

**MINUTES**

**OF THE**

**ORDINARY MEETING OF COUNCIL**

**HELD ON**

**18 SEPTEMBER 2012**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 18 SEPTEMBER 2012.**

**1. OFFICIAL OPENING**

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

**Affirmation of Civic Duty and Responsibility**

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

**2. PRESENT**

His Worship the Mayor, Russell Aubrey

**COUNCILLORS**

Deputy Mayor Cr C Robartson  
Cr R Willis  
Cr N Pazolli, Cr P Reidy  
Cr A Nicholson  
Cr S Taylor-Rees  
Cr R Hill, Cr B Kinnell  
Cr M Reynolds, Cr N Foxtan

**WARD**

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

**3. IN ATTENDANCE**

Mr S Cope	A/Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms L Hartill	A/Director Community Development
Mr J Christie	Director Technical Services
Mr G Ponton	A/Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 29 members of the public and one member from the Press in the Public Gallery.

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

Dr S Silcox	Chief Executive Officer
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**4.2 APPROVED LEAVE OF ABSENCE**

Cr J Barton	Bicton/Attadale Ward
Cr D Macphail	City 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

At 6.36pm Cr Kinnell left the meeting and returned at 6.39pm.

### Questions Taken on Notice at the Ordinary Meeting of Council held on 21 August 2012

#### 6.1 M Norman