) | Director Urban Planning |
| Ms K Johnson (From 8.59pm) | Executive Manager Organisational Development |
| Mr P Prendergast (Until 8.49pm) | Manager Statutory Planning |
| Mr B Taylor (Until 8.49pm) | Manager Information, Technology & Support |
| Mr P Kellick (From 8.09pm to 8.22pm) | Manager Asset Management |
| Mr N Fimmano | A/Governance & Compliance Program Manager |
| Ms D Beilby | Minute Secretary |
| Mr J Phillips – Western Australian Local Government Association (From 8.59pm) | |

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

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

His Worship the Mayor R Aubrey
Cr R Kinnell – Palmyra/Melville/Willagee Ward

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

Nil.

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

Nil.

6. QUESTION TIME**6.1 Mr B Matthews, Bicton**Question

I respectfully request that a question be put to the Ordinary Meeting of Council on 18 June 2013. Re Bicton Quarantine Park.

What are the “demonstrated periods of parking shortfalls” referred to as an important part of the “Conclusions” on page 74 and used as a justification for the Phipps Street car parking modifications described as “modest works”?

Response

The Director Technical Services responded by saying that this information is contained within the report. The location is a premier location and is well used. Parking shortfalls on weekends, public holidays and during events held within the park have been identified.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 21 MAY 2013**
[Minutes 21 May 2013](#)**COUNCIL RESOLUTION**

At 6.43pm Cr Hill moved, seconded Cr Willis -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 21 May 2013, be confirmed as a true and accurate record.

At 6.43pm the Deputy Mayor submitted the motion, which was declared
CARRIED (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 4 JUNE 2013
[Notes 4 June 2013](#)**COUNCIL RESOLUTION**

At 6.43pm Cr Robartson moved, seconded Cr Reynolds -

That the Notes of the Agenda Briefing Forum held on Tuesday, 4 June 2013, be received.

At 6.43pm the Deputy Mayor submitted the motion, which was declared
CARRIED (11/0)

8.3 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE (FMARCC) – 27 MAY 2013**COUNCIL RESOLUTION**

At 6.44pm Cr Willis moved, seconded Cr Barton -

That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 27 May 2013 be noted.

NB:

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

At 6.44pm the Deputy Mayor submitted the motion, which was declared
CARRIED (11/0)

8.4 GOVERNANCE COMMITTEE MEETING – 10 JUNE 2013**COUNCIL RESOLUTION**

At 6.44pm Cr Robartson moved, seconded Cr Reidy -

That the Minutes of the Governance Committee Meeting held on Monday 10 June 2013 be noted.

NB:

Minutes to be confirmed at next Governance Committee Meeting.

At 6.44pm the Deputy Mayor submitted the motion, which was declared
CARRIED (11/0)

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

- P13/3396 Cr N Pazolli – Financial Interest in accordance with the Act
- M13/5304 Dr S Silcox – Financial Interest in accordance with the Act and Interest under the Code of Conduct
- T13/3400 Cr P Reidy – Financial Interest in Accordance with the Act

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- T13/3401 Cr N Pazolli – Interest under the Code of Conduct
- P13/3403 Cr N Pazolli – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.47pm Cr Willis moved, seconded Cr Foxtton -

That the applications for new leaves of absence submitted by Cr Reynolds and Cr Robartson on 18 June 2013 be granted.

At 6.47pm the Mayor submitted the motion which was declared

CARRIED (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**Item M13/5304 – City of Melville – Chief Executive Officer Performance Review**

The matter is confidential in accordance with Section 5.23 (2) (b) & (c) of the Local Government Act 1995, relating to the personal affairs of any person and a contract that has been entered into.

12. PETITIONS**12.1 Oppose Durdham Crescent, Bicton Road and Parking Concept Plan 15 March**

A petition signed by 25 residents was received by the City of Melville on Thursday, 13 June 2013. A further signature was received on Tuesday, 18 June 2013. The petition reads as follows –

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that – the Durdham Crescent, Bicton Road and Parking Concept Plan of 15 March (copy attached) be not adopted by Council and the residents of Durdham Crescent be consulted on the drawing up of an alternative plan with the aims of -
Reducing the flow of vehicular traffic in Durdham Crescent
Increasing safety for pedestrians and cyclists
Maintaining amenity for residents”*

COUNCIL RESOLUTION

At 6.48pm Cr Barton moved, seconded Cr Taylor-Rees -

That the petition bearing 26 signatures be received and acknowledged in writing to the lead petitioner with the advice that the petition will be considered as part of a future report that will be presented to the Council on this matter.

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

CARRIED (11/0)

13. ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE – 27 MAY 2013

The following items from the Financial Management, Audit, Risk and Compliance Committee meeting of 27 May 2013 require consideration by the Council.

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

| | |
|----------------------------|---|
| Ward | : All |
| Category | : Policy |
| Subject Index | : Risk Management |
| Customer Index | : City of Melville |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Item M13/5278 Strategic Risk Assessment Report – Financial Management, Audit, Risk and Compliance Committee - 11 March 2013 |
| Works Programme | : Not Applicable |
| Funding | : Not Applicable |
| Responsible Officer | : Lee Wilson Risk Management Coordinator |

AUTHORITY / DISCRETION

DEFINITION

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

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)**KEY ISSUES / SUMMARY**

- A Strategic Level Risk assessment process commenced in March 2013 involving the Executive Management Team (EMT), the Organisational Management Team (OMT) and Elected Members.
- In 2012, this process identified a Top Ten list of Strategic Level risks.
- For the 2013 assessment, the Goals outlined in the Corporate Plan were risk assessed to better align the Strategic Risk assessment with the City's objectives.
- 34 Strategic risks and eight opportunities were identified against the five goals.

BACKGROUND

The City of Melville is committed to a culture of risk management, where risk is considered at three levels; strategic, operational and project. Operational level risks are currently being documented in the City's central risk register and are reviewed on an annual basis as part of the Business Planning process. Project level risks are handled by all staff when conducting day-to-day operations, and where relevant are documented within specific Service Areas.

Strategic level risks consider the long-term strategic objectives of the City. As part of Business Planning and the Corporate Plan Review processes, a strategic risk assessment is undertaken. EMT, OMT and Elected Members are the key stakeholders for this process with each of those teams being involved in the risk assessment process. This process requires consideration of the threat and opportunity factors affecting the City of Melville, in areas that include political, economic, societal, technological, environmental and legal.

The risk assessment is being undertaken against the five City Goals: A City for People; Lead by Example; Economic Prosperity; Environmental Responsibility; and Business Excellence.

34 Strategic Level risks and eight opportunities were identified as part of this process. Endorsement is sought for this list for the next phase of the assessment to commence.

DETAIL

During April and May 2013, workshops were run with the OMT and the EMT to identify risks. This was presented to the Elected Members at the Elected Member Information Session, held 14 May 2013, where Elected Members were afforded the opportunity to add to, comment or change this data.

The final list of identified risks and opportunities is included in the following table. Please note that these risks are not rated or prioritised at this stage; it is just a collection of risk statements. Existing controls, ratings, priorities and mitigations will be added at a later stage.

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

| Reference | Statement |
|--|--|
| 1. A City for People | |
| R1.1 | Lack of rigorous health audit program may result in community health issues (Guardia, salmonella, swimming pool death, etc.). |
| R1.2 | Drying climate leading to groundwater restrictions results in loss of amenity and physical activity space. |
| R1.3 | Increasing perceived or actual crime and antisocial behaviour results in loss of community safety perception and confidence. |
| R1.4 | Current provided City of Melville products, services and infrastructure become unsuitable (i.e. changing demographics, fit for purpose, DAIP, CPTED, etc.) results in under utilisation by the community and / or increased pressure on existing facilities. |
| R1.5 | Increase in traffic congestion results in loss of local amenity. |
| R1.6 | Reduction in the green canopy results in diminished 'green' look of the City; loss of amenity. |
| R1.7 | Reduction in the City's control of the planning of the City's built environment may result in negative impacts on the City's streetscapes and community amenity. |
| 2. Economic Prosperity | |
| R2.1 | Funding changes and / or unforeseen changes to assumptions in the Long Term Financial Plan may result in reduced levels of service. |
| R2.2 | Cost shifting due to legislative or regulatory changes (i.e. Cat Act, Building Act, ESL) results in financial strain. |
| 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. |
| R2.4 | Lack of urban renewal leads to social and economic disadvantage. |
| R2.5 | Loss of federal and state grant support results in an inability to maintain services, assets or deliver projects. |
| R2.6 | Changing expectations relating to the environment may result in increasing costs. |
| R2.7 | Infrastructure provision by State Government (e.g. delay in Roe Highway Extension) fails to match increasing demand leads to loss of amenity and economic loss. |
| R2.8 | Failure of the State Government to approve the City strategic plans and policies (e.g. Community Planning Scheme, Municipal Heritage Inventory), in a timely manner may result in missed development / economic opportunities. |
| R2.9 | Lack of long term strategic planning (public open space, active reserves, building assets, place planning, infrastructure assets) leading to intergenerational inequity. |
| 3. Environmental Responsibility | |
| R3.1 | Failure to maintain an approach to long term waste management results in environmental damage. |
| R3.2 | Failure to adapt to climate change results in loss of amenity and infrastructure damage. |
| R3.3 | Failure to identify and treat contaminated sites may result in pollution. |
| 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. |

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

| 4. Business Excellence | |
|-------------------------------|--|
| R4.1 | Poor engagement processes result in loss of community trust and poor decision making. |
| R4.2 | Major fraud or theft acts result in impact on financial streams and reputational damage. |
| R4.3 | Industrial unrest leading to an inability to provide products and services. |
| R4.4 | Lack of action against an identified risk results in the death or significant injury of a resident or staff member. |
| R4.5 | Lack of resources results in an inability to deliver capital, maintenance, major projects and contract management. |
| R4.6 | Vulnerability in IT and communications systems may result in breaches of security of information, loss of communication and ability to operate the business. |
| R4.7 | Complexity and length of internal processes (i.e. tenders, acquisition and / or disposal of property) results in inefficient operations of the City, missed opportunities and / or customer dissatisfaction. |
| 5. Lead by Example | |
| R5.1 | Lack of emergency management planning resulting in un-preparedness for disaster situations (natural, environmental, health). |
| R5.2 | Lack of clear and effective governance systems leads to outside agency intervention, negative organisational impacts and a reduction of stakeholder trust. |
| R5.3 | Lack of cohesive Council / staff interaction results in suboptimal outcomes and reputational damage. |
| R5.4 | Uncertainty surrounding Local Government Reform results in a diversion of resources and operational focus, and reduces staff attraction and retention ability. |
| R5.5 | Failure to focus on the long term and intergenerational outcomes required for the benefit of the entire City negatively impacts on long term sustainability and success. |
| R5.6 | Failure to maintain contemporary information technology capabilities leads to sub optimisation of potential productivity improvements and not meeting changing stakeholder expectations. |
| R5.7 | Stakeholders not understanding Councils limitations on development quasi judicial processes may result in community frustration and reputational impacts. |
| Opportunities | |
| OP1 | Enhancing opportunities for volunteers to be involved in delivering organisational actions will enhance engagement with community and the success of outcomes. |
| OP2 | Expanding utilisation of public transport options will assist mobility and improve amenity. |
| OP3 | Increasing the profile of arts and culture projects through sponsorships and planning levies will improve the vibrancy and amenity of the City. |
| OP4 | Opportunity to maximise the digital economy and Melville's early connection to the NBN will improve economic development through the City. |
| OP5 | Enhance our statesmanship role through strengthening our vision and direction to enable engagement and acceptance of the local community to change. |

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

| | |
|-----|--|
| OP6 | Enhancing the culture of the organisation to improve cross organisational efficiencies (i.e. service delivery review, vacancy sharing) may result in improved adaptability and increased potential to exploit opportunities. |
| OP7 | Enhance focus on productivity and continuous improvement leading to improved efficiencies and competitiveness. |
| OP8 | Convert available information (i.e. demographics, benchmarking, internal communications, other local governments) into knowledge to improve decision making and improved exploitation of other opportunities. |

Once this list has been endorsed, the OMT and the EMT will identify existing controls. A risk rating pack will be prepared for all the OMT, the EMT and Elected Members to capture a consensus risk rating for each identified risk. The consensus will be brought back to the Financial Management, Audit, Risk and Compliance Committee (FMARCC) for endorsement. Any risks at this stage requiring further mitigation will be presented to the OMT and the EMT to identify mitigation strategies and updates on the progress will be provided to the FMARCC. More frequent reporting may be required for serious risks; the process for which will be determined as and when these risks arise.

All identified risk mitigation strategies will be assigned to the Risk Management Coordinator as the Responsible Officer. This is so that effective reporting mechanisms are used to allow for regular reporting to the FMARCC. Though the Risk Management Coordinator will be responsible for reporting on these, it is at their discretion to assign those risks to relevant Officers to undertake the actual mitigation strategies.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

No external consultation has occurred.

STATUTORY AND LEGAL IMPLICATIONS

No direct statutory or legal implications arising from this report.

FINANCIAL IMPLICATIONS

Risk management may involve mitigation strategies which can attract financial implications. Until risks have been analysed and evaluated and mitigation strategies determined, it is not possible to ascertain what, if any financial implications there will be.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

All risks and opportunities identified during the preparation of this report are detailed in the content above.

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

POLICY IMPLICATIONS

No direct policy implications are associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options are presented as part of this report.

CONCLUSION

34 Strategic Level risks and eight opportunities were identified by stakeholders. This list is much more comprehensive than the previous year's list and it is anticipated that this new process for Strategic Level risk assessment will provide improved mitigation and reporting. It also reflects the new requirements for integration in planning through stronger alignment with Corporate Plan goals.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5293) ENDORSMENT

That the Council endorse the following list of Strategic Level risks and opportunities for progression to the next phase of assessment.

| | |
|------|--|
| R1.1 | Lack of rigorous health audit program may result in community health issues (Guardia, salmonella, swimming pool death, etc.). |
| R1.2 | Drying climate leading to groundwater restrictions results in loss of amenity and physical activity space. |
| R1.3 | Increasing perceived or actual crime and antisocial behaviour results in loss of community safety perception and confidence. |
| R1.4 | Current provided City of Melville products, services and infrastructure become unsuitable (i.e. changing demographics, fit for purpose, DAIP, CPTED, etc.) results in under utilisation by the community and / or increased pressure on existing facilities. |
| R1.5 | Increase in traffic congestion results in loss of local amenity. |
| R1.6 | Reduction in the green canopy results in diminished 'green' look of the City; loss of amenity. |
| R1.7 | Reduction in the City's control of the planning of the City's built environment may result in negative impacts on the City's streetscapes and community amenity. |

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

| 2. Economic Prosperity | |
|--|--|
| R2.1 | Funding changes and / or unforeseen changes to assumptions in the Long Term Financial Plan may result in reduced levels of service. |
| R2.2 | Cost shifting due to legislative or regulatory changes (i.e. Cat Act, Building Act, ESL) results in financial strain. |
| 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. |
| R2.4 | Lack of urban renewal leads to social and economic disadvantage. |
| R2.5 | Loss of federal and state grant support results in an inability to maintain services, assets or deliver projects. |
| R2.6 | Changing expectations relating to the environment may result in increasing costs. |
| R2.7 | Infrastructure provision by State Government (e.g. delay in Roe Highway Extension) fails to match increasing demand leads to loss of amenity and economic loss. |
| R2.8 | Failure of the State Government to approve the City strategic plans and policies (e.g. Community Planning Scheme, Municipal Heritage Inventory), in a timely manner may result in missed development / economic opportunities. |
| R2.9 | Lack of long term strategic planning (public open space, active reserves, building assets, place planning, infrastructure assets) leading to intergenerational inequity. |
| 3. Environmental Responsibility | |
| R3.1 | Failure to maintain an approach to long term waste management results in environmental damage. |
| R3.2 | Failure to adapt to climate change results in loss of amenity and infrastructure damage. |
| R3.3 | Failure to identify and treat contaminated sites may result in pollution. |
| 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. |
| 4. Business Excellence | |
| R4.1 | Poor engagement processes result in loss of community trust and poor decision making. |
| R4.2 | Major fraud or theft acts result in impact on financial streams and reputational damage. |
| R4.3 | Industrial unrest leading to an inability to provide products and services. |
| R4.4 | Lack of action against an identified risk results in the death or significant injury of a resident or staff member. |
| R4.5 | Lack of resources results in an inability to deliver capital, maintenance, major projects and contract management. |
| R4.6 | Vulnerability in IT and communications systems may result in breaches of security of information, loss of communication and ability to operate the business. |
| R4.7 | Complexity and length of internal processes (i.e. tenders, acquisition and / or disposal of property) results in inefficient operations of the City, missed opportunities and / or customer dissatisfaction. |

M13/5293 – STRATEGIC RISK ASSESSMENT REPORT (REC)

| Lead by Example | |
|------------------------|--|
| R5.1 | Lack of emergency management planning resulting in unpreparedness for disaster situations (natural, environmental, health). |
| R5.2 | Lack of clear and effective governance systems leads to outside agency intervention, negative organisational impacts and a reduction of stakeholder trust. |
| R5.3 | Lack of cohesive Council / staff interaction results in suboptimal outcomes and reputational damage. |
| R5.4 | Uncertainty surrounding Local Government Reform results in a diversion of resources and operational focus, and reduces staff attraction and retention ability. |
| R5.5 | Failure to focus on the long term and intergenerational outcomes required for the benefit of the entire City negatively impacts on long term sustainability and success. |
| R5.6 | Failure to maintain contemporary information technology capabilities leads to sub optimisation of potential productivity improvements and not meeting changing stakeholder expectations. |
| R5.7 | Stakeholders not understanding Councils limitations on development quasi judicial processes may result in community frustration and reputational impacts. |
| R5.8 | Failure to engage with friends' groups could lead to a loss of volunteers and result in more cost to the City of Melville. |
| Opportunities | |
| OP1 | Enhancing opportunities for volunteers to be involved in delivering organisational actions will enhance engagement with community and the success of outcomes. |
| OP2 | Expanding utilisation of public transport options will assist mobility and improve amenity. |
| OP3 | Increasing the profile of arts and culture projects through sponsorships and planning levies will improve the vibrancy and amenity of the City. |
| OP4 | Opportunity to maximise the digital economy and Melville's early connection to the NBN will improve economic development through the City. |
| OP5 | Enhance our statesmanship role through strengthening our vision and direction to enable engagement and acceptance of the local community to change. |
| OP6 | Enhancing the culture of the organisation to improve cross organisational efficiencies (i.e. service delivery review, vacancy sharing) may result in improved adaptability and increased potential to exploit opportunities. |
| OP7 | Enhance focus on productivity and continuous improvement leading to improved efficiencies and competitiveness. |
| OP8 | Convert available information (i.e. demographics, benchmarking, internal communications, other local governments) into knowledge to improve decision making and improved exploitation of other opportunities. |

At 6.49pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**M13/5295 - REVIEW OF SCOPE OF THE ANNUAL FINANCIAL STATEMENT AUDIT
FROM EXTERNAL AUDITORS (REC) (ATTACHMENT)**

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Operational |
| Subject Index | : | External Audit |
| Customer Index | : | City of Melville |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Item M12/5231 – Review of Audit Scope From External Auditors – FMARC Committee 28 May 2012 |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Ken Wan Process Improvement Auditor |

AUTHORITY / DISCRETION

DEFINITION

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

M13/5295 - REVIEW OF SCOPE OF THE ANNUAL FINANCIAL STATEMENT FROM EXTERNAL AUDITORS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

This report presents the detailed scope of the annual financial statement audit for review by the Financial Management, Audit, Risk & Compliance Committee and recommends that the Committee endorses the audit scope.

BACKGROUND

The responsibility of the external auditors is to audit the annual financial statements and express an opinion as to whether (a) the accounts are properly kept, and (b) whether the annual financial report is prepared in accordance with the financial records, and represent fairly, the results of the operations and the financial position of the local government at 30 June in accordance with the Australian Auditing Accounting Standards. The audit is to be conducted in accordance with the Australian Auditing Standards and the Auditing Guidance Statements. These Standards require the external auditors to plan and perform the audit to obtain reasonable assurance whether the financial report is free from any material misstatement.

A detailed audit scope is attached for review.

DETAIL

The audit scope, similar to that of last year, sets out the key areas of internal controls that will be examined by the auditors in order to form an opinion on the financial statements of the City. The Auditors will perform risk assessment procedures such as enquiries of entity personnel, observing the application of specific controls, inspecting documents and reports to test the City's compliance with legislation and sound management practice.

The areas to be examined are extensive and they include the following:

Rates;
Receipts;
Sundry Debtors;
Purchase of Goods and Services and Payments;
Creditors;
Payroll;
General Accounting;
IT controls;
Budget;
Registers (Tenders, etc);
Trust Fund;
Reserve Fund;
Investments;
Bank Reconciliations; and
Minutes.

The detailed audit scope is contained in attachment [5295 Audit Scope](#) .

M13/5295 - REVIEW OF SCOPE OF THE ANNUAL FINANCIAL STATEMENT FROM EXTERNAL AUDITORS (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

No public consultation or communication has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

Section 7.9 of the Local Government Act 1995 requires the annual financial report to be audited, and Regulation 7 of the Local Government (Audit) Regulations 1996 requires the agreement between a local government and an auditor to include;

- a) the objectives of the audit;*
- b) the scope of the audit;*
- c) a plan for the audit;*
- d) details of the remuneration and expenses to be paid to the auditors; and*
- e) the method to be used by the local government to communicate with, and supply information to, the auditor.*

Regulation 9 (Performance of the audit) of the Local Government (Audit) Regulations 1996 requires;

(1) An audit is to be carried out in accordance with the "Auditing Standards" and "Auditing Guidance Statements" adopted from time to time by the Australian Society of Certified Practising Accountants and The Institute of Chartered Accountants in Australia.

- 2) An auditor is to carry out such work as is necessary to form an opinion as to whether —*
- (a) the accounts are properly kept; and*
 - (b) the annual financial report —*
 - (i) is prepared in accordance with the financial records; and*
 - (ii) represents fairly the results of the operations of the local government and the financial position of the local government at 30 June in accordance with the Australian Accounting Standards and the Act.*

The above information was detailed in the tender document - Provision of Statutory Audit Services and the attachment provides further details of the audit work that will be undertaken.

M13/5295 - REVIEW OF SCOPE OF THE ANNUAL FINANCIAL STATEMENT FROM EXTERNAL AUDITORS (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The 2012/2013 budgeted cost of the external audit is \$25,000.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|---|----------------------|--|
| Key auditable areas not covered by the external auditors. | Low | Stringent selection criteria for the appointment of the external auditors; Audit closely monitored by the Executive Management Team and Financial Management, Audit, Risk & Compliance Committee; and The audit is also governed by the Australian Auditing Standards. |

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The Audit Plan appears reasonable and all key areas are covered in this Plan.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5295) APPROVAL

That the Council endorse the scope of the Annual Financial Statement Audit for 2013 as contained in Attachment [5295 Audit Scope](#).

At 6.49pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

M13/5297 - ANNUAL REVIEW OF INTERNAL AUDIT PLAN (REC) (ATTACHMENT)

| | |
|----------------------------|---|
| Ward | : All |
| Category | : Operational |
| Subject Index | : Internal Audit Report |
| Customer Index | : City of Melville |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Item M12/5232 - Annual Review of Audit Plan – Ordinary Meeting of Council – 15 May 2012 |
| Works Programme | : Not Applicable |
| Funding | : Not Applicable |
| Responsible Officer | : Ken Wan Process Improvement Auditor |

AUTHORITY / DISCRETION

DEFINITION

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

M13/5297 - ANNUAL REVIEW OF INTERNAL AUDIT PLAN (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

Report presents the annual review of the Internal Audit Plan conducted by the Process Improvement Auditor with input from the Executive Management Team for the Financial Management, Audit, Risk and Compliance Committee's review and recommends that the reviewed Internal Audit Plan for 2013/2014 be submitted to the Council for adoption.

BACKGROUND

A risk based audit plan covering areas of high risks in terms of consequence and likelihood relating to the achievement of corporate objectives is prepared and reviewed at least once every 12 months by the Process Improvement Auditor with input from the Executive Management Team.

Significant auditable areas covering financial, operational, compliance and governance processes are risk weighted, and audit resources are allocated to those areas with higher risks.

DETAIL

Attachments: [5297 Audit Plan](#) and [5297 Internal Audit Control Matrix](#) These attachments provide specific detail as to the extent of each auditable area.

Seven new auditable areas have been added and are highlighted in green in the attachment. They are:

- Item 34 – Management of leases
- Item 35 – Corporate record keeping
- Item 36 – Reputational Risk
- Item 37 – Overtime cost monitoring and approval process
- Item 38 – Administration of high \$ value contracts
- Item 46 – Tree pruning contract
- Item 47 – Kerb security deposit

PUBLIC CONSULTATION/COMMUNICATION

No public consultation / communication has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants has been carried out.

M13/5297 - ANNUAL REVIEW OF INTERNAL AUDIT PLAN (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

There is no specific legal requirement to have an internal audit function for a local government. However, an amendment to the Local Government Act 1995 in 2005 introduced a requirement that all local governments establish an audit committee. Such committees are to provide an independent oversight of the financial systems of a local government on behalf of the Council. As such, the committee will operate to assist the Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government's financial reporting and audit responsibilities.

For an audit committee to be effective, it is the best practice to have an internal audit function to assist it to discharge its responsibilities in areas such as internal control, risk management, and financial reporting.

FINANCIAL IMPLICATIONS

The 2012/2013 budgeted cost of the internal audit function is \$148,500 which includes allocated costs of \$21,000.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|--|----------------------|---|
| Internal audit resources not allocated to areas of the highest audit significance to the City. | Low | All auditable areas are reviewed and approved by both the Executive Management Team and the Financial Management, Audit, Risk and Compliance Committee annually to ensure internal audit resources are appropriately allocated. |

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

M13/5297 - ANNUAL REVIEW OF INTERNAL AUDIT PLAN (REC) (ATTACHMENT)**CONCLUSION**

The items identified in the audit plan will cover all high risk areas and they have been reviewed and accepted by the Executive Management Team.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5297) APPROVAL

That the Council approve the Internal Audit Plan for 2013/2014 as contained in Attachment [5297 Audit Plan](#).

At 6.50pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6.52pm the Deputy Mayor brought forward Items T13/3400 and T13/3401 for discussion.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)**

Disclosure of Interest

| | |
|---------------------|--|
| Item No. | T13/3400 |
| Member | Cr P Reidy |
| Type of Interest | Financial Interest in Accordance with the Act |
| Nature of Interest | Financial Interest due to Election Gift from a resident with a proximity interest to the matter under decision |
| Request | Stay, Discuss & Vote |
| Decision of Council | Stay, Discuss & Vote |

At 7.09pm Cr Reidy, having declared an interest in this item, left the meeting whilst the Council voted on his request to Stay, Discuss and Vote.

At 7.10pm Cr Foxtan moved, seconded Cr Hill -

That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Reidy be permitted to Stay, Discuss and Vote.

At 7.10pm the Mayor submitted the motion, which was declared

CARRIED (6/4)

Cr Nicholson requested that the votes be recorded –

For: Deputy Mayor D Macphail, Cr Foxtan, Cr Hill, Cr Reynolds, Cr Robartson, Cr Willis.

Against: Cr Barton, Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.

At 7.11 Cr Reidy returned to the meeting.

| | |
|----------------------------|---|
| Ward | : Bicton/Attadale |
| Category | : Operational |
| Subject Index | : Bicton Quarantine |
| Customer Index | : City of Melville |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Item T06-2001 - Bicton Quarantine Park – Ordinary Meeting of Council March 2006, Item T06-1007 - Widening of Phipps Street Ordinary Meeting of Council April 2006, |
| Works Programme | : 2012/2013 Capital Works Program |
| Funding | : \$75,000 |
| Responsible Officer | : John Cameron Executive Engineer Design |

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(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"/> | Executive | <i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council to note.</i> |

KEY ISSUES / SUMMARY

- The City of Melville had recently received a request for a footpath to be extended down the south side of Braunton Street to connect with the Swan River foreshore path network. This path connection was also raised in consultation carried out in 2006.
- Improvements to car parking at Bicton Quarantine Park was also identified as part of an earlier consultation in 2005 and more recently by officers.
- As part of the 2012/2013 Capital Works Program, Design Services investigated installing a footpath to allow access from the top of Braunton Street to the foreshore, and extending the existing Car park on Phipps Street within Bicton Quarantine Park.
- The concept was forwarded to the surrounding residents for review and comment prior to the commencement of detail design works.
- Details of the resident feedback are presented in relation to the proposed footpath and car park modifications. Council approval is sought for the car park modifications.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND**

In 1985, the City of Melville, with resident group and Local Member support purchased a significant portion, 1.9ha of the former quarantine site, in Bicton, for public open space.

Over the ensuing years the City has invested capital funds, in a multitude of projects for additional recreational facilities, including access paths, steps and ramps, playground and shade sails, toilets, seating and tree planting. The site is now considered one of the City of Melville's premier public open spaces and from the regional perspective it is a highly sought after location for many events.

The last major renewal of the park was considered by the City in 2005, following resident requests for an upgrade. However, due to the tornado of May 2005, the plan was revised to include the replacement of over 20 large trees lost during that event. After consultation the renewal proposal included an extension to the northern BBQ area and toilet paving area, a footpath from the toilets to the car park, installation of bin surrounds and additional seating and tables, installation of disabled car bays and the replacement of the trees.

Items that were identified through this process for future consideration included:

- the investigation of additional car parking;
- the possible modification of Phipps Street in terms of width and drainage; and
- the possible inclusion of an art project on either/both the toilet block and the water tank.

At that time, items that were investigated through the design process, but not installed due to feedback received included:

- a central footpath linking the northern car park to the toilet block;
- a footpath through the eastern edge of the park linking Braunton with the existing footpath system; and
- the replacement of any pine species destroyed by the 2005 storm to act as historical markers for the site.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)****DETAIL**

As part of the 2012/2013 Capital Works Program, funds were allocated to the renewal/upgrade of infrastructure at Bicton Quarantine Park. The City had also received a further request for installation of a footpath on the south side of Braunton Street to connect with the Swan River foreshore path network and requests for investigation into the current parking situation within and around the park, by officers and local residents.

Design Services commenced investigating potential concept options as part of a Master Plan exercise for enhancement of Bicton Quarantine Park, Bicton. Several items were identified as requiring renewal/upgrade to allow the park to continue to function as one of our premier sites.

These items included:

1. Increasing access along Braunton Street, as requested by a local resident and identified in previous surveys.
2. Upgrade the south-western embankment for safer maintenance.
3. Upgrade the stair, walls and ramps to comply with current standards, when they reach the end of their asset life.
4. Increase the number of car bays.
5. Formalising the car parking along the southern verge of Braunton Street which borders the park.
6. Assess tree health and vitality, replacing dying trees now to ensure shade continuity.
7. Reduce the water allocation to the park, increasing the biodiversity of the site.
8. Repair/replace the existing water tank.
9. Review/minimise signage were possible as part of other projects throughout the site.
10. Restrict visibility into the foreshore toilets, through the open ceiling gap.
11. Re-contour the bank within the vicinity of the foreshore toilet block.
12. Resurface the car parks as per the asset management data.
13. Potential redevelopment of the wedding sites with increased facilities.

Based on the identified concept options outlined above it was proposed to prioritise the footpath extension along Braunton street and the car park modifications in the park at the end of Phipps street and allocate funds within future budgets to address other priorities.

Design Services followed the design process, consulting accessibility guidelines and discussing with internal stakeholders in order to develop concept designs.

The Final Concept design included three elements:

1. A footpath linking the existing Braunton street footpath, across to the existing footpath network on the southern side of the park. This allowed for compliance with gradient guidelines without meandering extensively into the park and installing retaining walls or steps.
2. A footpath connecting the existing footpath network with the northern BBQ area.
3. Modifications to the formal car park at Phipps street, to allow for an extra 15 bays.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)**

The City sent out 180 letters with the final concept plan, a comment form and reply paid envelope to residences between approximately 200m to 250m radius from the park and received a total of 77 responses which is a 42% response rate.

These concept proposals are shown on the
[3400 Bicton Quarantine Park, Consultation Plan](#)
[3400 Letter to Residents Bicton Concept Plan](#)

Of the responders 40% are in favour of the proposed works and 56% are against, with the remaining 4% only providing comments. A summary of all the comments received from the resident survey are contained under confidential attachment

However in essence the primary concerns include:

1. The installation of a footpath, across the park to the BBQ area, “cutting it in half and restricting the area which is utilise for ball sports”
2. The lack of a direct route for the proposed footpath link down Braunton Street, “that would not be used”.
3. The provision of additional car parking “would be to the detriment of the residents and the park itself”.

Details of these elements are detailed below:

The Central Path

The Central Path was not desired by the majority of the responders.

It was envisaged that the path would increase access to the northern Wedding Site and BBQ area, encouraging people to park in the formal car park at Phipps Street. Officers acknowledge the dissecting nature of the path on the open green space at this location; although the final location of the path could be adjusted to limit its impact.

The Eastern Footpath Link

This link would provide a safe alternative to the current practice of traversing Braunton Street. The original request by a local resident was to install a path directly along the edge of Braunton Street. Unfortunately the nature of the slope does not allow for the standard alignment for a road side footpath installation, due to the steep topography of the site. To allow for a safe traversing grade the path would be required to meander significantly into the park, affecting both the amenity of the park and practicality of the path itself.

As an alternative the City proposed to install a path connecting Braunton Street to the existing path network along the eastern/top edge of the park linking with Brindal Close. This would provide a safe path alignment for those who required it, without imposing on the green nature of the park itself. Consideration would be given to the final location and potential additional planting to minimise the affect on the residents adjacent to this path.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)**

This path would facilitate access to the remainder of the existing path network within Bicton Quarantine Park and also provide the linkage to the river foreshore path network. The eastern path, whilst supported by more respondents to the survey than the central path option, was still not desired by the majority of respondents.

Car Park Modifications

Additional formal car parking at Bicton Quarantine has been requested on an ongoing basis. Residents responded through the previous consultation in 2006 with requests for vehicle restrictions to the park and additional car parking. Officers have also noted the lack of formal car bays on the weekend and for events on the site.

The modification to the Phipps Street car park was felt to be more cost effective for and less invasive to the park, utilising the existing car park envelope to provide an additional 15 bays. Detail design would ensure access is still provided to the rear of 9a Phipps Street and 14 Durdham Street, the retention of all healthy large trees, whilst increasing the capacity and accessibility of this premier park.

There was more support for the modification of the car park, with a 46% of responders supportive.

Additional Items requested through the consultation process

From the consultation the following additional facilities/enhancements were identified by respondents including, but not limited to:

- Additional lighting
- Bollards along Braunton Street to provide informal parking and stop vehicles traversing the park
- Upgrade of the toilets
- Fixed Exercise equipment
- Modification of Phipps Street – widening to allow safer two way traffic flow

PUBLIC CONSULTATION/COMMUNICATION

The level of communication in accordance with the Stakeholder Relationships Policy CP-002 in relation to this item is to “consult” the community. The concepts involved an extension/modification of existing infrastructure and local residents were consulted through a letter survey response process.

A plan indicating the locations and detail of the response received will be circulated under confidential cover.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation was undertaken with any external agencies/consultants to date.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

All works would be designed and constructed in accordance with all relevant Australian Standards.

FINANCIAL IMPLICATIONS

The amount of \$75,000 has been allocated within the 2012/2013 Capital Works Program to add additional facilities/infrastructure to this park, with some funds already expended to allow for preliminary design and consultation.

It is acknowledged that these funds will not be expended in the current financial year, but will need to be carried forward until 2013/2014 to complete any capital works required.

No additional funds are perceived as required within the annual operational budgets for these works, although the asset will need to be incorporated into the asset register for future renewal/replacement as required.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|---|---|---|
| Risk of increased ongoing maintenance expenses due to proposed changes in layout, structures and use of the park or facility. | Minor consequences which are almost certain, resulting in a High level of risk | Review use of materials and design plans such that more durable and lower maintenance materials are used. Designate park or facility for only certain uses. |
| Installation of facilities not desired by the community, after consultation. | Moderate consequences which are likely, resulting in a High level of risk | Respond to the consultation responses in a professional and positive manner explaining the reason behind the decision.. |

POLICY IMPLICATIONS

There are no policy implications associated with this report.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

There are several options, each with positive and negative implications:

1. The City could do all the works indicated on the plan, both footpaths and the car park modifications. This would be contrary to majority of the responses received through the consultation.
2. The City could do some of the works i.e. the car park modifications only. This would complete a key component of the project by creating an additional 15 bays within the current envelope of the existing car park without installing any new footpaths. There could still be some dissatisfaction; the responders were only 46% in favour of these works.
3. The City could not do any works in Bicton Quarantine Park. The current available funds could be reallocated to a different project or placed in Public Open Space Reserve against future development requirements. This option would fail to address any of the current issues within the park.
4. The City could do other works identified through the recent consultation or by officers as previously identified. This could include bollards along Braunton Street and/or renewal/replacement of the irrigation water tank.

CONCLUSION

After receiving requests for a footpath down Braunton Street and the improvement of car parking at Bicton Quarantine Park, Design Services allocated funds within the 2012/2013 Capital Works Budget to investigate, design and renew/replace/construct facilities to enhance one of the City of Melville's premier parks.

A concept design was completed, including the installation of two footpaths, one linking the northern BBQ area and the other linking the east end of Braunton Street into the existing footpath network, and an extension to the existing car park at the end of Phipps Street.

As per the Design process, the concept was forwarded to the surrounding residents for review and comment before detail design was to commence.

The response rate was 42% of which 56% of responders were not in favour of the installation of either footpath and 46% in favour of the modification of the car park at the end of Phipps Street.

If both of the footpath concepts put forward in the consultation were to be not proceeded with at this time and a path along the southern verge of Braunton Street was to be constructed in their place as per the original resident request, it is felt that due to the topography of the area and the intrusive nature of this alternate path on the park, that this would also be met with resident opposition.

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)**

Any additional path regardless of its location is likely to be opposed by surrounding residents at this time and a preference would be that other works identified through the master planning process be further developed for this project.

The car parking modifications are modest works and they would not impact to any extent on Quarantine Park. They can be accomplished within the overall envelope of the existing parking area by formalising adjoining areas that are used to park cars during period of peak parking demand. Whilst this work is also opposed by residents, a modest increase of 15 bays in an area that experiences demonstrated periods of parking shortfalls is considered worthwhile and would generally be of benefit to park users.

The Council will also need to acknowledge that funds from these deferred works would not be expended in the 2012/2013 financial year and will need to be carried forward to the 2013/2014 budget year.

OFFICER RECOMMENDATION (3400)**APPROVAL**

At 7.11pm Cr Robartson moved, seconded Cr Reynolds -

1. **That the central path through Bicton Quarantine Park to the northern BBQ area and the eastern footpath linkage from Braunton Street to Brindal Close and Phipps Street not be installed at this time.**
2. **That the car park modifications on the Phipps Street side of Bicton Quarantine Park providing an additional 15 bays be approved.**
3. **That other master plan works identified and suggestions made through the consultation and by officers continue to be investigated and prioritised for completion through the 2013/2014 capital works program and that the unexpended 2012/2013 budget funds for this purpose be carried forward to the 2013/2014 year.**
4. **That respondents to the recent concept design consultation be informed of the Council's decision.**

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)**Amendment

At 7.11pm Cr Barton moved, seconded Cr Taylor-Rees –

That Point 2 of the Officer's Recommendation be deleted and

That Point 3 of the Officer's Recommendation be renumbered as Point 2 and be amended to read as follows:

- 2. That other master plan works identified and suggestions made through the consultation and by officers, continue to be investigated and prioritised for completion through the 2013/2014 capital works program and that the unexpended 2012/2013 budget funds (less the capital construction costs of providing 15 additional car parking bays) be carried forward to the 2013/2014 financial year.***

That Point 4 of the Officer Recommendation be renumbered as Point 3.

At 7.14pm Cr Nicholson left the meeting and returned at 7.16pm.

At 7.23pm the Deputy Mayor submitted the amendment, which was declared

CARRIED (6/5)

Cr Nicholson requested that the votes be recorded –

For: Cr Barton, Cr Hill, Cr Nicholson, Cr Pazolli, Cr Willis, Cr Taylor-Rees.

Against: Deputy Mayor D Macphail, Cr Foxtton, Cr Reidy, Cr Reynolds, Cr Robartson.

Reasons for Amendment

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

The justification for deleting Recommendation 2 is that:

- Cr Barton received expressions of concern from both users of the park and nearby residents who have seen this recommendation on the City of Melville website
- there is adequate parking in the vicinity - many of the existing bays are unused most of the time
- the Park, which has a limited size, should not be intruded on by further infrastructure

**T13/3400 – BICTON QUARANTINE PARK FOOTPATH AND CARPARK MODIFICATION
(REC) (CONFIDENTIAL ATTACHMENT)****COUNCIL RESOLUTION (3400)****APPROVAL**

At 7.25pm the Deputy Mayor submitted the substantive motion as amended –

1. **That the central path through Bicton Quarantine Park to the northern BBQ area and the eastern footpath linkage from Braunton Street to Brindal Close and Phipps Street not be installed at this time.**
2. ***That other master plan works identified and suggestions made through the consultation and by officers, continue to be investigated and prioritised for completion through the 2013/2014 capital works program and that the unexpended 2012/2013 budget funds (less the capital construction costs of providing 15 additional car parking bays) be carried forward to the 2013/2014 financial year.***
3. **That respondents to the recent concept design consultation be informed of the Council's decision.**

At 7.25pm the Deputy Mayor declared the motion

CARRIED (11/0)

T13/3401 – ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC) (CONFIDENTIAL ATTACHMENT)

Disclosure of Interest

| | |
|----------------------------|---|
| Item No. | T13/3401 |
| Member | Cr N Pazolli |
| Type of Interest | Interest under the Code of Conduct |
| Nature of Interest | Cr Pazolli's residence is 350 metres distance from Rookwood Street |
| Request | Stay, Discuss & Vote |
| Decision of Council | Not Required |
| Ward | : Applecross/Mt Pleasant |
| Category | : Operational |
| Subject Index | : Traffic Treatments/Management |
| Customer Index | : Engineering Design |
| Street Index | Rookwood Street |
| 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 | : 2012/13 Capital Works Program |
| Funding | : \$15,000 (\$10,000 Grant) |
| Responsible Officer | : John Cameron Executive Engineer Design |

AUTHORITY / DISCRETION

DEFINITION

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

**T13/3401 - ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- From 2010 a number of residents from Rookwood Street have expressed concern at the level of anti-social activities in the street resulting in burnouts and safety concerns.
- The City has repeatedly contacted Police to carry out patrols and enforcement activity in this section of Rookwood Street.
- The City applied for Main Roads Grant Funding, and was successful, for the installation of three rubber speed cushions in Rookwood Street.
- The results of community consultation carried out in relation to the proposed installation were evenly divided, with a marginal preference against the installation of the speed cushions.
- From a technical perspective, there are concerns that traffic calming measures such as speed cushions would displace traffic away from Rookwood Street and onto the adjoining road networks. There is also no guarantee that hooning in the street would be halted by these devices.

BACKGROUND

Since 2010 Rookwood Street residents had reported hoon behaviour in their street with vehicles doing “burnouts” on the steep section of Rookwood Street off The Esplanade.

Over the intervening period, this antisocial behaviour has been reported to Police by the residents and the City of Melville.

The City’s contact with Police has included letters, emails, phone calls and face-to-face representation.

Unfortunately to this time, hoon activity has continued and several residents had become angry and very frustrated at the lack of progress in stopping these behaviours. The burnout activity was particularly distressing to these residents with the noise and smell of rubber permeating their residences and also impacted on the amenity of the street from the unsightly drag strips left on the road outside their homes.

Residents had reported that the hoon activity occurred at random times in early evening and late evening and at no particular day of the week, although it was thought to be more prevalent on popular social and “drinking” nights.

The City’s position on this issue has been that these anti-social behaviours fall within the jurisdiction of WA Police and their enforcement functions.

However, as the hoon behaviour has remained unabated, residents called on the City to carry out some form of works in the street in an effort to curtail these activities.

**T13/3401 - ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC)
(CONFIDENTIAL ATTACHMENT)**

Some treatments suggested by residents included:-

- Cul-de-sac of Rookwood Street at The Esplanade.
- Cul-de-sac/partial closure of Rookwood Street at View Road.
- Intersection treatment at the Rookwood Street and The Esplanade intersection to allow left in and left out traffic from/to Rookwood Street.
- Extension of The Esplanade median island to prevent the right hand turning movement from The Esplanade into Rookwood Street.
- Installation of rumble strips or speed plateau to reduce vehicle speeds.

Generally the use of these treatments was not supported by the City's technical staff on the basis that the intersection of The Esplanade and Rookwood Street was constrained due to the topography and proximity to the river, which did not provide sufficient room for those modifications, and that any form of cul-de-sac would force traffic onto alternate routes.

The City was also of the opinion that these engineering solutions would not necessarily address the burnout problem, and more importantly that the issue was one for the Police to address.

Following continued resident representation to the City, correspondence was sent to Main Roads WA to ascertain whether there were still grant funds available for the State Government's Anti-Hoon Speed Hump Program. This was the same grant funding source that was used by the City to install rubber speed cushions in Dunkley Avenue and Melville Beach Road in Applecross.

As grant funding was still available, the City applied for and received a grant for \$10,000 to install three rubber speed cushions in Rookwood Street, Mount Pleasant. The total cost of the works was estimated at \$15,000.

On 21 January 2013 a letter was sent to approximately 207 residents advising that the speed cushions would be installed in Rookwood Street.

Emails and letters of objection were subsequently received objecting to the installation of the speed cushions. Only one telephone call was received in support.

Resident objection was focused on:-

- Re-direction of traffic from Rookwood Street to Helm Street, View Road and Baldivis Avenue.
- Difficulties in negotiating a steep hill with speed humps on it.
- That the installations would not necessarily address the particular hoon issue.

Based on the nature and level of resident objection to the proposed speed cushion installation, it was felt that the City's "advice" letter to residents would not necessarily draw positive comments from residents in support of the installation and as such a "consultative" letter would be sent out seeking their feedback.

The consultative letter was sent out on 11 March 2013 to 427 residents within an approximate 400 metre radius of the Rookwood Street.

**T13/3401 - ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC)
(CONFIDENTIAL ATTACHMENT)**

[3401 Consultation Letter](#)
[3401 Consultation Map](#)

The summary of responses received and a plan indicating the location and detail of the responses received will be circulated under confidential cover.

DETAIL

The first 100 metres of Rookwood Street west of The Esplanade has a very steep incline (12% grade) and has become a favoured section of road for burnout activity.

The following table illustrates the traffic volumes and speed traffic using Rookwood Street.

| LOCATION | Traffic Volumes | Mean Speed | 85 TH Percentile Speed | Percentage speeds in excess of 70 km/h |
|--|-----------------|------------|-----------------------------------|--|
| Rookwood St – 70m west of The Esplanade (2012) | 468vpd | 34km/h | 42km/h | 2.2% |
| Rookwood St – 70m west of The Esplanade (2009) | 484vpd | 36km/h | 43km/h | 2.7% |
| Rookwood St – 40m east of Sleat Rd (2009) | 452vpd | 37km/h | 45km/h | 3.2% |

Generally traffic volumes are low and 85th percentile speeds are well within the speed limit of 50 km/h. These figures do not represent the degree of hoon activity in the street. Although in the location of the proposed speed cushion installation, the percentage of speeds above 70 km/h indicates 2.2% of this speeding traffic. (2012 count.)

The attached photograph indicates the severity of the burnout problem in Rookwood Street.

[3401 Burnout Severity Rookwood Street.](#)

The results of the consultation on whether or not the speed cushions should be installed are relatively evenly divided.

Of the 144 respondents, 68 agreed with the proposal to install speed cushions in Rookwood Street, while 72 respondents disagreed with the proposal. Four respondents did not indicate either way.

**T13/3401 - ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC)
(CONFIDENTIAL ATTACHMENT)**

The principal objections to the installation raise issues such as noise, the steepness of the street and the added hazard that the cushions would encourage hoons, diversion of traffic and discomfort to users.

Those in agreement to the installation indicated comments such as slowing the traffic, noise from hoons, current safety concerns and suggested installation in adjoining streets.

PUBLIC CONSULTATION/COMMUNICATION

The level of communication in accordance with the Stakeholder Relationships Policy CP-002 in relation to this item is to “consult” the community.

The concept involves the installation of traffic management devices within a public roadway to deter anti-social behaviour. Local residents were consulted through a letter survey response process.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Main Roads WA have approved the installation of the speed cushions.

STATUTORY AND LEGAL IMPLICATIONS

Main Roads WA are the Statutory Agency responsible for the approval of road traffic signs and road line marking and the location and configuration of the speed cushion installation. The installations are compliant with relevant standards.

FINANCIAL IMPLICATIONS

The total cost of the works is estimated at \$15,000. Grant Funding of \$10,000 has been approved by Main Roads WA. The City’s contribution of \$5,000 would be funded from the Traffic Management Minor Works account.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATION

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|--|---|--|
| Risk of not complying with relevant design standards to proposed works for layout, structures and use within the road reserve. | Minor consequences which are almost certain, resulting in a High level of risk | Design and installation to be fully compliant with all relevant standards and be approved by Main Roads WA. |
| Installation of facilities not desired by the community after consultation. | Moderate consequences which are likely resulting in a High level of risk. | Respond to the consultation responses in a professional and positive manner explaining the reason behind the decision. |

**T13/3401 - ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC)
(CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

There is no Council Policy that specifically relates to the installation of traffic management devices within the road reserve. System Procedures are in place in relation to the Design Process.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Options in relation to this issue are summarised as:-

1. Install engineering works or carry out other capital works in Rookwood Street to reduce or remove through traffic from the street and make the street less accessible for hoon behaviour:

This option would relocate traffic onto adjoining streets and would not necessarily address the hoon issue. This option could also create a precedent and community expectation in other similar situations.

2. Not carry out any capital works to directly impact hoon behaviour and continue to request increased Police enforcement including the use of video technology.

This is the favoured option as it places the responsibility for enforcement on the Police who have jurisdiction on these matters.

3. Similar to the psychology relating to the immediate removal of graffiti, the removal of the accumulation of tyre rubber would take away the “trophy” of the anti-social behaviour.

The City has already implemented cleaning of the road surface which does not significantly erode or degrade the road surface. This has resulted in removal of all evidence of tyre marks. However subsequently, continued hooning has resulted in further tyre marks. This methodology could be carried out at infrequent intervals to at least limit the loss of amenity due to the aesthetics of the street.

CONCLUSION

There is significant sustained evidence that there is an anti-social element that has focused on the steep section of Rookwood Street as an area to do burnouts.

Rookwood Street is not the only area that is susceptible to this type of behaviour and there are many examples across the City that demonstrates this. However Rookwood Street would be the worst example.

Although the resident opinion is relatively evenly divided, from the technical perspective, the use of engineering solutions such as changes to the road network or the installation of speed cushions is not supported. These changes, if implemented, would redirect traffic into adjoining streets and would not necessarily address the particular hoon and burnout problem.

**T13/3401 - ROOKWOOD STREET MOUNT PLEASANT – PROPOSAL TO INSTALL TRAFFIC CALMING SPEED CUSHIONS TO ADDRESS HOON BEHAVIOUR (REC)
(CONFIDENTIAL ATTACHMENT)**

Whilst the City has empathy for the directly impacted residents who have to deal regularly with the burnout problem, the loss of amenity and safety concerns, it is extremely disappointing that the WA Police have not provided any feedback, positive reinforcement on demonstrated activity to the City or the affected residents on this issue.

The City appreciates that these types of offences are difficult for the Police to deal with as they tend to be sporadic in nature. However there is technology available to the Police such as covert video surveillance and more intensive enforcement, which could be employed.

The use of Police video surveillance has been requested by the City on a number of occasions.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3401)**APPROVAL**

At 7.27pm Cr Pazolli moved, seconded Cr Reidy -

1. **That the installation of rubber speed cushions in Rookwood Street, Mount Pleasant not proceed at this time due to the likely impact of transferring unwanted traffic volume onto adjoining streets and that the speed cushions would not entirely prevent anti-social activity in the street.**
2. **That Main Roads WA be advised that the City of Melville will not proceed with anti-hoon speed cushions in Rookwood Street and would not be claiming the \$10,000 grant offered to the City.**
3. **That the Chief Executive Officer write to the Minister for Police and Local Member of Parliament detailing the past history of hoon behaviour on Rookwood Street and a request for the WA Police to commit resources and surveillance to address the extensive hoon activity in the street.**
4. **That the City carry out further road cleaning works to remove the current accumulation of tyre rubber from the roadway of Rookwood Street.**
5. **That the residents surveyed be informed of points 1-4 above in writing.**

At 7.33pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

At 7.34pm the meeting reverted to the normal order of the Agenda.

The Presiding Member advised Elected Members that when dealing with the following Reports they act in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require the decision making process be conducted in a Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice and requires the application of the relevant facts to the appropriate statutory regime.

At 7.34 Cr Pazolli, having declared an Interest in this item, left the meeting.

**P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING
AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)**

Disclosure of Interest

| | |
|---------------------|--|
| Item No. | P13/3396 |
| Member | Cr N Pazolli |
| Type of Interest | Financial Interest under the Act |
| Nature of Interest | On Alchera Board that owns property adjacent to the subject property |
| Request | Leave |
| Decision of Council | Not Required |

| | |
|----------------------------|---|
| Ward | : Palmyra/Melville/Willagee |
| Category | : Operational |
| Application Number | : DA-2013-268 |
| Property | : Lot 30 (88) Archibald Street Willagee |
| Proposal | : Two Storey Additions to the Existing Building |
| Applicant | : J and J Cooke |
| Owner | : JC Nominees |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : None applicable |
| Responsible Officer | : Peter Prendergast Manager Statutory Planning |

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (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 & policies.</i> |
| <input type="checkbox"/> | Review | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

KEY ISSUES / SUMMARY

- Planning approval is sought to provide a second storey addition to the existing shop at Lot 30 (88) Archibald Street in Willagee. The ground floor of the premises, including front of shop sales and preparation and storage areas, will be remodelled. The upper floor will essentially be used as ancillary storage space.
- The subject lot is located within the Willagee Neighbourhood Centre zone. This centre includes a small supermarket, post office, liquor store, chemist, butcher and deli.
- The proposal satisfies all the relevant provisions of Community Planning Scheme No. 5 (CPS5) and applicable Council Policies with the exception of plot ratio, car parking and landscaping.
- The application was advertised in accordance with Clause 7.5 of CPS5. Two submissions have been received, both in support of the proposal.
- The application has been considered by the City's Architectural and Urban Design Advisory Panel who are generally in support of the proposal, however have provided some suggestions relating to minor elements of the proposed design.
- The approval of this application requires a Special Majority decision of the Council relating to the plot ratio, whilst an Absolute Majority decision of the Council is required relative to the car parking and landscaping variations.
- The application is recommended for approval subject to conditions.

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)



BACKGROUND

Scheme Provisions

| | | |
|--------------|---|-----------------------------------|
| MRS Zoning | : | Urban |
| CPS 5 Zoning | : | Community Centre |
| R-Code | : | Not Applicable |
| Use Type | : | Shop |
| Use Class | : | Shop (existing) – 'P' - permitted |

Site Details

| | | |
|--------------------------------------|---|-------------------|
| Lot Area | : | 134sqm |
| Street Tree(s) | : | None Applicable |
| Street Furniture (drainage pits etc) | : | None Applicable |
| Site Details | : | Refer photo above |

[3396 88 Archibald St Willagee Shop Floor Plan And Site Plan](#)

**P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING
AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)**

DETAIL

The proposal satisfies all of the applicable CPS5 and Council Policy provisions with the exception of those matters outlined below:

CPS5 and Policy Requirements

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation |
|--------------------------------|---|--|---|--|
| Plot Ratio | 0.3 (40.2sqm) | 1.54 (205.8sqm) | Requires assessment against amenity provisions of Clause 7.8 of CPS5. | Special Majority decision of Council |
| Landscaping | 10% of site (there is no landscaping at present) | 0% of site | Requires assessment against amenity provisions of Clause 7.8 of CPS5. | Absolute Majority decision of Council |
| Car Parking | 10 bays | No dedicated provision (the collective use of 90 communal car parking bays is available within the Neighbourhood Centre) | Requires assessment against the amenity provisions of Clause 7.8 of CPS5. | Absolute Majority decision of Council |

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with Clause 7.5 of CPS5
 Support/Object: Support

| Submission Number | Summary of Submission | Support/Objection | Officer's Comment | Action (Uphold / Not Uphold) |
|-------------------|---|-------------------|-------------------|------------------------------|
| 1. | Support for the proposed refurbishment. | Support | Noted. | Uphold |
| 2 | No objection to the proposed refurbishment provided all shops in the shopping strip are permitted to add a second storey. | Support | Noted. | Uphold |

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Architectural and Urban Design Advisory Panel

The application was considered by the City's Architectural and Urban Design Advisory Panel on 30 April 2013 who were generally supportive of the proposal. The Panel however provided the following suggestions in order to improve the design:

| Panel Comment | Applicant's Response | Officer Comment |
|---|---|--|
| The windows on the upper floor could be increased in size and number to improve passive surveillance. | An additional window can be added to the rear of the second storey. | The Applicant has agreed to this being included as a recommended condition of approval. |
| Consideration should be given to an alternative material such as steel for the upper level or the existing mural could be designed to extend on to the upper floor level to add further interest. | The intention is to use rendered panelling to frame the existing mural. | The retention of the existing mural along the western façade is considered to provide adequate interest along the adjoining laneway. |

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)

| | | |
|--|-----------------------|---|
| Lighting should be introduced to complement the development. | No response provided. | A condition of approval is recommended to include lighting of the adjacent laneway as part of the proposal. |
|--|-----------------------|---|

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for Council to consider as part of this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are not considered to be any risk or environmental management implications associated with this application.

During 2012 the City initiated preparation of the Willagee Structure Plan. This strategic urban planning project is part funded by Federal Liveable Communities funding. In the context of this project the City has recognised that the Archibald Street centre is in need of redevelopment. Part of the work being undertaken in relation to the Structure Plan involves recommendations for the redevelopment and rejuvenation of the Archibald Street centre. To ensure delivery of specific recommendations for the built form of the centre, the City has recently expanded the brief for the Willagee Structure Plan to include the preparation of a Masterplan that is specific to the Archibald Street hub. The Masterplan will serve to inform the rejuvenation of the hub, encouraging new built form outcomes which will support community and economic prosperity.

It would be premature to conclude with certainty at this stage that the two storey addition to the subject property is fully consistent with the proposed Masterplan, as the Masterplan process is yet to conclude. However, it is very likely that a two or more storey building will be representative of the built form advocated by the Masterplan, once it is completed. Irrespective, the existing development parameters applicable to development on this lot and in this centre, do allow for a building of the height proposed, and to that end, the proposed development is considered to be acceptable in principle.

In addition to the Structure and Master Planning process, and in view of increased investment interest and growing development pressures, particularly within its Activity Centres, the City is currently engaged in a review of the major parking issues and strategies that face it.

**P13/3396 TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING
AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)**

Consultants have been appointed, and a Draft “Activity Centre Parking Management and Strategy” has been prepared. It is likely that the conclusion reached in respect of this work is that the approach to car parking provision within the City will change both in terms of levels of provision (supply) and how that provision is managed.

The application does not result in a significant change to the car parking requirement, given that the premises already has retail use rights and has operated as such as an intrinsic element of the Archibald Street neighbourhood centre for many years. As such the outcome of the work currently being undertaken is unlikely to be compromised by the development in question. It is however considered prudent that the matter be raised in the context of the current application.

POLICY IMPLICATIONS

The proposal has been assessed against the relevant Council policies, including the City’s draft Non-Residential Development policy and Council Policy CP-065: Crime Prevention Through Environmental Design (CPTED).

Two conditions of approval are recommended to satisfy the requirements of the City’s CPTED policy, one to require the installation of a window into the rear elevation of the building and the other to require the installation of lighting over the adjacent laneway.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application requires a Special Majority decision of the Council with respect to the proposed plot ratio variation, and an Absolute Majority decision in respect of the landscaping and car parking variations.

Council could refuse the application on the basis that the proposal does not satisfy the CPS5 requirements and is contrary to the orderly and proper planning of the locality. This course of action is not recommended, for reasons outlined in the comments section below.

Should the application be refused, the Applicant will have a right of appeal to the State Administrative Tribunal.

COMMENTS

The subject business (commercially identified as Jaylea’s Patisserie & Lunch Bar) currently operates out of 76 Archibald Street (six tenancies to the east of the subject site), however now plans to move into 88 Archibald Street.

The subject lot forms part of the wider Willagee Neighbourhood Centre which includes numerous uses including a supermarket, post office, liquor store, chemist, butcher, restaurants and a deli. The City of Melville’s Willagee Community Centre and Library are located directly to the north and west respectively.

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)

There is approximately 90 public car parking bays located within the Archibald Street road reserve to the south of the subject site.

The proposal satisfies all of the applicable CPS5 and Council Policy provisions with the exception of plot ratio, car parking and landscaping. These matters are addressed below.

Plot Ratio

As outlined above, a plot ratio of 1.54 is proposed in lieu of the CPS5 requirement of 0.3. The proposed increased plot ratio is supported for the following reasons:

- The subject lot is 134sqm in area. A plot ratio of 0.3, would only allow for 40.2sqm of building. This standard is not considered to be reasonable in order to promote the rejuvenation of the area or redevelopment of individual properties within the hub.
- It is noted that the existing building on the subject site already exceeds the CPS5 plot ratio with a plot ratio of 0.6.
- From a review of the existing developments within the immediate locality, specifically 72 to 86 Archibald Street which share similar site characteristics to the subject site, it is evident that the CPS5 plot ratio has previously been varied for all of these sites
- The proposal represents an opportunity to improve the Willagee neighbourhood centre which is currently in a state of decline. The proposal will improve the area with respect to built form as well as economic viability
- The proposal will deliver an improved built form outcome through removing the existing roller shutters and providing a more open façade. The two storey design will also assist in defining the south-western entrance to the neighbourhood centre.
- The proposal will also provide a more active use at the ground floor level which will increase the vibrancy of the shopping strip.
- Through increasing the openings along the northern and western facades, passive surveillance of the adjacent laneway and public spaces will also be increased.
- The proposal incorporates an existing mural along the western elevation and the incorporation of additional openings and a balcony on the upper floor, all of which assist in ameliorating the impacts of building bulk.
- At the request of the City, the Applicant has agreed to provide a public toilet to the rear of the building which will be available for both staff and patrons of not only the subject site but also other businesses within the neighbourhood centre. This facility is considered to be of public benefit.
- The proposal satisfies the CPS5 requirements relating to building height and setbacks.

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)*Parking*

The subject site currently contains no on-site car parking bays, there being reliance placed by users of the Centre, on the car parking facilities that are located within the road reserve to the front and rear of the parade of shops.

The premises has been trading as a shop for a number of years. As there is no change of use proposed, the status quo in respect of car parking remains. The additional floorspace created on the upper floor is treated as ancillary storage space for the shop use, which in itself does not result in any additional car parking requirements above and beyond the existing requirement. Nonetheless, no off street dedicated car parking exists for the subject premises, hence the need for an Absolute Majority decision of Council to endorse the ongoing variation.

Landscaping

CPS5 requires 10% of the subject site to be landscaped. The subject site currently does not contain any on-site landscaping, therefore there is an existing landscaping shortfall on the site.

With regard to landscaping, the City's draft Non-Residential Development policy states:

7.2 It is acknowledged that in some instances, such as strip shopping areas and the like, that the provision of on-site landscaping is not practical. In these instances, contributions to planting or other infrastructure within the verge to increase the amenity of the streetscape will be considered in lieu of the requirements prescribed by Community Planning Scheme No. 5.

The subject site is located within a strip shopping area characterised by with a hard-edge built form, with buildings designed to be built up to the edge of the lot boundary, hard up against the adjoining footpath. In this way there is no space for at-grade landscaping.

In view of this, and given the encouragement of Council Policy for developers to contribute to planting within verge areas, it is recommended that a condition of planning approval be imposed to require the planting of one street tree within the verge area to the Archibald Street frontage. In addition, it is recommended that it be made a condition of planning approval that the applicant be required to provide planter boxes to be sited to the front of the premises.

Public Art

Whilst there is no requirement for the provision of Public Art in this case, it is noted that the Applicant has committed to extending the length of an existing wall mural located to the west side elevation of the existing building. This mural was originally procured via tender by the City and is recognised as being of community benefit. Its retention and addition is therefore to be welcomed.

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)*Amenity*

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5 and Council Policy CP-067: Amenity. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is considered that the proposed development will deliver a positive built form outcome for the City. It will assist with the broader objectives of economic and community regeneration, and can be accommodated without prejudice to visual or neighbourhood amenity. Conditional planning approval is therefore recommended.

OFFICER RECOMMENDATION (3396)**SPECIAL MAJORITY APPROVAL**

At 7.34pm Cr Hill moved, seconded Cr Robartson –

That the application for a two storey additions and alterations to the existing building at Lot 30 (88) Archibald Street, Willagee be approved subject to the following conditions:

1. All stormwater generated on site is to be retained on site.
2. Prior to the commencement of the development, amended plans are to be submitted detailing the following:
 - (a) Provision of a refuse storage area which:
 - (i) is provided with a tap and connected to an adequate supply of water;
 - (ii) is of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager Statutory Planning;
 - (iii) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the approved by the Manager Statutory Planning;
 - (iv) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
 - (v) containing a smooth and impervious floor -
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
 - (vi) which is easily accessible to allow for the removal of the receptacles.
 - (vii) the refuse storage area is to incorporate a recycling facility or at least to be provided with a recycling receptacle of a sufficient size to contain the recyclable materials from the premises.
 - (viii) the refuse storage area is to be screened from public view.

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)

(b) The incorporation of an additional major opening/s along the northern facade.

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

3. Prior to the initial occupation of the development, a street tree shall be planted within the road reserve adjacent to the subject property in accordance with the provisions of Council Policy CP-029 "Street Tree Policy". All costs associated with this planting are to be borne by the applicant.
4. Prior to the initial occupation of the development, security or flood lighting is to be installed to illuminate the adjacent laneways to the north and west of the site to the satisfaction of the Manager Statutory Planning.
5. 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.
6. The public toilet shall be available for use by the general public throughout all general trading periods.
7. Prior to the commencement of development, a scheme for the provision of planter boxes, to be sited and maintained to the front of the premises, shall be submitted to the City for the approval of the Manager Statutory Planning. The approved scheme for the planter box provision shall be implemented prior to the initial occupation of the premises, and shall thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.

ADVICE NOTES:

1. This development constitutes a "Food Business" as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards. For further information please contact the City's Health Services.
2. In respect of Condition 3 above, the applicant is advised to establish contact with the Parks and Environment Team at the City, for advice in respect of payment and scheduling of works.

Amendment

At 7.35pm Cr Hill moved, seconded Cr Robartson –

That Condition 6 of the Officer Recommendation be deleted and the conditions following be renumbered accordingly.

At 7.35pm the Deputy Mayor submitted the amendment, which was declared

CARRIED (10/0)

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)Reasons for Amendment

An external consultant on behalf of the Community Engagement Division of the WA Police assessed the safety of the proposed public toilet and provided the City with a list of recommendations on how to make the proposed public toilet as safe as possible.

These recommendations were subsequently discussed with the Applicant, who due to their associated implementation costs, has decided to withdraw the proposal for the toilet to be available to the public. The proposed toilet will now be available for only staff and patrons of the premises.

As there is no requirement under the provisions of Community Planning Scheme No.5 and Council Policy to provide a public toilet, it is now recommended that Condition 6 of the Officer Recommendation be deleted. Condition 6 currently states:

- 6 *The public toilet shall be available for use by the general public throughout all general trading periods.*

COUNCIL RESOLUTION (3396)**SPECIAL MAJORITY APPROVAL**

At 7.35pm Cr Hill moved, seconded Cr Robartson -

That the application for a two storey additions and alterations to the existing building at Lot 30 (88) Archibald Street, Willagee be approved subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the commencement of the development, amended plans are to be submitted detailing the following:**
 - (a) Provision of a refuse storage area which:**
 - (i) is provided with a tap and connected to an adequate supply of water;**
 - (ii) is of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager Statutory Planning;**
 - (iii) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the approved by the Manager Statutory Planning;**
 - (iv) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;**
 - (v) containing a smooth and impervious floor -**
 - (i) of not less than 75 millimetres in thickness; and**
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and**
 - (vi) which is easily accessible to allow for the removal of the receptacles.**
 - (vii) the refuse storage area is to incorporate a recycling facility or at least to be provided with a recycling receptacle of a sufficient size to contain the recyclable materials from the premises.**
 - (viii) the refuse storage area is to be screened from public view.**

P13/3396 - TWO STOREY ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING AT LOT 30 (88), ARCHIBALD STREET, WILLAGEE (SMREC) (ATTACHMENT)**(b) The incorporation of an additional major opening/s along the northern facade.**

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

3. Prior to the initial occupation of the development, a street tree shall be planted within the road reserve adjacent to the subject property in accordance with the provisions of Council Policy CP-029 "Street Tree Policy". All costs associated with this planting are to be borne by the applicant.
4. Prior to the initial occupation of the development, security or flood lighting is to be installed to illuminate the adjacent laneways to the north and west of the site to the satisfaction of the Manager Statutory Planning.
5. 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.
6. Prior to the commencement of development, a scheme for the provision of planter boxes, to be sited and maintained to the front of the premises, shall be submitted to the City for the approval of the Manager Statutory Planning. The approved scheme for the planter box provision shall be implemented prior to the initial occupation of the premises, and shall thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.

ADVICE NOTES:

1. This development constitutes a "Food Business" as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards. For further information please contact the City's Health Services.
2. In respect of Condition 3 above, the applicant is advised to establish contact with the Parks and Environment Team at the City, for advice in respect of payment and scheduling of works.

At 7.36pm the Deputy Mayor declared the motion

CARRIED BY SPECIAL MAJORITY (10/0)

At 7.47pm Cr Pazolli returned to the meeting.

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

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Palmyra/Melville/Willagee and Bicton/Attadale
 Category : Strategic
 Application Number : Not applicable
 Proposal : Consideration of Master Planning Concept Designs for Initial Public Advertising and Feedback.
 Applicant : City of Melville
 Owner : Various private and public owners within study area.
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Responsible Officer : Gavin Ponton
 Manager, Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Master Planning in the vicinity of the Melville District Centre has been initiated to explore opportunities for the development of the precinct and to supplement and refine initiatives proposed for the area in the review of Community Planning Scheme No. 5 (CPS5).
- The Master Planning project has progressed including completion of background studies and engagement with key landowners and stakeholders.
- Briefing on the progress on the study, including details of draft plans for the precinct, was presented to an Elected Members Information Session (EMIS) on 12 February 2013.
- The next stage of the project involves presenting the draft plans to the community for feedback. Accordingly, endorsement for the project to proceed to this stage is sought.



Diagram 1 - General study area – Stock Road and Canning Highway Master Planning Project

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Master planning for the Melville District Centre Precinct has been commenced to consider opportunities for regeneration of this area and to provide a vision for the manner in which this area might develop. It is intended that the plan will supplement and build upon initiatives identified for the area under the review of CPS5.

The study area for the project adopts the proposed “frame” boundary to the centre as defined in the current draft Planning Scheme.



Diagram 2 – zoning plan - intersection of Canning Highway and Stock Road



Diagram 3 – Study area showing cadastral boundaries

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

The scope of works for the Precinct Plan are defined by the Aims and Objectives;

Aims

- The City seeks the supply of consultancy services to undertake a Master Planning Process.
- The City expects that this Master Planning process will need to be undertaken in an inclusive format, involving the relevant property owners in this precinct.
- In addition, the Consultant will be required to outline the manner in which broader community engagement will take place.
- The City does not have any pre-determined outcomes for this Master Planning process or its outcomes however will provide initial information and through meetings between the consultant and the City of Melville outline the broad concepts and ideas being considered.
- It is anticipated that through the use of an inclusive model for this Master Planning process, the community will help in forming visions, outcomes and new land use models for these properties and development recommendations and will develop an ownership of the outcomes associated with this process.

In order to develop concepts for the study area, the consultant undertook a critical analysis of the precinct so as to prepare a precinct plan to facilitate/guide the future development of the Melville District Centre via the statutory planning framework.

This project is designed so that the consultant will prepare several solutions to issues identified during the critical analysis phase. These design solutions and land use options would then be advertised for public comment following Council endorsement for advertising.

The Precinct Plan was designed so as to take into account;

- The Western Australian Planning Commission's State Planning Policy 4.2 – Activity Centres for Perth and Peel
- Opportunities to optimize development and redevelopment, and
- Reflection of these within statutory provisions.

An internal Project Team was formed to guide the project comprising City officers from;

- Statutory Planning
- Strategic Planning, and
- Community Development

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

In forming the Precinct Plan, key deliverables were identified that were considered to be instrumental in developing a plan that would meet the objectives of the City, the community and the broader objectives of the Western Australian Planning Commission's Statement of Planning Policy.

These deliverables were;

Centre Concept;

- Optimise the success of the centre through and understanding of its role, catchment, any deficiencies and constraints to performance.

Movement

- Examine the potential for main street environments and/or improved interface to Canning Highway
- Public transport integration with development/redevelopment, taking account of interchange facilities
- Maximise access to the centre through walking and cycling, providing viable alternatives to private car trips
- Improvement of pedestrian/cycle network connection with the Centre
- Provision of disabled pedestrian access way with appropriately situated seating/rest and refuge points
- Crime prevention through environmental design (CPTED) and road safety design principles
- Ensure car parking provision is not over provided, meeting regular demand periods and not peak demand provision
- Assess impact of extended trading hours on parking demand and therefore parking provision
- Provision of rights of access across private property to reduce the number of crossovers and hence conflict points

Activity

- Mix of activity types within the Centre
- Stimulate afterhours activity, with emphasis on more retailing between the hours of 9am and 5pm
- Build upon existing diverse range of activity types within the centre and explore opportunities for additional connectivity and legibility between uses
- Examine extent and appropriate level of use permissibility in the Frame
- Review opportunities to increase housing development and intensity within the precinct
- Implications for activity types due to changed trading hours
- Relationship to and connection to other centres, particularly along Canning Highway
- Cultural/recreation hub, opportunities to enhance and bring together community and recreation areas
- Review of existing and proposed land uses under the Scheme to identify opportunities to support the Hub

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)**Urban Form**

- Plan activity centre development around a legible street network and quality open spaces
- Resist internalisation (retail box) development, with emphasis on the encouragement of opportunities for development that presents to and interacts with the public domain
- Examine opportunities to modify car parking areas around the shopping centre
- Integration of community and recreational uses with other parts of the centre
- Explore opportunities to create and enhance public spaces
- Establishment of a visual identity for the centre, form a design guideline for public and private improvement works

Resource Conservation

- Recognition of the role of building efficiency standards through design and construction
- Recognition of waterwise planting, stormwater management and efficiency devices

Implementation

- Collaboration with all key stakeholders through plan formulation process, collaborative meeting, workshops, public agency and private interests
- Ensure balanced representation by interest groups
- Achieve community support through effective marketing and communications with the community
- Opportunities for fair and equitable contributions to public works in association with private development

These deliverables enabled the consultants to conduct extensive on site inspections and analysis, hold discussions with key land owners and stakeholders and to assess the opportunities and constraints identifiable within the precinct.

The findings from this analysis was contained with the “Opportunities and Constraints” report that was provided to the City’s Project Team for comment. A copy of the Opportunities and Constraints Report for this project is provided as a confidential attachment to this report.

Following incorporation of feedback from the Project Team, the consultants then progressed to the design phase of the project.

The following key headings were presented to an Elected Member Information Session held on 12 February 2013 in respect to this project and the proposals provided.

The Centre is very poorly defined

There is nothing to distinguish it from other areas along Canning Highway. The Centre is in critical need of a sense of place, demarcation and a point of difference from the rest of the Highway.

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

The current function of the Centre is as a through route

The needs of cars are prioritised over the needs of public transport users, pedestrians and cyclists both practically and conceptually.

The Centre is poorly integrated

With its key elements poorly connected to each other – north and south of the Highway and to the Melville Reserve.

The Centre Core's street and public environments

Are poor with pathways and edges in particular need of improvement.

The Centre is dominated by retail uses

A greater variety of uses are needed including uses that encourage Centre users to dwell and connect within their environment.

These key findings enabled the consultant to develop concept designs that responded to these issues and to develop concept land use and connection plans that would resolve the issues identified;

Current Public Transport and Walking Node:



P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

Proposed Public Transport and Walking Node:



- LEGEND**
- PROPOSED CYCLE PATH - ON ROAD
 - PROPOSED CYCLE PATH - SEPARATED
 - PRIORITISED CYCLE CROSSING
 - END OF TRIP FACILITIES

Development of a Main Street Environment



Precinct in which Main Street Locations were considered

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

Based on this analysis a series of options and recommendations have been prepared for the study area. These options were presented to Council at the EMIS held 12 February 2013 and are included in the Opportunities and Constraints Report (Confidential Attachment 1). A summary of these findings is also provided as an attachment. It is intended that these details would remain confidential until such time as the plans are released for community engagement.

Community Engagement

As indicated, this project was based on the development of design solutions by the consultant in response to identified challenges and opportunities. These design concepts would then be subject to a community engagement process to seek feedback, improvements, variations and deletions to these concepts, prior to their final presentation to the Council.

The preparation of the draft community engagement process for this project was undertaken between officers of the City (Project Team) and the appointed consultant.

In developing this engagement strategy, it was recognised that the stakeholders within this precinct are varied and range from residents and business owners to members of the community using the recreational and civic facilities to customers of the retail and commercial businesses in the area.

As such, the community engagement process would need to engage all of these different stakeholder groups and provide opportunity for members of the community to consider the proposal and provide feedback to the project.

The proposed community engagement process developed as a result of these discussions is as follows;

- Mail out of information package to all residents, businesses and property owners within catchment
- On line access to all information, designs and information package to enable on line engagement and feedback
- Information evenings/mornings at both the retail centre and the Melville Recreation Centre and Library to enable residents, members of the community and interested persons to seek advice, ask questions and discuss the proposals.
- Static displays of information and displays during period of engagement.

Once this community engagement process has been completed, the results of the feedback received and any recommended changes to the concepts will be presented to the Council for further consideration and endorsement.

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)**Scheme Provisions**

| | | |
|--------------|---|-----------------------------|
| MRS Zoning | : | Varied across precinct area |
| CPS 5 Zoning | : | Varied across precinct area |
| R-Code | : | Not applicable |

Site Details

: The area of land generally contained around the Melville Recreation Centre and the Melville Plaza Shopping Centre.

Precinct is defined as the proposed frame boundary as recommended in the Local Planning Scheme review for this area.

PUBLIC CONSULTATION/COMMUNICATION

| | |
|-------------------------------|---|
| Advertising Required: | Yes |
| Neighbour's Comment Supplied: | Not applicable |
| Reason: | Broad community based consultation to be carried out inclusive of all adjacent owners and interested persons. |

STATUTORY AND LEGAL IMPLICATIONS

At this stage of the Master Planning project, no statutory or legal implications apply to this project. Should the Council endorse a final preferred Master Plan then this plan may recommend amendments to the CPS5 or draft Local Planning Scheme 6 (LPS6).

Some assumptions or options within the concepts indicate possible variations to roads under the control of Main Roads WA or variations to public transport routes and infrastructure as controlled by the Public Transport Authority.

Approval of both (or either) agency will be required if these elements of a final endorsed Master Plan are to be implemented.

FINANCIAL IMPLICATIONS

All costs associated with the Master Planning process thus far completed in respect to this project were provided for within the Councils 2012/2013 annual budget. Funds are also budgeted to progress any amendments to the Local Planning Scheme which may be recommended by the Plan.

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

No provision has been made for further costs associated with this project, its delivery or any further detailed works or investigation at this stage.

Costs associated with the delivery of this project (if endorsed by the Council and supported by the State Government) will be subject to further detailed financial analysis and approval of Council.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|--|----------------------|--|
| The Council does not support any of the Concept Designs provided or the design elements used to influence these designs. | Low | In conjunction with the Council identify any issues that need to be addressed to enable further consideration of Concepts Designs to be made. |
| Community opposition to Concept Designs approved for advertising by the Council | Medium | Ensure engagement methodology provides highest level of detail and all facts to assist in community decision making. |
| Concept design approved for advertising, supported by community and endorsed by the Council as the preferred option cannot be delivered. | High | Commission detailed design work and detailed financial analysis of any preferred Concept Design. Immediate engagement with essential service providers, key agencies (e.g. Main Roads WA, Public Transport Authority and Department of Planning) once detailed design work is complete. Ensure immediate engagement with State Government once the Council has resolved to support an endorsed Concept Design. |

POLICY IMPLICATIONS

Council Policy CP-005 titled Land and Property Retention, Disposal and Acquisition, relates to the acquisition and disposal of property. Whilst no property has been identified for acquisition or disposal as a result of this phase of the Master Planning process, the City of Melville owns several properties within the study area.

P13/3392 - CONCEPT MASTER PLANNING DESIGNS – STOCK ROAD AND CANNING HIGHWAY PRECINCT – APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

In preference to the provided recommendation, the Council may not support any of the Concept Designs as provided or the information as contained with the Opportunities and Constraints report as attached, and as such may not wish to endorse these for further community advertising.

In such a situation, the consultants engaged for this project could be re-engaged to reconsider matters raised by the Council and the resultant Concept as altered could be re-presented for further consideration of the Council.

Alternatively, the Council may not wish to proceed with this project beyond its current status. In such a situation, all current land uses would continue as-is (subject only to any changes that might arise as result of development applications or review of the Local Planning Scheme).

CONCLUSION

The Master Planning process commissioned by the City of Melville for this precinct is as a result of a perceived need to develop a long term vision for this area and for benefit of residents, users and land owners. Work to date has been informed by initial feedback and comments from key stakeholders and landowners within the precinct, with whom initial meetings have been held. The next stage of the project is to implement an engagement plan in order to obtain community input on the designs and concepts prepared to date. The results of the community engagement will then be presented to the Council to enable further review and consideration of the project recommendations. Council support to progress the project in this manner is recommended accordingly.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3392)**APPROVAL**

At 7.48pm Cr Barton moved, seconded Cr Robartson -

That the Council:

- 1. Endorse the progression of the Master Planning project for the Stock Road and Canning Highway Precinct to the community engagement stage.**
- 2. Request that a further report be presented at the conclusion of the community engagement phase to consider submissions received and to review the project concept and designs.**
- 3. Approve the release of the Confidential Attachments to this report at the time of commencement of advertising.**

At 7.50pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)**

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Application Number : DA-2013-346
 Property : Lot 55 on Diagram 91011, Willagee
 Proposal : Closure of the Pedestrian Access Way adjacent to
 24 Webber Street and 2 Truslove Close, Willagee
 Applicant : Algeri Planning and Appeals
 Owner : State of Western Australia
 Disclosure of any Interest : No Officer involved in the preparation of this
 report has a declarable interest in this matter.
 Previous Items : None Applicable
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- An application for the closure of a Pedestrian Access Way (PAW) to the rear of 24 Webber Street, Willagee has been submitted to the City for consideration.
- The PAW is 28.52m in length and only 0.1m in width. Due to its dimensions, the PAW does not in reality perform the function of a PAW; rather, the PAW was created to restrict access from the subject site on to Truslove Close.
- The Applicant seeks the removal of the PAW and conversion of the land into road reserve on the basis that the PAW prejudices the most appropriate form of subdivision of 24 Webber Street which would be to allow frontage to Truslove Close, as opposed to battleaxe configuration on to Webber Street.
- The Western Australian Planning Commission (WAPC) 'Procedure for the Closure of Pedestrian Access Ways' Planning Guidelines prescribes the process for the consideration of applications to close PAWs.
- The proposed application to close the PAW is considered to have merit as there are no apparent amenity or traffic safety implications as a result of vehicular access being provided to the rear of 24 Webber Street.
- It is noted that the PAW also extends along the western boundary of 2 Truslove Close. Although this property is already developed and has access via Truslove Close along its southern boundary, for consistency, this additional portion of PAW will also be considered for closure.
- It is recommended that Council resolve to initiate the proposed closure of the PAW to allow for public consultation and consultation with relevant services authorities.



**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)****BACKGROUND****Scheme Provisions**

| | |
|--------------------|------------------|
| MRS Zoning | : Urban |
| CPS 5 Zoning | : Living Area |
| R-Code | : R20/R25 |
| Use Class | : Not applicable |
| Use Permissibility | : Not applicable |

Site Details

| | |
|--------------------------------------|-------------------------|
| Lot Area | : 2.857sqm |
| Street Tree(s) | : Yes, but not affected |
| Street Furniture (drainage pits etc) | : Not Applicable |
| Site Details | : Refer photo above |

[3395 24 Webber-Street Landgate Site Plan](#)

DETAIL

The City is in receipt of an application to remove the PAW along the western boundary of 24 Webber Street, Willagee.

PUBLIC CONSULTATION/COMMUNICATION

Should Council resolve to initiate the closure of the PAW, public consultation will be undertaken with those that are likely to be affected by the proposed closure in accordance with the WAPC's 'Procedure for the Closure of Pedestrian Access Ways' Planning Guidelines.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Should Council resolve to initiate the closure of the PAW, the City will refer the Council minutes to all relevant infrastructure providers that may have an interest in the PAW in accordance with the WAPC's 'Procedure for the Closure of Pedestrian Access Ways' Planning Guidelines.

Should Council resolve (following the public consultation process) to recommend that the PAW be closed, this recommendation will be referred to the WAPC which will make the final decision to endorse or not endorse the PAW closure.

STATUTORY AND LEGAL IMPLICATIONS

There are no specific statutory and legal implications.

**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)**

FINANCIAL IMPLICATIONS

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

It is proposed that the PAW be converted to road reserve rather than be purchased by the adjoining property owners, as such, there are no further financial implications for the adjoining property owners or the City as a result of the proposal should the PAW be closed.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that the Council resolve to initiate the PAW closure. This will enable referral of the application to relevant service authorities and for public consultation to occur.

Council may resolve not to initiate the closure of the PAW and on this basis the PAW will remain. This will not prevent the subdivision of 24 Webber Street, as this property could instead be subdivided creating two narrow blocks both with frontage to Webber Street or a battleaxe subdivision accessed via Webber Street.

COMMENT

As outlined above, an application to close the PAW along the western boundary of 24 Webber Street, Willagee has been received.

This PAW is 28.52m in length and 0.1m in width. Due to its dimensions, the PAW does not in reality function as a PAW; rather, the PAW serves to restrict access from the subject site on to Truslove Close.

The Applicant seeks the removal of the PAW and conversion of the land into road reserve on the basis that the PAW prejudices the most appropriate form of subdivision of 24 Webber Street which would be to allow frontage to Truslove Close, as opposed to battleaxe configuration on to Webber Street.

**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)**

The WAPC's Planning Bulletin No. 57: 'Planning Guidelines for Pedestrian Access Ways' and its accompanying guidelines (Planning Guidelines: Procedure for the Closure of Pedestrian Access Ways (October 2009) and Planning Guidelines: Reducing Crime and Anti-Social Behavior in Pedestrian Access Ways (October 2009)) specify the process for the closure of PAWs.

At this stage, Council endorsement is sought to initiate the PAW closure and to allow referral of the proposal to relevant service authorities and to undertake public consultation.

It is considered that the proposed PAW closure has merit for the following reasons:

- The PAW closure is effectively sought to allow a vehicular crossover to be provided onto Truslove Close from the western boundary of 24 Webber Street. In terms of potential impacts upon the functioning and safety of Truslove Close, it is noted that Element 2 of the WAPC's Liveable Neighbourhoods policy states that the desirable number of dwellings served by a single cul-de-sac such as Truslove Close is no more than 20. There are currently 18 dwellings (including nine aged care grouped dwellings) which access Truslove Close. Removal of the PAW would allow two further properties (24 Webber Street and 2 Truslove Close) to obtain access from the cul-de-sac of which, 2 Truslove Close has already been developed to have access on to Truslove Close via its southern boundary.
- The WAPC's Liveable Neighbourhoods policy also suggests no greater than 15% of neighbourhood lots should be served by cul-de-sacs. In Willagee, there are ten cul-de-sacs serving approximately 187 dwellings. The total number of dwellings in Willagee is approximately 1,984 (2011 ABS statistics). Therefore the percentage of housing stock serviced by cul-de-sacs in Willagee is below the suggested 15% (approximately 9.4%).
- A key objective of the Residential Design Codes of WA (R-Codes) is to promote active frontages, the visual quality of streets and passive surveillance. In this regard, the potential future subdivision of 24 Webber Street to allow a dwelling with its frontage facing into Truslove Close would be more aesthetically appealing, provide better passive surveillance and create a more consistent streetscape than currently occurs (refer figure 1 below), or which would result if the lot were subdivided with access from Webber Street.

**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)**



Figure 1 – existing aspect of 24 Webber Street as viewed from cul-de-sac

- The ability to design a vehicular crossover on to the Truslove Close cul-de-sac is likely to allow for the retention of the existing Council street trees within the Webber Street road reserve one of which would potentially have to be removed should 24 Webber Street be subdivided in the future via narrow lot subdivision or battleaxe subdivision.

Although the subject application seeks the removal of the PAW adjacent to 24 Webber Street, it is noted that the PAW also extends along the western boundary of 2 Truslove Close. Although this property is already developed and has access via Truslove Close along its southern boundary, for consistency, this additional portion of PAW will also be considered for closure.

CONCLUSION

As outlined above, it is concluded that the proposed PAW closure warrants initiation to allow further assessment to occur with regard impacts of the closure and any submissions received from the public and service authorities.

**P13/3395 - PROPOSED INITIATION OF CLOSURE OF PEDESTRIAN ACCESS WAY
ADJACENT TO 24 WEBBER STREET AND 2 TRUSLOVE CLOSE, WILLAGEE (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3395)

INITIATION BY COUNCIL

A) That the proposed closure of the Pedestrian Access Way adjacent to 24 Webber Street and 2 Truslove Close, Willagee be initiated by Council to allow the following actions to be undertaken:

- 1. Referral of the proposal to the relevant infrastructure providers that may have an interest in the Pedestrian Access Way;**
- 2. Public consultation to those likely to be affected by the proposed Pedestrian Access Way closure.**

B) The applicant be advised in writing of A) above.

At 7.51pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**P13/3397 - FINAL ADOPTION OF NON-RESIDENTIAL DEVELOPMENT POLICY (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not applicable
 Proposal : Final adoption of Non-Residential Development policy
 Customer : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P12/3356 – Ordinary Meeting of Council – 11 December 2012
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P13/3397 - FINAL ADOPTION OF NON-RESIDENTIAL DEVELOPMENT POLICY (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- In continually reviewing the City's Planning Policy base, it was identified that the City lacked specific policy guidance to assist in the assessment of non-residential development proposals.
- In view of this, a draft Non-Residential Development policy was considered by the Council at its Ordinary Meeting on 11 December 2012 and was approved for advertising.
- The draft policy was advertised for a period of 21 days. No submissions were received.
- The City's Architectural and Urban Design Advisory Panel have reviewed the draft policy and recommended some minor changes. Consideration of those changes has taken place, and a number are now incorporated into the final version of the Policy.
- It is now recommended that the Council resolve to formally adopt the amended Non-Residential Development policy pursuant to Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

BACKGROUND

The draft Non-Residential Development policy was considered by Council at its Ordinary Meeting held 11 December 2012. At this meeting, Council resolved to adopt the draft policy for advertising.

Scheme Provisions

Not applicable.

Site Details

Not applicable.

DETAIL

It is proposed that the Council finally adopt the Non-Residential Development policy.

Only minor changes have been made to the policy since advertising, these being as a result of the comments received from the City's Architectural and Urban Design Advisory Panel.

[3397 Non-Residential Development Policy](#)**PUBLIC CONSULTATION/COMMUNICATION**

The draft policy was advertised for a period of 21 days via a notice in the Melville Times and on the City's website. No submissions were received.

**P13/3397 - FINAL ADOPTION OF NON-RESIDENTIAL DEVELOPMENT POLICY (REC)
(ATTACHMENT)**

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

City of Melville Architectural and Urban Design Advisory Panel

The draft policy has been reviewed by the City's Architectural and Urban Design Advisory Panel. The main points of advice are outlined below:

| Panel comment | Officer response |
|--|---|
| Add a section on 'Residential Interface' which encourages a graduated scale of development away from adjoining residential property/s. | These concerns are addressed by existing development parameters within CPS5. |
| Element 2: Corner Sites should also include the ability to accentuate the corner through the provision of public space. | Incorporated as Clause 2.1(d). |
| Minimum dimensions for awnings should be provided. | Element 4: Weather Protection has been amended to include specific measurements and a diagram. |
| Awnings should provide continuous cover. | Clause 4.5 has been amended to include reference to continuous cover. |
| Section 7 relating to landscaping should acknowledge that at times the provision of landscaping is not practical (eg strip shopping areas). | Clause 7.2 has been added acknowledging this. In these instances, the policy encourages contributions be made toward planting or other infrastructure within the verge to increase the amenity of the streetscape. |
| Expressed concern regarding the use of standard prescribed privacy distances, which fail to be effective in certain development contexts, such as where density is sought as a primary development objective. The use of such standards would not work in Activity Centres such as Canning Bridge and similar. | Discretion regarding privacy requirements would be assessed on a case by case basis taking into account the relative merits of a development proposal as presented. As such, the privacy provisions have been retained. |
| Include provisions relating to disabled parking, bike parking and end of trip facilities. | New provisions relating to all of these matters have been incorporated. |

STATUTORY AND LEGAL IMPLICATIONS

The final adoption of the proposed policy pursuant to Clause 9.6 of CPS5 will enable the City to assess and require compliance with the policy provisions.

**P13/3397 - FINAL ADOPTION OF NON-RESIDENTIAL DEVELOPMENT POLICY (REC)
(ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposed policy will supplement the City's Planning Policy framework. The policy will provide greater clarity relating to the assessment of non-residential developments for applicants, the community and the Council.

It is the City's practice to continually review policies and to ensure that a policy review occurs at least once every two years. As such the draft Non Residential Development policy can be supplemented by further review over that time period.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could elect not to adopt the proposed policy for public consultation, however the implication of this would be that the City would remain without relevant policy guidance and as such, development outcomes may be prejudiced as a result.

Council also has the ability to modify the draft policy prior to final adoption. Dependant upon the scale and implications of any modifications, this may necessitate the re-advertising of the policy.

CONCLUSION

It is considered that the proposed policy will provide greater certainty to both applicants and the Council in the assessment of non-residential development proposals and will encourage improved built form across the City, maintaining and enhancing both character and amenity in the process.

**P13/3397 - FINAL ADOPTION OF NON-RESIDENTIAL DEVELOPMENT POLICY (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3397)

ADOPTION

At 7.53pm Cr Nicholson moved, seconded Cr Foxtton -

That Council, pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolve to adopt the Non-Residential Development Policy.

[3397 Non-Residential Development Policy](#)

At 7.58pm the Deputy Mayor submitted the motion, which was declared

CARRIED (10/1)

The Deputy Mayor requested that the votes be recorded –

**For: Deputy Mayor D Macphail, Cr Barton, Cr Foxtton, Cr Hill, Cr Pazolli,
Cr Reidy, Cr Reynolds, Cr Robartson, Cr Willis, Cr Taylor-Rees.**

Against: Cr Nicholson.

At 7.58pm Cr Foxtton left the meeting.

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)**

Disclosure of Interest

| | |
|---------------------|---|
| Item No. | P13/3403 |
| Member | Cr N Pazolli |
| Type of Interest | Interest under the Code of Conduct |
| Nature of Interest | Member of Alchera Board which owns property in the subject area |
| Request | Stay, Discuss & Vote |
| Decision of Council | Stay, Discuss & Vote |

At 8.01pm Cr Pazolli, having declared an interest in this item, left the meeting whilst the Council voted on his request to Stay, Discuss and Vote.

At 8.02pm Cr Foxtton moved, seconded Cr Reynolds -

That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Pazolli be permitted to Stay, Discuss and Vote.

At 8.05pm the Deputy Mayor submitted the motion, which was declared

CARRIED (9/1)

Cr Nicholson requested that the votes be recorded –

For: Deputy Mayor D Macphail, Cr Barton, Cr Foxtton, Cr Hill, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Willis, Cr Taylor-Rees.

Against: Cr Nicholson

At 8.06pm Cr Pazolli returned to the meeting.

| | |
|----------------------------|---|
| Ward | : Palmyra/Melville/Willagee |
| Category | : Strategic |
| Application Number | : Not applicable |
| Property | : All properties within the suburb of Willagee |
| Proposal | : Consideration of Draft Willagee Structure Plan for Initial Public Advertising and Feedback |
| Applicant | : City of Melville |
| Owner | : Various public and private owners within study area |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Responsible Officer | : Gavin Ponton Manager Strategic Urban Planning |

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)**

AUTHORITY / DISCRETION

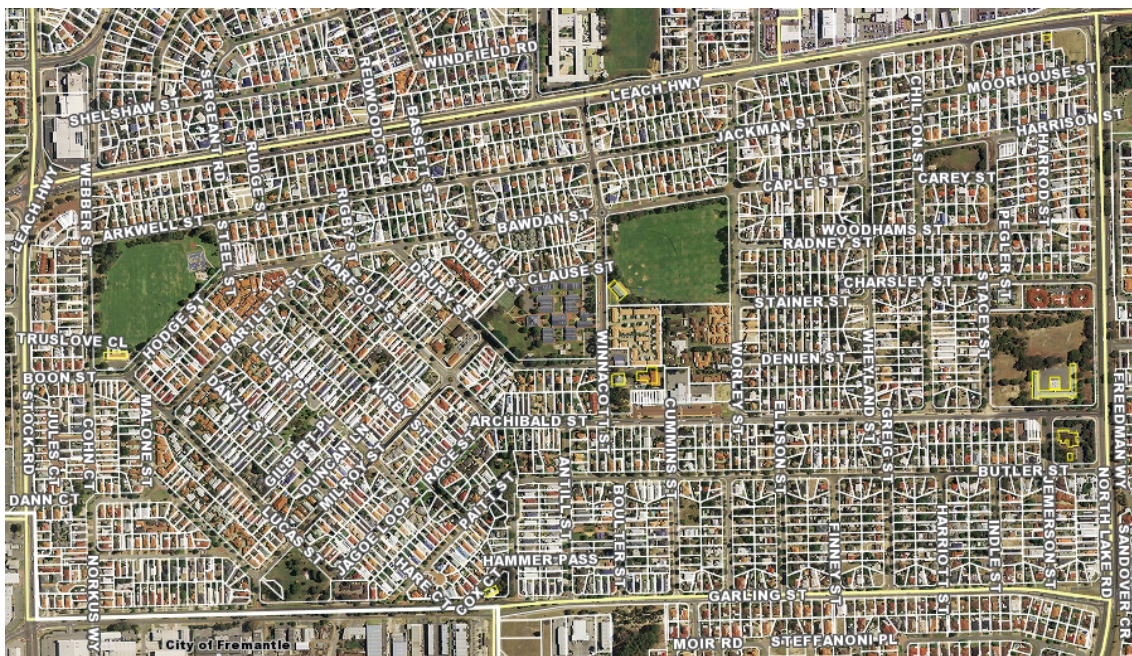
DEFINITION

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

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning for Willagee is a top priority project in the City of Melville's *Plan for the Future 2008 – 2012*.
- The City of Melville, the Department of Housing (WA) and other stakeholders have a shared view that preparation of a structure plan for Willagee would provide long term direction and contribute to revitalisation of the area.
- During 2012 a funding application to the (Federal) Department of Infrastructure and Transport under the Liveable Communities program for part contribution to the cost of preparation of a structure plan for Willagee was successful.
- The aim of the project is to encourage the rejuvenation of Willagee and explore appropriate development.
- A consultant (GHD Pty Ltd) was appointed in December 2012 to undertake a structure plan for the suburb.
- The Structure Plan covers the main elements of urban fabric (housing, transport, public spaces etc) as well as masterplans for the Carawatha site and the commercial/community hub on Archibald Street.
- The City owns or manages significant parcels of underdeveloped land in Willagee, such as the site of the former Carawatha Primary School (approximately 25,000m² excluding the new park) and the Arthur Kay Reserve (7,420m²).
- The Structure Plan project incorporates a significant community engagement program.
- The project has been presented to Council at two separate Elected Member Information Sessions (EMIS). An outline of the project was given 13 February 2013 and the Draft Willagee Structure Plan was presented on 28 May 2013
- The current report seeks Council endorsement for the draft Willagee Structure Plan to proceed to public advertising. A further report would be presented to Council outlining the results of this community engagement.



**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND**

Planning for Willagee is a top priority project in the City of Melville's *Plan for the Future 2008 – 2012*, which requires 'a strong and diversified local and regional sustainable economy with a range of business and employment opportunities.' The project also aligns with many of the aspirations under the City's *People, Places, Participation 2012-2022*.

The Department of Housing (DoH), which has considerable assets in the area, and the (Federal) Department of Infrastructure and Transport (DIT) concur that Willagee would benefit from structure planning to promote appropriate development. Support from these non-city agencies is such that the DIT is contributing \$30,000 to the project, and the DoH \$10,000.

Some of the key challenges for consideration and focus in the structure plan process include the high proportion of older homes average lot sizes, fragmented ownership and securing the long term sustainability of the commercial/community hub on Archibald Street.

Scheme Provisions

| | | |
|--------------|---|---|
| MRS Zoning | : | Urban |
| CPS 5 Zoning | : | Mostly Living Area R20 and R25, with some Community Centre R40 as well as various Local Scheme Reserves |
| R-Code | : | As above |
| Use Type | : | Residential and various Community Centre uses |
| Use Class | : | Not applicable |

Site Details

- : The area of land within the suburb of Willagee, bounded by North Lake Road, Stock Road, Leach Highway and Garling Street.

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)****DETAIL**

The Structure Plan will provide detailed plans for the main elements of Willagee's urban fabric being housing, parks, economic vitality, traffic, transport, walking/cycling facilities, the Carawatha (former primary school) site and the Archibald Street hub.

The structure plan aims to encourage a range of housing, including affordable living choices, through co-operation with the Department of Housing and private owners. It is expected that more efficient use of land will improve the liveability of the suburb by increasing the population within the catchments of the local centres and public transport links. Planning will also consider the potential for mixed use development and strengthen the local commercial centres by enhancing walking and cycling environments. Outcomes will include clarity on development opportunities, examination of residential density and review of extent of commercial zonings.

It is expected that master planning for the hub will encourage private redevelopment that is effective in rejuvenating the area, attracting pedestrian traffic, improving surveillance and responding to undesirable behaviour. Detailed master planning for the hub will also inform the better use of City assets such as the Willagee Library, community centre and George Humes Park.

The maps forming the content of the Draft Structure Plan have been provided as a confidential attachment to this report.

As the detailed studies have progressed and the Draft Structure Plan has been prepared, it is now time to commence a further phase of community engagement, focusing on seeking public comment and feedback.

PUBLIC CONSULTATION/COMMUNICATION

| | |
|-------------------------------|---|
| Advertising Required: | Yes |
| Neighbour's Comment Supplied: | Not applicable |
| Reason: | Broad community based consultation to be carried out inclusive of all adjacent owners and interested persons. |

Significant public consultation has been undertaken so far. A public workshop was held in February 2013 with over 100 attendees. A specially-designed workshop with the local indigenous population (including indigenous youth) was held shortly after. There has been ongoing liaison with local traders and landowners and it is therefore expected that the structure plan will prove to be practical.

The project was also outlined in an Elected Member Information Session (EMIS) in February 2013.

A Preliminary Draft Structure Plan showing the general thrust of planning intent was received in April and presented to Executive Management Team (EMT) in May 2013.

The Draft Willagee Structure Plan was presented to Council at an EMIS on 28 May 2013.

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)**

This Draft Willagee Structure Plan is now at a stage at which it is appropriate that a further phase of community engagement be undertaken. It is envisaged that the engagement will include an advertising period of four weeks. Following the period of public comment the Draft Willagee Structure Plan would be re-examined and then presented to Council for consideration of final adoption.

The final stage of the project would be the preparation of Scheme Amendment documentation and associated Council Policies to reflect the intent of the Structure Plan.

STATUTORY AND LEGAL IMPLICATIONS

At this stage of the Structure Planning project there are no statutory or legal implications. Should the Council endorse a final preferred Willagee Structure Plan then this plan may recommend amendments to the CPS5 or draft Local Planning Scheme 6 (LPS6).

Some assumptions or options within the concepts indicate possible variations to roads under the control of Main Roads WA or variations to public transport routes and infrastructure as controlled by the Public Transport Authority.

Approval of both (or either) agency will be required if these elements of a final endorsed Structure Plan are to be implemented.

FINANCIAL IMPLICATIONS

All costs associated with the Master Planning process thus far completed in respect to this project were provided for within the Council's 2012/2013 annual budget. Funds are also budgeted to progress any amendments to the Local Planning Scheme which may be recommended by the Plan.

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|---|----------------------|--|
| The Council does not support any of the Concept Designs provided or the design elements used to influence these designs | Low | In conjunction with the Council identify any issues that need to be addressed to enable further consideration of Concepts Designs to be made |
| Community opposition to major elements of Draft Willagee Structure Plan approved for advertising by the Council | Medium | Ensure engagement methodology provides highest level of detail and all facts to assist in community decision making |
| The concept design approved for advertising, supported by community and endorsed by the Council as the preferred option cannot be delivered | Medium | Commission detailed design work and detailed financial analysis of any preferred Concept Design. Immediate engagement with essential service providers, key agencies (e.g. Main Roads WA, Public Transport Authority and Department of Planning) once detailed design work is complete. Ensure immediate engagement with State Government once the Council has resolved to support an endorsed Concept Design. |

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

Council Policy CP-005 *Land and Property Retention, Disposal and Acquisition* relates to the acquisition and disposal of property. Whilst no property has been identified for acquisition by the City so far, the City of Melville owns/manages several properties within the study area which may be disposed of once the relevant Scheme Amendment is complete. CP-005 will inform process at the relevant time.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may choose not to support any of the Draft Willagee Structure Plan concepts and as such may not wish to endorse these for further community advertising. In such a situation, the consultants could be re-engaged to consider matters raised by the Council and the altered draft could be re-presented for further consideration of the Council.

Alternatively, the Council may not wish to proceed with this project at all. In such a situation, all current land uses would remain as-is (subject only to any changes that might arise as result of development applications or review of the Local Planning Scheme).

CONCLUSION

Steady progress on the Willagee Structure Plan since commencement has resulted in the completion of detailed studies. The Draft Willagee Structure Plan is ready for public advertising. Public advertising will enable community discussion of the content of the draft Structure Plan. Feedback from the public will be examined and responded to as the Structure Plan project progresses. Details of this latest engagement phase and responses in the Structure Plan will be presented to Council and for consideration of final approval and adoption of the Structure Plan.

Accordingly it is recommended that Council support the public advertising of the Draft Willagee Structure Plan.

**P13/3403 - DRAFT WILLAGEE STRUCTURE PLAN – APPROVAL FOR ADVERTISING
(REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3403)****APPROVAL**

At 8.06pm Cr Hill moved, seconded Cr Reidy -

That the Council:

1. **Endorse the progression of the Draft Willagee Structure Plan to the public comment stage of the engagement strategy.**
2. **Request that a further report be presented at the conclusion of the community engagement so that submissions may be considered and the project reviewed accordingly.**
3. **Approve the release of the Confidential Attachments to this report at the time of commencement of advertising.**

At 8.07pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

Ward : Bicton-Attadale
 Category : Operational
 Subject Index : Point Walter
 Customer Index : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item T10/3160 – Point Walter Restoration Project Business Case Approval – Ordinary Meeting of Council 21 September 2010
 Item T12/3289 - Point Walter Restoration Project (CO33/11) - Ordinary Meeting of Council 7 February 2012)
 Works Programme : 2013/2014
 Funding : \$481,455 (Income - Swan River Trust)
 \$329,000 (2013/2014 capital works program)
 Responsible Officer : Paul Kellick
 Manager Asset Management

AUTHORITY / DISCRETION

DEFINITION

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

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Council approved the Point Walter Project Business Case on 21 September 2010 for a total cost of \$1,196,690.
- The Council awarded contract C033/11 'Point Walter Restoration Project' to Natural Area Management Services (NAMS) for a total cost of \$1,293,877 on 7 February 2012.
- Work on the project commenced in March 2012.
- Stage 1 was completed behind schedule in December 2012.
- Stage 2 is in progress but has been delayed due to increased erosion issues.
- Grant Funding of \$229,295 has been received from the Swan River Trust in 2011/2012 and another \$252,160 will be received this financial year (2012/2013).
- A number of significant revenue and expenditure variations to the approved business case have arisen during the course of the works.
- Approval is sought to consider an additional allocation of \$140,055 to the project as part of the 2013/2014 Capital Work Program bringing the total to \$329,000.

BACKGROUND

At the Ordinary Meeting of Council held on 21 September 2010, it was resolved:

"That the Council:

1. *Endorse the Concept Master Plan for the Point Walter Foreshore, shown in Appendix 3160 – (Point Walter Foreshore Restoration Concept Plan March 2010. pdf) of the report, as the basis for the future development and restoration of the site.*
2. *Endorse the three year staged implementation of the project over three financial years 2011-2014 at a total cost of \$1,196,690 to be allocated follows and included in the City of Melville's Long Term Financial Plan.*

| <i>Budget Year</i> | <i>2011/12</i> | <i>2012/13</i> | <i>2013/14</i> | <i>Project Implementation Total</i> |
|---|------------------|------------------|------------------|-------------------------------------|
| <i>Recommended Allocated Funding for Project Implementation</i> | <i>\$458,590</i> | <i>\$474,320</i> | <i>\$263,780</i> | <i>\$1,196,690</i> |

3. *Support the continuing efforts of the Chief Executive Officer in pursuing alternative funding options, in particular, from the Western Australian State Government and Swan River Trust given the Regional, State and National significance of the Swan River and Point Walter.*
4. *Provide a copy of the report including business case, concept plan and community consultation annexure to the Western Australian Local Government Association Swan Canning Local Government policy Forum, by way of supporting and reinforcing the forum's efforts in pursuing more effective funding for the protection of the Swan and Canning Rivers."*

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

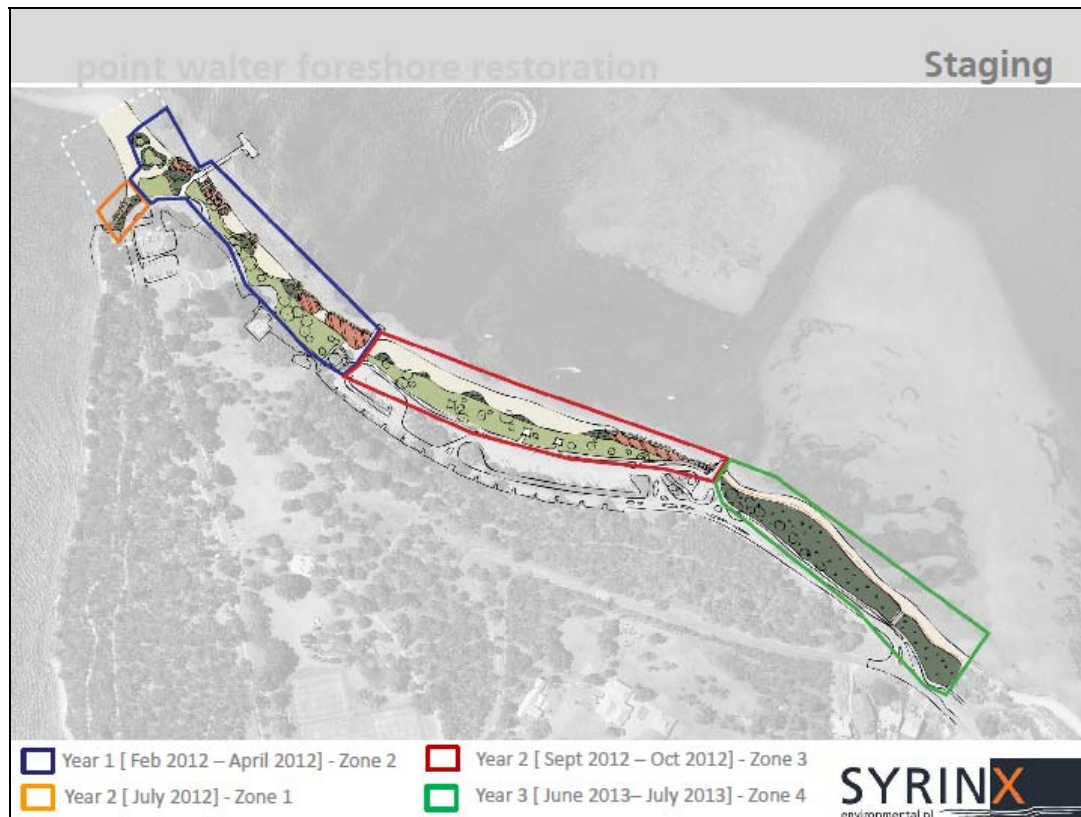
At the Special Meeting of Council held on 7 February 2012, it was resolved:

“That the Council:

1. *That the tender submitted by Natural Area Holdings Pty Ltd trading as Natural Area Management & Services for the Point Walter Restoration Project for the lump sum price of \$1,293,877.34 excluding GST as specified, be accepted as the most advantageous.*
2. *That the Chief Executive Officer be authorised to expend monies during the course of the project from the budget and that any resulting variations that are within the percentage allocated will be authorised in accordance with the City of Melville’s contract variation procedure.*
3. *That additional funding for the project is required to be identified in the 2012 Mid Year Review.”*

Works commenced immediately following the Point Walter Concert in March 2012 with Stage 1 works (Zone 1 and 2) being completed in December 2012 some six months behind schedule due to engineering design issues.

A map showing the Zones and the original schedule is shown below.



T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

Stage 2 (Zone 3) commenced on time and is partially completed but delayed due to additional erosion in Zone 3B (the Eastern end of Zone 3). This increased erosion has occurred since detail design work was completed. The issue has required additional design work which is in the process of being procured with works due to recommence in October 2013 when the weather will allow. Stage 3/Year 3 is due to commence in July 2013 and be completed on time.

The City has been successful in obtaining funding from the Swan River Trust for the implementation of the project to the value of \$481,455. An amount of \$229,295 has already been acquitted and an additional \$252,160 is expected before the end of the current financial year. Although this funding has reduced the project impact on Municipal Funds we are seeking Council approval for additional expenditure.

A number of cost variations to the business case have arisen and approval is sought for the consideration of an additional \$140,055 to the project to allow for the restoration works to be completed.

[3399 Point Walter Restoration Business Case](#)**DETAIL**

The Point Walter Foreshore Restoration Project Business Case outlines the rationale and scope of the project as well as the cost estimates of each stage of the project and was attached to the Council report of 21 September 2010.

Subsequent to the approval of the business case, detail designs were completed and a tender for the works advertised in November 2011. Natural Area Management Services (NAMS) were appointed to undertake the works in February 2012 and commenced works in March 2012 slightly behind schedule due to the Point Walter Concert held in early March.

In June 2012 concrete piles/foundations were installed to support boardwalks and viewing platforms however, a number of these shifted location, both horizontally and laterally, and work on this component of the works ceased. Other works continued albeit impacted by the issues associated with the piles.

The issue associated with the piles required additional design work to be undertaken which ultimately lead to a new solution being approved, manufactured and installed. This resulted in a delay of approximately six months. Work in this area between the jetty and first boat ramp, was completed in December 2012.

The redesign and installation of these piles resulted in a significant variation to the project costs. There were also a number of smaller variations which all together total \$155,083 (12% of the total contract price). The cost of the redesign and installation of new piles/foundations was \$73,152 and the City is currently in a dispute resolution process with the designers which may result in the recovery of all or some of these costs. At this stage, we have agreed to a peer review of the work to date and await the results of this review. More details on these variations are shown in the Financial Implications section of this report.

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

Work on Zone 3 commenced on schedule and Zone 3A nodes are complete, however, Zone 3B has undergone significant erosion since the original designs were completed. The City has been in consultation with the Swan River Trust regarding this and they requested that the area be redesigned and approved by them and that works take place after the winter of 2013 to ensure a rigorous solution and protect their investment in the project. Procurement for this design (\$44,000) is in progress and at this point it is envisaged that a variation for additional works in the order of \$50,000 is required.

The 2012 Mid Year Review process allocated an additional \$110,000 to the project which covered the impact of the variations to date. The 2013/2014 Capital Works program is currently being finalised and an additional amount of \$140,055 has been allocated to the project for consideration as part of the 2013/2014 budget process.

PUBLIC CONSULTATION/COMMUNICATION

Significant community engagement was undertaken as part of the development of this project and any changes to the scope or schedule will be communicated.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Swan River Trust, who is a funding partner in the project, has been consulted on an ongoing basis.

STATUTORY AND LEGAL IMPLICATIONS

The funding from the Swan River Trust is tied to the completion of the agreed works.

FINANCIAL IMPLICATIONS

Council endorsed the business case for Point Walter in 2010 which included financial allocations spread over three years as follows:

| | |
|----------------------------|--------------------|
| 2011/2012 (Stage 1) | \$458,590 |
| 2012/2013 (Stage 2) | \$474,320 |
| <u>2013/2014 (Stage 3)</u> | <u>\$263,780</u> |
| TOTAL | \$1,196,690 |

The business case included estimated project management costs of 10%.

The pre tender estimate for the project supplied by Syrinx was \$1,234,326, \$37,636 in excess of the business case and included estimated project management costs of 5%.

In February 2012 the contract for the works was awarded to NAMS for a total of \$1,293,877.34 (subject to clarifications).

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

Following clarifications the contract price was revised down by \$951 to \$1,292,926 over three years as follows:

| | |
|---------------------|--------------------|
| 2011/2012 (Stage 1) | \$717,213 |
| 2012/2013 (Stage 2) | \$386,768 |
| 2013/2014 (Stage 3) | \$188,945 |
| TOTAL | \$1,292,926 |

This was \$96,236 higher than the business case and \$58,600 higher than the pre tender estimate and did not include any project management costs.

The total implementation budget for Stages 1 and 2 (2011/2012 & 2012/2013) is shown below. Note that 'implementation' is the construction phase of the project after designs have been completed and tender awarded.

| | |
|---------------------------------------|--------------------|
| Carried forward from 2010/2011 budget | \$96,820 |
| 2011/2012 adopted budget | \$460,000 |
| 2011 mid year review allocation | \$370,011 |
| 2012/2013 adopted budget | \$386,770 |
| 2012 mid year review | \$110,000 |
| Total | \$1,423,600 |

At the time of writing this report, total variations stood at \$155,083. The five largest of the variations are listed below and represent 77% of the variation total value:

| | |
|--|----------|
| Supply and install screw piles | \$67,632 |
| Labour & materials for reinstatement of biscuit headland | \$21,462 |
| Zone 1 regrading (rock toe and fill) | \$16,514 |
| Post storm repairs to zone 2a | \$8,652 |
| Engineering design services for screw piles | \$5,520 |

Expenditure to date is as follows:

| | |
|------------------|--------------------|
| 2011/2012 | \$558,181 |
| 2012/2013 | \$575,758 |
| Sub Total | \$1,133,939 |

| | |
|---|-----------|
| Remaining payments to NAMS under contract | \$473,943 |
| Proposed carry forward | \$289,287 |
| Balance required | \$184,656 |
| Additional design for 3B | \$44,000 |
| Variation for 3B | \$50,000 |
| Project management (10% of remaining works) | \$50,000 |

| | |
|---|-----------|
| Required 2013/2014 capital works budget | \$328,656 |
|---|-----------|

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The main risks associated with this report are the implications of not completing the works at Point Walter as scoped as stakeholders have an expectation that it will be.

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|---|---|--|
| Risk of poor reputation based on changing the scope of the project. | Minor consequences which are possible, resulting in a Medium level of risk | Commit additional funds to the project to deliver project as scoped. |
| Risk of poor reputation based on increasing the budget for the project. | Minor consequences which are possible, resulting in a Medium level of risk | Ensure best practice financial management and procurement to ensure best value is obtained. |
| Risk that the Swan River Trust reconsider their current approved investment in the project. | Moderate consequence which is likely resulting in a High level risk | The City of Melville continues with the modified project scope as discussed with the Swan River Trust. |

POLICY IMPLICATIONS

There is no policy implications associated with this report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Options

The only options available at this stage of the project are to not complete the works at Zone 3b which would result in a decreased expenditure of approximately \$93,000 or not to complete Stage 3 at a reduced cost of approximately \$313,000. Both of these options are subject to NAMS agreeing to a negative variation to their contract.

Neither of these options is recommended as they would leave the restoration works at Point Walter incomplete and reduce the amount of funding provided by the Swan River Trust and result in the further degradation of the foreshore and loss of public open space.

CONCLUSION

Stage 1 of the Point Walter project is complete, although work on Stage 2 has been delayed due to significant additional erosion. Works on Stages 2 and 3 is due to commence in October 2013 and be completed by February 2014.

There have been a number of variations to the project which currently total \$155,083 and additional funding of \$110,000 was provided as part of the 2012 Mid Year Review process to partially cover this. In addition to this, \$50,000 is required for internal project management.

T13/3399 – POINT WALTER RESTORATION PROJECT STATUS (REC) (ATTACHMENT)

An additional variation of approximately \$50,000 is expected to occur due to the need to redesign Zone 3b because of increased erosion. This variation, along with the need to fund internal project management and some other minor expenditure, requires additional funding of \$140,055 over the final year contract price of \$188,945. The Swan River Trust funding of \$481,455 reduces the impact of this on Municipal Funding although we are still seeking Council approval for additional expenditure

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3399)**APPROVAL**

At 8.08pm Cr Barton moved, seconded Cr Taylor-Rees -

That an amount of \$329,000 be allocated to the Point Walter Restoration Project for funding consideration as part of the 2013/2014 Capital Works budget process.

At 8.22pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

At 8.09pm Mr Kellick entered the meeting and left at 8.22pm.

At 8.22pm Cr Reidy left the meeting and returned at 8.23pm.

T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Regional NRM Strategy and Business Plan
 Customer Index : N/A
 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 : 2013/2013
 Funding : \$32,500 in 2013/2014 budget
 Responsible Officer : John Christie
 Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The South West Group has prepared a draft Regional Natural Resource Management (NRM) Strategy and Business Plan, as a partnership project with member Councils including the City of Melville and now seeks approval to implement the plan.
- A presentation on the draft Regional NRM Strategy was provided by the Director South West Group to the Elected Member Information Session (EMIS) on 14 May 2013.
- The implementation of the Regional NRM Strategy will require the employment of a Regional NRM Facilitator at an estimated cost of \$150,000 per year (including on-costs and operational funding)
- A cost sharing arrangement based on likely levels of activity and the environmental characteristics in the member Councils has been developed in consultation with the South West Group Board.
- A contribution of \$32,500 is sought from the City of Melville for consideration in the 2013/14 budget.
- The Regional NRM Strategy complements the environmental and natural resource management work being undertaken by the City of Melville and aims to develop, negotiate and secure funding for regional projects that would benefit the City of Melville.

BACKGROUND

The South West Group's *Draft Regional Natural Resource Management Strategy* (NRM Strategy) [3402 South West Group NRM Regional Strategy](#) sets out a vision for the landscapes and natural assets of the South West Metropolitan Region, and seeks to work with State and Federal Governments, industry and the community, to create and sustain a landscape with a wide range of natural and green areas that will underpin community well-being and conserve biodiversity.

The Regional NRM Strategy sets out to achieve the South West Group Strategic Plan vision through its objectives and strategies listed below:

Objectives

- Identify the regional values of natural areas and work actively with member Councils and other stakeholders to conserve and manage important natural areas as a collaborative approach
- Establish cooperative working relationships and business processes across the member Councils and with key stakeholders to ensure an integrated and sustainable approach to regional NRM activities
- Develop priority NRM projects and initiatives including better co-ordination and management of regionally important natural areas

The Regional NRM Business Plan [3402 Draft NRM Business Plan](#) outlines the governance and administrative arrangements to support the strategy and role of the Regional NRM Facilitator in implementing the strategy and associated funding requirements.

T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)

The South West Group Board at its 15 April 2013 meeting resolved the following.

- 1. That the South West Group Board support in principle the Draft Regional NRM Strategy and Business Plan.*
- 2. The Draft Regional NRM Strategy and Business Plan be referred to member Councils for consideration of funding in their 2013/14 budgets.*
- 3. The Draft Regional NRM Strategy and Business Plan be considered for endorsement by the South West Group Board following the adoption of member Council budgets for 2013/14.*

The Director South West Group provided a briefing at the EMIS on 14 May 2013 on the draft Regional NRM Strategy and Business Plan.

DETAIL

The draft Regional NRM Strategy and Business Plan was prepared by Dr Bruce Hamilton under a contract arrangement overseen by the Director South West Group and the South West Reference Group (SWRG). The SWRG is a committee of the South West Group with City of Melville Councillor Clive Robartson as the Chair.

The Regional NRM Strategy has been developed to integrate with, and complement, member Council environmental and NRM programs. Member Council staff and SWRG members were involved in identifying and ranking the regional priority projects that form the main focus for the implementation of the strategy under the key themes of green network, water, climate change and sustainable development.

It is proposed to employ a Regional NRM Facilitator to progress the strategy and the regional priority projects and initiatives

The regional priority projects and initiatives listed and ranked below are based on initial feedback from the SWRG and member Council staff, noting that further negotiation on scope of work and financial arrangements (budget, grant funds) are required with member Council and other key stakeholders in order to progress.

Those projects and initiatives shown in bold below are likely to be most relevant to the City of Melville:

- 1. Green Network - Integration of Local Biodiversity Strategies and Mapping of Natural Areas and Ecological Links**
- 2. EPBC Strategic Assessment**
- 3. Regional Fire Management**
4. Cockburn Sound Coastal Alliance
- 5. Climate Change Adaptation**
6. Regional Control of Feral Animals
- 7. Water Conservation and Reuse**
- 8. Integrated Wetland Conservation**

T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)

9. Kwinana Industry Green Belt
10. **Dieback Mapping and Management**
11. **Environment and Sustainability Management**
12. Iconic Coastal and Marine Species
13. Coastal Conversations Beach Monitoring
14. Recycled Water for Heavy Industry

*** Light Industry Audit (Cleaner Production) – new project not ranked**

For more specific information in relation to City of Melville projects and initiatives the following link can be accessed: [3402 Areas for Priority Conservation Action & Recommended Actions](#)

The NRM Facilitator will work with the participating member Councils, State Government agencies and other key stakeholders (e.g. Friends Groups) in progressing their regional priority projects and initiatives.

The implementation of the Regional NRM Strategy will require the employment of a Regional NRM Facilitator at an estimated cost of \$150,000 per year (including on-costs and operational funding). This is based on a Level 9 position that would be based on a one year contract, with a further two year extension subject to funding and performance.

A cost sharing arrangement based on likely levels of activity and the environmental characteristics in the member Councils has been developed in consultation with the South West Group Board. The funding is based on a fixed fee of \$10,000 for the six member Councils, with the balance (\$90,000) split between the member Councils as follows:

- Cities of Cockburn, Melville and Rockingham – 25%
- City of Kwinana – 15%
- City of Fremantle – 10%
- Town of East Fremantle – fixed fee only

This cost sharing arrangement results in the following contributions being sought from member Councils from their 2013/14 budget, which includes allocations for the subsequent two financial years based on proposed three year project arrangement.

| Member Council | Year 1 (2013/14) | Year 2 (2014/15) | Year 3 (2015/16) | Total (3 years) |
|-----------------------|-----------------------------|-----------------------------|-----------------------------|----------------------------|
| Cockburn | \$32,500 | \$32,500 | \$32,500 | \$97,500 |
| East Fremantle | \$10,000 | \$10,000 | \$10,000 | \$30,000 |
| Fremantle | \$19,000 | \$19,000 | \$19,000 | \$57,000 |
| Kwinana | \$23,500 | \$23,500 | \$23,500 | \$70,500 |
| Melville | \$32,500 | \$32,500 | \$32,500 | \$97,500 |
| Rockingham | \$32,500 | \$32,500 | \$32,500 | \$97,500 |
| Totals | \$150,000 | \$150,000 | \$150,000 | \$450,000 |

**T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY
AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)**

The project would be reviewed on an annual basis to ensure objectives are met and the program delivers value for money.

A contribution of \$32,500 is sought from the City of Melville for consideration in the 2013/2014 budget. Contributions in subsequent financial years will be considered as part of the annual budget process.

PUBLIC CONSULTATION/COMMUNICATION

There has been internal consultation involving member Councils and other key stakeholders as part of the role of the SWRG. Consultation to involve the community will occur following a decision to proceed with the Regional NRM Strategy and will mainly be based on involving community groups, such as Friends Groups, as part of liaison activities in developing regional priority projects and initiatives.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The South West Group has undertaken consultation and formed positive working relationships with key State Government agencies during the development of the Regional NRM Strategy. A detailed list is provided in the draft Regional NRM Strategy report.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The City of Melville currently contributes \$76,000 per annum toward the South West Group. The proposed \$32,500 contribution for the Regional NRM Strategy would increase the City of Melville's financial contribution to \$108,500 toward the South West Group and associated initiatives.

The additional contribution of \$32,500 is requested to form part of the City of Melville's 2013/2014 budget to assist with funding of the NRM Facilitator.

Subsequent funding beyond 2013/2014 would be subject to approval of the 2014/2015 and 2015/2016 budgets.

T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|---|----------------------|--|
| Project may not proceed due to funding constraints | Medium to low | Review funding arrangements from participant Councils on an annual basis. Avoid committing to longer term employment arrangements |
| Funding changes as a result of Local Government amalgamations | Medium to low | Review funding arrangements from participant Councils on an annual basis. Avoid committing to longer term employment arrangements |

POLICY IMPLICATIONS

The Regional NRM Strategy and priority projects have the potential to contribute positively to environmental management outcomes associated with Environmental Policy CP-030.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The option to not endorse the Strategy and Plan could be considered, which would limit the City of Melville's ability to participate in regional natural resource management initiatives.

An alternative option for the City of Melville would be to create a position to undertake a collaborative role with adjacent Councils to develop and implement regional scale projects. This role would be considered outside the current roles that are based on activities undertaken within the City of Melville boundaries.

CONCLUSION

The City of Melville has a positive relationship with the South West Group and has hosted the Director South West Group and provided administrative support over the last eight years.

The draft Regional NRM Strategy and Business Plan prepared by the South West Group fits within its strategic and regional collaboration role and complements the work undertaken by the City of Melville in natural resource management.

The ability of these regional priority projects to leverage external grant funds for large scale NRM activities on Council reserves will benefit the City of Melville and should significantly exceed the contribution being sought based on experience with other collaborative projects of this type undertaken in the metropolitan area.

T13/3402 - DRAFT REGIONAL NATURAL RESOURCE MANAGEMENT (NRM) STRATEGY AND BUSINESS PLAN IMPLEMENTATION (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3402)****APPROVAL**

At 8.25pm Cr Pazolli moved, seconded Cr Nicholson -

That the Council:

- 1. Support the South West Group Draft Regional Natural Resource Management Strategy and Business Plan.**
- 2. Endorse the inclusion of \$32,500 in the 2013/2014 budget process for funding consideration as part of the 2013/2014 Budget;**
- 3. Considers future allocations of \$32,500 in subsequent financial years as part of the annual budget process.**

At 8.37pm Cr Reidy moved, seconded Cr Reynolds -

That in accordance with Clause 12.4 of the Standing Orders Local Law 2006, that the question now be put.

At 8.38pm the Deputy Mayor submitted the motion, which was declared

CARRIED (6/5)**That the Council:**

- 1. Support the South West Group Draft Regional Natural Resource Management Strategy and Business Plan.**
- 2. Endorse the inclusion of \$32,500 in the 2013/2014 budget process for funding consideration as part of the 2013/2014 Budget;**
- 3. Considers future allocations of \$32,500 in subsequent financial years as part of the annual budget process.**

At 8.39pm the Deputy Mayor submitted the motion, which was declared

CARRIED (7/4)

Cr Nicholson requested that the votes be recorded –

For: Deputy Mayor D Macphail, Cr Foxtton, Cr Hill, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Willis.

Against: Cr Barton, Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.

CD13/8052 – NOMINATION FOR LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE (REC)

| | |
|----------------------------|--|
| Ward | : All |
| Category | : Operational |
| Subject Index | : Health Act 1911 |
| Customer Index | : Local Health Authorities Analytical Committee |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : C10/8029 - Nomination for Local Health Authorities Analytical Committee - Ordinary Meeting of Council on 16 March 2010 |
| Works Programme | : Not Applicable |
| Funding | : Not Applicable |
| Responsible Officer | : Todd Cahoon Manager Health and Lifestyle Services |

AUTHORITY / DISCRETION

DEFINITION

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

CD13/8052 – NOMINATION FOR LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE (REC)**KEY ISSUES / SUMMARY**

- The City of Melville is a Statutory Member of the Local Health Authorities Analytical Committee (LHAAC) pursuant to the Health Act 1911
- There is a requirement for the Council to nominate a person to be a member of the LHAAC
- The nomination is then sent to the LHAAC who will forward to the Minister for Health; Tourism for appointment of that person
- The need for nomination is due to the previous member no longer being with the Council and to ensure the correct procedure is followed
- The Council will also need to give notice to the Minister of the withdrawal of any previous nominations to the LHAAC

BACKGROUND

The City of Melville (City) is one of five statutory members of the LHAAC. These five members are nominated to the Minister for Health by the respective local governments (Perth; Fremantle; South Perth; Melville; and Stirling). There are a further five members selected by the Minister to represent other local governments. Three are from districts within 40 kilometres of the Perth GPO and the other two from districts outside the 40 kilometre distance.

The LHAAC is a body corporate with perpetual succession. Its main functions are to operate a scheme for the provision of analytical services (of food related products) for use by the local governments; and to fix fees.

There has been past oversight in the nomination of some members and this report with recommendations will ensure the correct process has taken place.

DETAIL

In 1970 the Health Act 1911 was amended to include “Part VIIIA – Analytical Services”.

Section 247A (part of the above amendment) provides for the “Local Health Authorities Analytical Committee” to be established and to consist of ten members. All members are to be appointed by the Minister for Health; Tourism. These appointments are as mentioned above.

The primary purpose of the LHAAC is to provide analytical services for use by local governments.

The LHAAC is a body corporate with perpetual succession and has a common seal; is capable in its corporate name to acquire, hold and dispose of real and personal property and sue and be sued in that name; and is capable of doing all such acts and things as bodies corporate may do and suffer.

CD13/8052 – NOMINATION FOR LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE (REC)

A local government nominated member of the LHAAC ceases to hold office if the member resigns in writing to the Minister; if the member dies; or if the member's nomination as a member is withdrawn by notice given to the Minister by the relevant local government.

The other members have terms of office that apply.

With risk management approach to health matters and food safety now being put in place the role of the LHAAC will increase by way of its monitoring of food standards and identifying areas of risk.

It is being recommended that Mr Graeme Blakey be nominated by the City of Melville to be a member of the LHAAC. Mr Blakey is a qualified Environmental Health Officer currently holding the position of Coordinator Environmental Health and is familiar with the operations of the LHAAC and the current legislative requirements. The Act requires that a person be nominated rather than a position held within the local government.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Section 247A(3) of the Health Act 1911 states that the LHAAC shall consist of ten members; one of which is to be nominated by the City of Melville. There is a legal obligation on the Council to ensure that a nomination is made and that membership on the LHAAC continues.

FINANCIAL IMPLICATIONS

There are no financial implications. There is the member's time commitment, with there normally being no more than six meetings per year.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|--|---|--|
| By not nominating a person Council would not be meeting its legal responsibility and undermine the principle of the analytical services for local governments. | Major consequences on reputation which is likely, resulting in a Medium level of risk. | Ensure Council nominates a member to the LHAAC and maintains membership. |

CD13/8052 – NOMINATION FOR LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE (REC)**POLICY IMPLICATIONS**

Not applicable

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternative options are presented as part of this report.

CONCLUSION

To continue its statutory membership of the Local Health Authorities Analytical Committee, the Council needs to nominate a person to that Committee for subsequent submission to the Minister of Health.

The Council will also need to withdraw any previous nominations and advise the Minister accordingly.

The recommended person is Mr Graeme Blakey the Coordinator Environmental Health due to Mr Blakey's experience and knowledge in the area of LHAAC's operations.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8052)**APPROVAL**

- 1. That Mr Graeme Blakey be nominated as the person to be the City of Melville member of the Local Health Authorities Analytical Committee.**
- 2. That all previous nominations to the Local Health Authorities Analytical Committee be withdrawn.**
- 3. That a letter be sent to the Local Health Authorities Analytical Committee advising of the above two resolutions and request that this advice be forwarded to the Minister for Health.**

At 8.40pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C13/5000 – COMMON SEAL REGISTER (REC)

| | |
|----------------------------|---|
| Ward | : All |
| Category | : Operational |
| Subject Index | : Legal Matters and Documentation |
| Customer Index | : City of Melville |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Standard Item |
| Works Programme | : Not applicable |
| Funding | : Not applicable |
| Responsible Officer | : Bruce Taylor - Manager Information, Technology and Support |

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 24 April 2013 up to and including 20 May 2013 and recommends that the information be noted.

C13/5000 – 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 attest the affixing of the seal.

DETAIL

| Register Reference | Party | Description | File Reference |
|---------------------------|---|---|-----------------------|
| 690 | Melville History Society and City of Melville | Lease Renewal between Melville History Society and the City of Melville | 2989088 |
| 767 | City of Melville and Swan River Rowing Club Inc and Penrhos College | Deed of Extension of Lease (one year extension) | 2924832 |
| 795 | City of Melville and Leeming Recreation Centre | To assign lease to new operator from the original lessee | 3001992 |
| 800 | City of Melville and the Swan River Trust | Collaborative Arrangement - Point Walter Restoration Project Stage 2 | 2996459 |

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C13/5000 – COMMON SEAL REGISTER (REC)**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

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

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

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 24 April 2013 up to and including 20 May 2013, be noted.

At 8.40pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

| |
|--|
| <ul style="list-style-type: none"> • This report presents the investment statement for the month of April 2013 and recommends that the information detailed in the report be noted. • The low 'Cash' rate and legislative restrictions continue to have a major impact on the City's investment earnings. • Monthly valuations for Collateralised Debt Obligations (CDOs) shown for April 2013 are based on valuations obtained from CPG Research and Advisory as at 30 April 2013. When compared to the valuations used as at 30 June 2012, CDOs have increased in value by \$613,462. |
|--|

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

BACKGROUND

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

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

DETAIL

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

| CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2013 | | | | | |
|---|----------------------|---|--------------------------------------|--------------------------|-------------------------|
| SUMMARY BY FUND | PURCHASE PRICE \$ | MANAGEMENT VALUE AT 30/06/2012 \$ | ESTIMATED CURRENT MARKET VALUE \$ | BOOK PROFIT/(LOSS) \$ | BOOK PROFIT/(LOSS) % |
| MUNICIPAL | \$ 45,214,525 | \$ 45,214,525 | \$ 45,214,525 | \$ - | 0.00% |
| RESERVE | \$ 52,174,167 | \$ 49,256,405 | \$ 49,869,867 | \$ 613,462 | 1.18% |
| TRUST | \$ 472,723 | \$ 472,723 | \$ 472,723 | \$ - | 0.00% |
| CRF | \$ 193,535 | \$ 193,535 | \$ 193,535 | \$ - | 0.00% |
| | \$ 98,054,951 | \$ 95,137,189 | \$ 95,750,651 | \$ 613,462 | 0.63% |
| SUMMARY BY INVESTMENT TYPE | PURCHASE PRICE \$ | MANAGEMENT VALUE AT 30/06/2012 \$ | ESTIMATED CURRENT MARKET VALUE \$ | BOOK PROFIT/(LOSS) \$ | BOOK PROFIT/(LOSS) % |
| CDO | \$ 3,000,000 | \$ 82,238 | \$ 695,700 | \$ 613,462 | 20.45% |
| BOND | \$ 2,000,000 | \$ 2,000,000 | \$ 2,000,000 | \$ - | 0.00% |
| FRN | \$ 4,000,000 | \$ 4,000,000 | \$ 4,000,000 | \$ - | 0.00% |
| FRTD | \$ 3,500,000 | \$ 3,500,000 | \$ 3,500,000 | \$ - | 0.00% |
| TERM DEPOSIT 11AM | \$ 81,423,720 | \$ 81,423,720 | \$ 81,423,720 | \$ - | 0.00% |
| UNITS (Local Govt Hse) | \$ 230,645 | \$ 230,645 | \$ 230,645 | \$ - | 0.00% |
| | \$ 98,054,951 | \$ 95,137,189 | \$ 95,750,651 | \$ 613,462 | 0.63% |
| SUMMARY BY CREDIT RATING | PURCHASE PRICE \$ | MANAGEMENT VALUE AT 30/06/2012 \$ | ESTIMATED CURRENT MARKET VALUE \$ | BOOK PROFIT/(LOSS) \$ | BOOK PROFIT/(LOSS) % |
| AA | \$ 10,500,000 | \$ 10,500,000 | \$ 10,500,000 | \$ - | 0.00% |
| AA- | \$ 48,903,094 | \$ 48,903,094 | \$ 48,903,094 | \$ - | 0.00% |
| A+ | \$ 13,000,000 | \$ 13,000,000 | \$ 13,000,000 | \$ - | 0.00% |
| A | \$ 13,921,212 | \$ 13,921,212 | \$ 13,921,212 | \$ - | 0.00% |
| A- | \$ 4,700,000 | \$ 4,700,000 | \$ 4,700,000 | \$ - | 0.00% |
| BBB+ | \$ 3,800,000 | \$ 3,800,000 | \$ 3,800,000 | \$ - | 0.00% |
| NR | \$ 3,000,000 | \$ 82,238 | \$ 695,700 | \$ 613,462 | 20.45% |
| UNITS (Local Govt Hse) | \$ 230,645 | \$ 230,645 | \$ 230,645 | \$ - | 0.00% |
| | \$ 98,054,951 | \$ 95,137,189 | \$ 95,750,651 | \$ 613,462 | 0.63% |

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

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

| STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2013 | | | | | | | | | |
|---|--------------------|-----------------|-------------------------|--------------|---------------------|----------------------------|-----------------------------|--|---------------|
| INSTITUTION / INVESTMENT | RISK of IMPAIRMENT | INVESTMENT TYPE | Current Interest Rate % | S & P RATING | FACE VALUE \$ | BOOK VALUE AT 30/6/2012 \$ | CURRENT EST MARKET VALUE \$ | INVESTMENT GAIN / (LOSS) SINCE 30/06/12 \$ | MATURITY DATE |
| BANKWEST (11AM) | Very Low | 11AM | 3.00% | AA- | \$586 | \$586 | \$586 | \$0 | On call |
| WESTPAC (MAXI DIRECT) | Very Low | 11AM | 3.75% | AA- | \$3,000,000 | \$3,000,000 | \$3,000,000 | \$0 | On call |
| WESTPAC (MAXI BONUS 1) | Very Low | 11AM | 4.10% | AA- | \$100,000 | \$100,000 | \$100,000 | \$0 | On call |
| WESTPAC (MAXI BONUS 2) | Very Low | 11AM | 4.10% | AA- | \$800,000 | \$800,000 | \$800,000 | \$0 | On call |
| | | | | | \$3,900,586 | \$3,900,586 | \$3,900,586 | \$0 | |
| ANZ BANK (TERM) | Very Low | TERM | 4.54% | AA- | \$2,000,000 | \$2,000,000 | \$2,000,000 | \$0 | 22-May-13 |
| BANKWEST (TERM) | Very Low | TERM | Various | AA- | \$181,155 | \$181,155 | \$181,155 | \$0 | Various |
| BANK OF QUEENSLAND (TERM) | Very Low | TERM | 4.50% | BBB+ | \$1,800,000 | \$1,800,000 | \$1,800,000 | \$0 | 23-Jul-13 |
| BENDIGO AND ADELAIDE BANK (TERM) | Very Low | TERM | Various | A- | \$4,700,000 | \$4,700,000 | \$4,700,000 | \$0 | Various |
| CITIBANK (TERM) | Very Low | TERM | 4.60% | AA- | \$6,300,000 | \$6,300,000 | \$6,300,000 | \$0 | Various |
| ING BANK (TERM) | Very Low | TERM | Various | A | \$11,500,000 | \$11,500,000 | \$11,500,000 | \$0 | Various |
| MACQUARIE BANK (TERM) | Very Low | TERM | Various | A | \$921,212 | \$921,212 | \$921,212 | \$0 | Various |
| NAB (TERM) | Very Low | TERM | Various | AA- | \$17,000,000 | \$17,000,000 | \$17,000,000 | \$0 | Various |
| RABODIRECT (TERM) | Very Low | TERM | 4.50% | AA | \$6,500,000 | \$6,500,000 | \$6,500,000 | \$0 | 7-Oct-13 |
| ST GEORGE BANK (TERM) | Very Low | TERM | Various | AA- | \$4,000,000 | \$4,000,000 | \$4,000,000 | \$0 | Various |
| SUNCORP METWAY LTD (TERM) | Very Low | TERM | Various | A+ | \$13,000,000 | \$13,000,000 | \$13,000,000 | \$0 | Various |
| WESTPAC (TERM) | Very Low | TERM | Various | AA- | \$13,521,353 | \$13,521,353 | \$13,521,353 | \$0 | Various |
| | | | | | \$81,423,720 | \$81,423,720 | \$81,423,720 | \$0 | |
| BANK OF QUEENSLAND (FLOAT RATE TD) | Very Low | FRTD | 4.60% | BBB+ | \$2,000,000 | \$2,000,000 | \$2,000,000 | \$0 | 30-Sep-13 |
| ING BANK (FLOAT RATE TD) | Very Low | FRTD | 4.63% | A | \$1,500,000 | \$1,500,000 | \$1,500,000 | \$0 | 10-Sep-13 |
| | | | | | \$3,500,000 | \$3,500,000 | \$3,500,000 | \$0 | |
| COMMONWEALTH BANK (RETAIL BOND) | Very Low | BOND | 4.11% | AA | \$2,000,000 | \$2,000,000 | \$2,000,000 | \$0 | 20-Dec-15 |
| NAB (FRN) | Very Low | FRN | 4.21% | AA- | \$2,000,000 | \$2,000,000 | \$2,000,000 | \$0 | 21-Jun-16 |
| COMMONWEALTH BANK (FRN) | Very Low | FRN | 4.11% | AA | \$2,000,000 | \$2,000,000 | \$2,000,000 | \$0 | 2-Aug-16 |
| | | | | | \$6,000,000 | \$6,000,000 | \$6,000,000 | \$0 | |
| CORSAIR (CAYMAN) KAKADU | Very High | CDO | 4.45% | NR | \$1,500,000 | \$72,363 | \$357,600 | \$285,237 | 20-Mar-14 |
| MANAGED ACES CLASS 1A PARKES | Very High | CDO | 4.67% | NR | \$1,050,000 | \$9,874 | \$23,100 | \$13,226 | 20-Jun-15 |
| BERYL FINANCE GLOBAL BANK NOTE 2 | Early Term. | CDO | 0.00% | NR | \$450,000 | \$1 | \$315,000 | \$314,999 | 20-Sep-14 |
| | | | | | \$3,000,000 | \$82,238 | \$695,700 | \$613,462 | |
| UNITS IN LOCAL GOVT HOUSE | NA | NA | NA | NA | \$230,645 | \$230,645 | \$230,645 | \$0 | NA |
| TOTAL FUNDS INVESTED | | | | | \$98,054,951 | \$95,137,189 | \$95,750,651 | \$613,462 | |

CREDIT RISK COMPARISON

| CREDIT RISK | PURCHASE PRICE \$ | CURRENT ESTIMATED MARKET VALUE | ACTUAL PROPORTION | MAX. % AMOUNT IN TOTAL PORTFOLIO | Comments |
|----------------------------|-------------------|--------------------------------|-------------------|----------------------------------|----------------------------------|
| AA | \$10,500,000 | \$10,500,000 | 11% | 80% | |
| AA- | \$48,903,094 | \$48,903,094 | 51% | 80% | |
| A+ | \$13,000,000 | \$13,000,000 | 14% | 50% | |
| A | \$13,921,212 | \$13,921,212 | 15% | 50% | |
| A- | \$4,700,000 | \$4,700,000 | 5% | 50% | |
| BBB+ | \$3,800,000 | \$3,800,000 | 4% | 20% | |
| NR | \$3,000,000 | \$695,700 | 1% | | Purchased Prior To Policy Change |
| UNITS IN LOCAL GOVT: HOUSE | \$230,645 | \$230,645 | 0% | 0.1% | Council Decision |
| TOTAL | 98,054,951 | 95,750,651 | 100% | | |

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

DIVERSIFICATION RISK

| INSTITUTION | INVESTMENT TYPE | S & P RATING | CURRENT ESTIMATED MARKET VALUE | ACTUAL PROPORTION | INSTITUTION PROPORTION | MAX. % WITH ANY ONE INSTITUTION | Comments |
|------------------------------------|-----------------|--------------|--------------------------------|-------------------|------------------------|---------------------------------|----------------------------------|
| ANZ BANK (TERM) | TERM | AA- | 2,000,000 | 2.09% | 2.09% | 20% | |
| BANKWEST (11AM) | 11AM | AA- | 586 | 0.00% | | 20% | |
| BANKWEST (TERM) | TERM | AA- | 181,155 | 0.19% | 0.19% | 20% | |
| BANK OF QUEENSLAND (TERM) | TERM | BBB+ | 1,800,000 | 1.88% | | 10% | |
| BANK OF QUEENSLAND (FLOAT RATE TD) | FRTD | BBB+ | 2,000,000 | 2.09% | 3.97% | 10% | |
| BENDIGO AND ADELAIDE BANK (TERM) | TERM | A- | 4,700,000 | 4.91% | 4.91% | 15% | |
| CITIBANK (TERM) | TERM | AA- | 6,300,000 | 6.58% | 6.58% | 20% | |
| COMMONWEALTH BANK (TERM) | TERM | AA- | - | 0.00% | | 20% | |
| COMMONWEALTH BANK (COVERED BOND) | BOND | AAA | - | 0.00% | | 20% | |
| COMMONWEALTH BANK (RETAIL BOND) | BOND | AA | 2,000,000 | 2.09% | | 20% | |
| COMMONWEALTH BANK (FRN) | FRN | AA | 2,000,000 | 2.09% | 4.18% | 20% | |
| ING BANK (TERM) | TERM | A | 11,500,000 | 12.01% | | 15% | |
| ING BANK (FLOAT RATE TD) | FRTD | A | 1,500,000 | 1.57% | 13.58% | 15% | |
| MACQUARIE BANK (TERM) | TERM | A | 921,212 | 0.96% | 0.96% | 15% | |
| NAB (TERM) | TERM | AA- | 17,000,000 | 17.75% | | 20% | |
| NAB (FRN) | FRN | AA- | 2,000,000 | 2.09% | 19.84% | 20% | |
| RABODIRECT (TERM) | TERM | AA | 6,500,000 | 6.79% | 6.79% | 15% | |
| ST GEORGE BANK (TERM) | TERM | AA- | 4,000,000 | 4.18% | 4.18% | 20% | |
| SUNCORP METWAY LTD (TERM) | TERM | A+ | 13,000,000 | 13.58% | 13.58% | 15% | |
| WESTPAC (MAXI BONUS 1) | 11AM | AA- | 100,000 | 0.10% | | 20% | |
| WESTPAC (MAXI BONUS 2) | 11AM | AA- | 800,000 | 0.84% | | 20% | |
| WESTPAC (MAXI DIRECT) | 11AM | AA- | 3,000,000 | 3.13% | | 20% | |
| WESTPAC (TERM) | TERM | AA- | 13,521,353 | 14.12% | 18.19% | 20% | |
| CDO - Various | CDO | Various | 695,700 | 0.73% | 0.73% | | Purchased Prior To Policy Change |
| UNITS IN LOCAL GOVT HOUSE | NA | NA | 230,645 | 0.24% | 0.24% | | |
| | | | 95,750,651 | 100% | 100% | | |

MATURITY COMPARISON

| TERM to MATURITY | CURRENT ESTIMATED MARKET VALUE | ACTUAL PROPORTION | MAX. % IN ANY ONE YEAR | Comments |
|-------------------------|--------------------------------|-------------------|------------------------|----------|
| MUNICIPAL & TRUST FUNDS | | | | |
| < 1 year | 45,456,603 | 100% | 100% | |
| | 45,456,603 | 100% | | |
| RESERVE FUNDS | | | | |
| < 1 year | 43,531,767 | 87% | 100% | |
| < 2 years | 315,000 | 1% | 80% | |
| < 3 years | 2,023,100 | 4% | 80% | |
| < 4 years | 4,000,000 | 8% | 40% | |
| < 5 years | - | 0% | 40% | |
| > 5 years | - | 0% | 20% | |
| | 49,869,867 | 100% | | |

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

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

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 30 April 2013 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2012, valuations obtained from CPG as at 30 April 2013 show that CDOs have increased in value by \$613,462.

The last remaining Lehman Brothers arranged CDO with a face value of \$450,000 remains to be settled and is expected to be realised at levels in excess of its full face value.

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5.04 million from CDO investments since 1 July 2007.

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

| | |
|--|--------------|
| - Face Value | \$ 2,550,000 |
| - Written Down (Book) Value (30 June 2012) | \$ 82,237 |
| - Estimated Market Value (30 April 2013) | \$ 380,700 |

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

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

Credit Ratings and Credit Events

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

The City's Remaining CDO Investments:

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

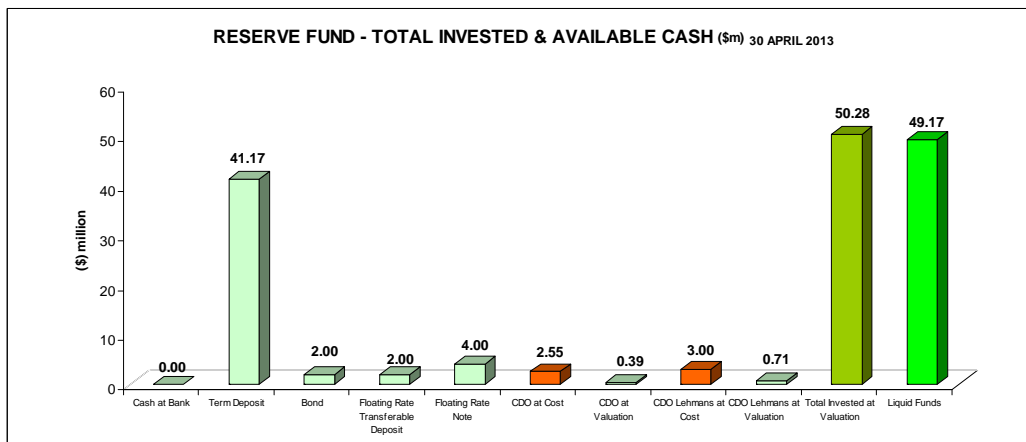
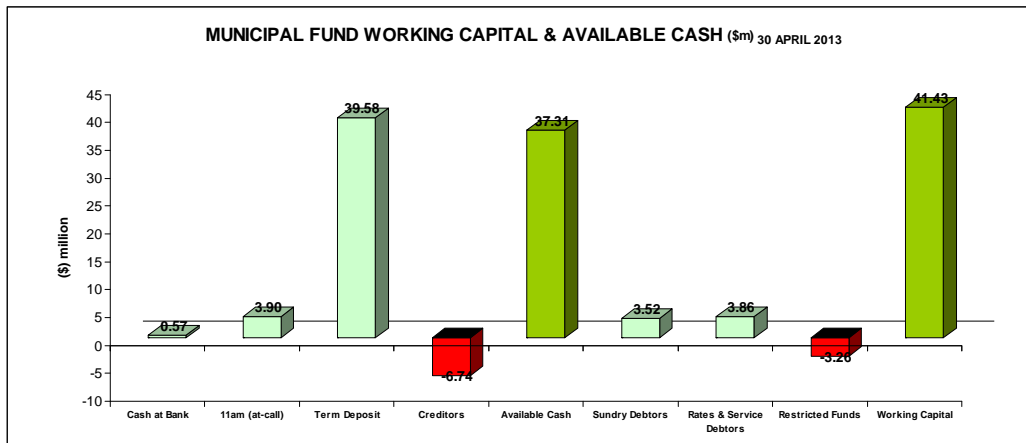
Terminated Lehman Brothers Arranged CDO Investments:

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

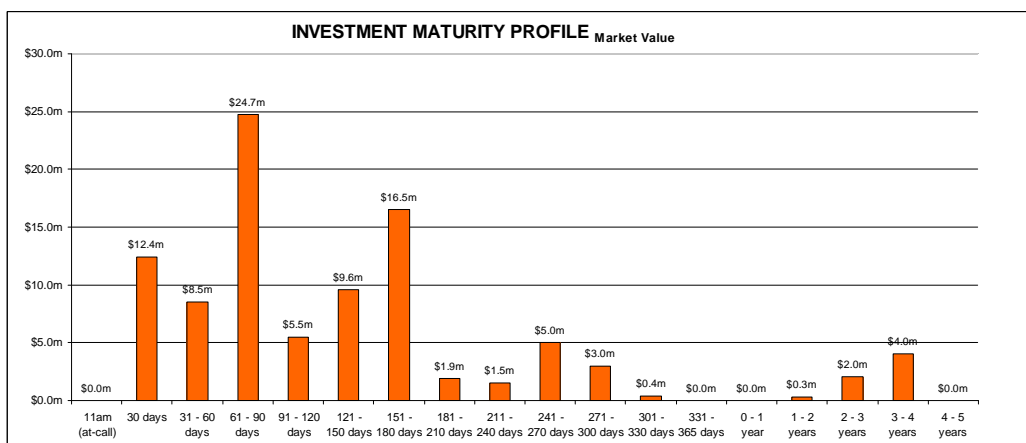
C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)

Net Funds Held

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



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



C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)**PUBLIC CONSULTATION/COMMUNICATION**

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

In conjunction with approximately 71 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the litigants the legal process is lengthy. The latest developments which took place over February 2013 is that Piper Alderman has lodged on the City's behalf Proofs of Debt with the Liquidators of Lehman Brothers Asia as they were also implicated in the Federal Court action as being partly responsible for the losses incurred since the time Lehman Brothers purchased Grange Securities. In addition Piper Alderman have also lodged with the Federal Court of Australia an Outline of Claim and detailed holdings, transactional information, copies of the Individually Managed Portfolio (IMP) agreement the City had entered into with Grange Securities/Lehman Brothers Australia and other supporting documentation such various versions of the City's investment policies that were relevant at the time the transactions took place as well as WA legislative requirements. This information will be used by the Federal Court to determine the specific nature of the relationship that the City has entered into with Grange Securities / Lehman Brothers Australia, and establishes that they were providing their services in the position of expert and trusted advisor and were meant to be applying a commensurate level of duty of care in that capacity. It will also be used to ascertain the extent of losses incurred by the City that could be attributed to the actions/inactions of Grange Securities / Lehman Brothers Australia.

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)**FINANCIAL IMPLICATIONS**

For the period ending 30 April 2013, interest earned on:

- Municipal and Trust Funds was \$1,579,393 against a revised budget of \$1,708,771. This represents a \$129,378 negative variance. The full year investment earnings revised budget for Municipal Funds is \$1.725 million which was revised down by \$600,000 from the original amount of \$2.325 million in the 2012/2013 adopted budget.
- Reserve Funds was \$2,627,337 against a revised budget of \$2,284,129. This represents a \$343,208 positive variance. The full year investment earnings revised budget for Reserve Accounts is \$2.6 million.

The City's revenue from investment earnings is expected to decrease in the foreseeable future, as the Reserve Bank of Australia (RBA) continues to cut the 'Cash' rate and the new legislative restrictions that have been placed by regulation that limits the type of investments, and more importantly the maximum term to maturity, in which the City is permitted to invest. As stated above the amount of Municipal and Trust investment earnings has been revised downwards during the mid year budget review.

The City's last remaining Lehman Brothers arranged CDO with a face value of \$450,000 is in the process of being unwound and the City expects that this will be repaid in excess of its full face value.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Council's Investment of Funds policy is constructed 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.

Due to continuing credit market volatility the risks associated with two of the City's three remaining CDOs is high. Whilst the City continues to earn and be paid interest from its two remaining non Lehman Brothers arranged CDOs, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that do not meet the Council's investment policy. The remaining two legacy CDO investments are being closely monitored by officers in conjunction with the City's investment advisors.

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

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

C13/6000 - INVESTMENT STATEMENTS FOR APRIL 2013 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

It highlights however that Municipal Fund earnings are currently, and expected to continue to decrease due to continuing interest rates cuts and legislative restrictive investment options.

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

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

At 8.41pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C13/6001 – SCHEDULE OF ACCOUNTS FOR APRIL 2013 (REC) (ATTACHMENT)

| | |
|----------------------------|---|
| Ward | : All |
| Category | : Operational |
| Subject Index | : Financial Statement and Investments |
| Customer Index | : Not applicable |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Standard Item |
| Works Programme | : Not Applicable |
| Funding | : 2012/13 Budget |
| Responsible Officer | : Khris Yeoh - Senior Financial Accountant |

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C13/6001 – SCHEDULE OF ACCOUNTS FOR APRIL 2013 (REC) (ATTACHMENT)

BACKGROUND

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

DETAIL

The Schedule of Accounts for the month ending 30 April 2013 ([6001 April 2013](#)), including Payment Registers numbers, Cheques **345 to 348** and Electronic Funds Transfers **289 to 293** were distributed to the Members of Council on 31 May 2013.

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

| Supplier Name | Remittance Number | Remittance Details | Amount |
|--|-------------------------------------|--|----------------|
| Alpha West Services Pty Ltd | E033772 | IT Network Equipment maintenance agreement | \$32,475.75 |
| Calibre Coatings Pty Ltd | E033698 & E033931 | Painting at Melville Recreation Centre, Civic Centre & Willagee Community Centre | \$38,309.70 |
| CA Technology Pty Ltd | E033738 | Annual software maintenance fee | \$27,919.54 |
| City of Cockburn | E033883 | Tip fees for December 2012, January 2013 & March 2013 | \$1,023,465.25 |
| Dickies Tree Service | E033643 & E033886 | Tree lopping service | \$83,868.40 |
| Downer EDI works Pty Ltd | E033874 & E033987 | Road resurfacing | \$269,394.76 |
| Dowsing Concrete | E033860, E033876 & E034046 | Concrete works | \$74,098.28 |
| Ecosol Pty Ltd | E033859 | Pollutant trap for Melville Beach Road reconstruction | \$61,545.00 |
| Fire & Emergency Services Authority WA | E033807 | ESL remittance for March 2013 | \$770,335.10 |
| Flexi Staff | E033676 & E033911 | Temporary employment | \$49,866.98 |
| GHD Pty Ltd | E033777 & E033984 | Stage 1 site investigations, soil and gas investigation for John Connell Reserve and Stage 2 for Canning Bridge activity | \$83,344.47 |
| JMG Air Conditioning & Electrical Services | E033805, E033875 & E034007 | Maintenance to air conditioners | \$44,087.18 |
| Melville Toyota | E033709 & E033941 | Toyota Hilux ute | \$32,467.98 |
| MMM WA Pty Ltd | E033753 & E033972 | Progress and final claim for erosion control and variation to limestone wall | \$70,790.47 |
| Mountway Melville Hyundai | E033666 & E033905 | Hyundai i30 elite | \$25,456.21 |
| Pianda Maintenance | E033744 | Brick paving | \$26,848.29 |
| Porter Consulting Engineers | E033919 | Detailed design of Deep Water Point Jetty | \$31,900.00 |
| Quayclean Australia Pty Ltd | E033771 | Cleaning services | \$54,937.98 |
| RBM Drilling | E033699 & E033932 | Bore replacement at various reserves | \$102,344.00 |
| Rhysco Electrical Services | E033628, E033774, E033872 & E033982 | Electrical services | \$56,857.05 |
| Robinson Buildtech | E033659 & E033898 | Building maintenance | \$35,462.44 |
| Safeway Building & Renovations Pty Ltd | Chq 053235 | Part roof replacement at Civic Centre | \$177,865.60 |

C13/6001 – SCHEDULE OF ACCOUNTS FOR APRIL 2013 (REC) (ATTACHMENT)

| Supplier Name | Remittance Number | Remittance Details | Amount |
|--|--------------------------|---|---------------|
| Southern Metropolitan Regional Council | E033871 & E033962 | Recyclable gate fees for March 2013, Green waste fees for March 2013, MSW gates fees for March 2013 & WCF Member contributions for January 2013 | \$685,293.08 |
| Supersealing | E033779 | Bitumen sealing | \$25,720.27 |
| Synergy | E033674 & E033910 | Electricity billing | \$184,251.36 |
| Titan Ford | E033702 & E033935 | Ford PX ranger crew cab | \$35,353.51 |
| T-Quip Turf Equipment Solutions | E033661 & E033900 | Turf equipment | \$43,571.05 |
| Tree Planting & Watering | E033814 | Tree watering | \$30,299.50 |
| Water Corporation | Chqs 053196 & 053375 | Water usage | \$39,312.85 |
| West Coast Turf | E033691 & E033926 | Supply and laying of turf | \$25,213.06 |

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2012/13 Budget and subsequent Budget reviews.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C13/6001 – SCHEDULE OF ACCOUNTS FOR APRIL 2013 (REC) (ATTACHMENT)**CONCLUSION**

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

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

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

At 8.41pm the Deputy Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C13/6002 – FINANCIAL STATEMENTS FOR APRIL 2013 (AMREC) (ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

| |
|--|
| <ul style="list-style-type: none"> • This report presents the Financial Statements for the financial year, period ending 30 April 2013 and recommends that they be noted by the Council. • This report presents budget amendments for the period ending 30 April 2013 and recommends that they be adopted by Absolute Majority decision of the Council. • This report presents the variances for the month of April 2013 and recommends that they be noted by the Council. • This report presents debts that have been written off under delegated authority for the month of April 2013 and recommends that they be noted by the Council. |
|--|

C13/6002 – FINANCIAL STATEMENTS FOR APRIL 2013 (AMREC) (ATTACHMENTS)
BACKGROUND

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

DETAIL

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

For the period 1 July 2012 to 30 April 2013, a net operating positive variance of \$10,804,830 and a net capital positive variance of \$8,555,829 were recorded.

Variations

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

| CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 APRIL 2013 | | | | | | | | |
|--|-----------------------|--------------------------|---------------------|----------------|---------------|------------------------|-----------------------------|------------------------------|
| | April Actual \$ | YTD Rev. Budget \$ | YTD Actual \$ | Variance \$ | Variance % | Annual Budget \$ | Annual Rev. Budget \$ | Current Commitments \$ |
| Revenues | | | | | | | | |
| Governance | 330,391 | 1,659,368 | 2,058,088 | 398,721 | 24% | 1,309,100 | 1,862,528 | (190) |
| General Purpose Funding | 472,594 | 13,501,120 | 18,728,889 | 5,227,769 | 39% | 13,844,420 | 14,258,781 | - |
| Community Amenities | 115,508 | 16,043,475 | 16,326,083 | 282,608 | 2% | 16,669,400 | 16,546,875 | - |
| Recreation and Culture | 987,370 | 7,797,220 | 7,868,318 | 71,098 | 1% | 8,840,659 | 9,180,879 | (8,291) |
| Transport | 302,089 | 4,968,817 | 4,183,004 | (785,813) | -16% | 4,897,541 | 5,285,075 | - |
| Other Property and Services | (71,782) | 2,153,860 | 514,607 | (1,639,253) | -76% | 387,618 | 1,606,951 | 4,280 |
| | 2,168,853 | 49,072,125 | 52,701,287 | 3,629,162 | 7% | 48,956,270 | 51,748,630 | (4,201) |
| Expenses | | | | | | | | |
| Governance | (605,176) | (8,834,943) | (8,145,436) | 689,507 | -8% | (10,698,225) | (10,296,627) | (607,932) |
| Law, Order, Public Safety | (282,027) | (3,127,836) | (2,902,162) | 225,674 | -7% | (3,723,487) | (3,767,310) | (74,890) |
| Health | (65,748) | (843,618) | (748,177) | 95,441 | -11% | (1,035,558) | (1,010,815) | (15,545) |
| Education & Welfare | (164,040) | (4,445,902) | (3,896,136) | 549,766 | -12% | (5,463,762) | (5,390,438) | (120,517) |
| Community Amenities | (2,144,820) | (16,946,301) | (15,224,989) | 1,721,312 | -10% | (19,172,687) | (20,211,586) | (662,071) |
| Recreation and Culture | (2,279,273) | (23,263,880) | (22,309,825) | 954,055 | -4% | (26,840,555) | (27,965,031) | (1,013,069) |
| Transport | (810,807) | (8,362,587) | (7,521,780) | 840,807 | -10% | (10,003,523) | (9,998,623) | (410,921) |
| Other Property and Services | (791,814) | (8,697,904) | (9,093,790) | (395,886) | 5% | (8,557,716) | (9,953,318) | (110,217) |
| | (8,079,225) | (81,084,434) | (76,364,634) | 4,719,800 | -6% | (92,121,667) | (95,477,969) | (3,037,189) |

Revenue

\$52.516m in Rates was raised to 30 April 2013. This is compared with a year to date budget of \$52.506m, resulting in a positive variance of \$10K.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for April 2013.

Budget Amendments

Details of Budget Amendments requested for the month of April 2013 are shown in attachment [6002J April 2012](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

C13/6002 – FINANCIAL STATEMENTS FOR APRIL 2013 (AMREC) (ATTACHMENTS)

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 \$825,140 were collected over the course of the month. Rates collection progress for the month of March was 0.57% below target. As at 30 April 2013, 95.43% of 2012/2013 rates had been collected.

Total sundry debtor balances increased by \$517,791 over the course of the month. The 90+ day's debtor balance increased by \$83.

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.

Amounts totalling \$9.72 were written off under delegated authority in the month of April 2013. These amounts represents short paid pensioner and seniors rates accounts which would otherwise not qualify for the state funded pensioner/seniors rebate from the Office of State Revenue. Details of debts written off for the month of April 2013 are shown in attachment [6002O April 2013](#).

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

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C13/6002 – FINANCIAL STATEMENTS FOR APRIL 2013 (AMREC) (ATTACHMENTS)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

(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 at its Special meeting held on 26 June 2012 to adopt the 2012/13 Budget, was 10% or \$50,000 whichever is greater.

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

C13/6002 – FINANCIAL STATEMENTS FOR APRIL 2013 (AMREC) (ATTACHMENTS)**FINANCIAL IMPLICATIONS**

Variances are dealt with in attachment [6002H_April 2013](#) (Notes on Operating Statements reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

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

C13/6002 – FINANCIAL STATEMENTS FOR APRIL 2013 (AMREC) (ATTACHMENTS)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY APPROVAL

At 8.41pm Cr Willis moved, seconded Cr Robartson -

That the Council:

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

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

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

At 8.42pm the Deputy Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. EN BLOC ITEMS

At 8.43pm Cr Robartson moved, seconded Cr Hill -

That the recommendations for items M13/5293, M13/5295, M13/5297, P13/3395, CD13/8052, C13/5000, C13/6000, C13/6001, be carried En Bloc.

At 8.43pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

At 8.47pm Cr Reidy moved, seconded Cr Reynolds –

That the meeting be closed to the public to permit discussion on a confidential matter, in Late Item - M13/5304, which relates to the City of Melville Chief Executive Officer Performance Review, covered under Section 5.23 (2) (b) & (c) of the Local Government Act 1995, relating to the personal affairs of any person and a contract that has been entered into.

At 8.47pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

At 8.48pm Cr Reidy moved, seconded Cr Willis -

That in accordance with Section 5.68 (1) of the Local Government Act 1995 Dr Silcox be permitted to Stay and Observe.

At 8.48pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

At 8.49pm the Deputy Mayor adjourned the meeting for a comfort break.

At 8.49pm Mr Tieleman, Ms Young, Mr Cope, Mr Christie, Mr Prendergast and Mr B Taylor left the meeting.

At 8.59pm the meeting resumed.
At 8.59pm Ms K Johnson and Mr J Phillips entered the meeting.

17. LATE ITEM FROM GOVERNANCE COMMITTEE MEETING – 10 JUNE 2013

The following item from the Governance Committee Meeting of 10 June 2013 requires consideration by the Council.

LATE ITEM - M13/5304 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)

Disclosure of Interest

| | |
|----------------------------|--|
| Item No. | M13/5304 |
| Member | Dr S Silcox |
| Type of Interest | Financial Interest in Accordance with the Act and Interest under the Code of Conduct |
| Nature of Interest | Chief Executive Officer Performance Review |
| Request | Stay and Observe |
| Decision of Council | Stay and Observe |
| 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 | : M13/5289 – City of Melville – Chief Executive Officer Performance Review – Governance Committee 3 April 2013 M13/5274 – City of Melville – Chief Executive Officer Performance Review – Council 19 March 2013 |
| Works Programme | : Not applicable |
| Funding | : Not applicable |
| Responsible Officer | : Kylie Johnson Executive Manager Organisational Development |

LATE ITEM - M13/5304 – 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"/> | Executive | <i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

KEY ISSUES / SUMMARY

- 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.

**LATE ITEM - M13/5304 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****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 May 2012, and followed the review in 2011 that resulted in a new five year contract being adopted by Council.

Clause 7 of the CEO contract advises that there is to be a Performance Review every 12 months.

A Performance Review Consultant, Mr John Phillips from WALGA, 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 19 March 2013 is detailed as attachment [5304 Chief Executive Officer Performance Review](#). As the process details estimated dates, regular updates of actual dates have been provided to Elected Members through the Elected Member Bulletin. As indicated in the process the Governance Committee are 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 (Attachment A) was distributed to Elected Members on Friday 27 April 2012 under confidential cover. The Performance Report from the CEO (Attachment B) was distributed to Elected Members on 5 April 2013.

It is noted that the Consultant Report addresses the aspect of a Performance Development Plan and for reasons noted within the report there is no recommendation relating to a Performance Development Plan within this item. It is noted that the Mayor is authorised to approve professional development for the CEO, as specified in the contract of employment.

**LATE ITEM - M13/5304 – 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 Mr John Phillips 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 |

**LATE ITEM - M13/5304 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

| | | |
|--|---|-------------------|
| 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 | CEO to be present |
| 6. Remuneration discussion | Review of salary level – refer to confidential Attachment A. | CEO not present |

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

There has been no liaison with any other agencies or Consultants beyond WALGA.

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 in to 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.

**LATE ITEM - M13/5304 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

FINANCIAL IMPLICATIONS

The fee for the Performance Review Consultant has been included in the 2012/2013 Operational Budget. Any change to the salary package of the CEO will be reflected in the Operational Budget for 2013/2014.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable

ALTERNATE OPTIONS & 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 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.

The confidential attachments “Amended Performance Criteria 2013” and “Salary Recommendation 2013” were distributed to Elected Members on Friday, 14 June 2013 under confidential cover.

**LATE ITEM - M13/5304 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COMMITTEE RESOLUTION (5304) APPROVAL**

That the Governance Committee recommend to the Council:

1. That the Performance Criteria for the Chief Executive Officer be amended as recommended by the Governance Committee, to reflect agreed changes, and the revised criteria be provided under confidential cover to the Council as an attachment entitled “Amended Performance Criteria 2013”, be approved.
2. 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 2013” for approval, to take effect from 20 March 2013.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5304) APPROVAL

At 9.00pm Cr Robartson moved, seconded Cr Reidy -

That the Council -

1. **Approve the amended Performance Criteria for the Chief Executive Officer as recommended by the Governance Committee, and provided under confidential cover as an attachment entitled “Amended Performance Criteria 2013”.**
2. **Approve the amendment to the base salary component for the Chief Executive Officer as recommended by the Governance Committee, and provided under confidential cover as an attachment entitled “Salary Recommendation 2013” to take effect from 20 March 2013.**

At 9.22pm Dr Silcox left the meeting.

Amendment

At 9.28pm Cr Pazolli moved, seconded Cr Nicholson –

That the base salary component for the Chief Executive Officer as recommended by the Governance Committee, and provided under confidential cover as an attachment entitled “Salary Recommendation 2013” be amended.

At 9.46pm the Deputy Mayor submitted the motion, which was declared

LOST (4/7)

Cr Nicholson requested that the votes be recorded –

For: Cr Barton, Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.

Against: Deputy Mayor D Macphail, Cr Foxton, Cr Hill, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Willis.

**LATE ITEM - M13/5304 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5304) APPROVAL**

At 9.46pm the Deputy Mayor submitted the Committee Recommendation –

That the Council -

- 1. Approve the amended Performance Criteria for the Chief Executive Officer as recommended by the Governance Committee, and provided under confidential cover as an attachment entitled “Amended Performance Criteria 2013”.**
- 2. Approve the amendment to the base salary component for the Chief Executive Officer as recommended by the Governance Committee, and provided under confidential cover as an attachment entitled “Salary Recommendation 2013” to take effect from 20 March 2013.**

At 9.47pm the Deputy Mayor declared the motion

CARRIED (8/3)

Cr Nicholson requested that the votes be recorded –

**For: Deputy Mayor D Macphail, Cr Barton, Cr Foxtton, Cr Hill, Cr Reidy,
Cr Reynolds, Cr Robartson, Cr Willis.**

Against: Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.

At 9.48pm Cr Reidy moved, seconded Cr Willis -

That the meeting come out from behind closed doors and the public be invited back into the meeting.

At 9.48pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

No members of the public returned to the meeting.

18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

At 9.49pm Cr Robartson moved, seconded Cr Willis -

That Cr Robartson be permitted to present to Council a Motion Without Notice relating to Congratulating the Chief Executive Officer, City of Armadale.

At 9.49pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

At 9.49pm Cr Robartson moved, seconded Cr Willis -

That the City of Melville convey to Mr Ray Tame, Chief Executive Officer, City of Armadale, our warmest congratulations on receiving the Public Service Medal (PSM) in the recent Queen's Birthday, Australian Honours.

At 9.50pm the Deputy Mayor submitted the motion, which was declared

CARRIED (11/0)

19. CLOSURE

There being no further business to discuss the Deputy Mayor declared the meeting closed at 9.50pm.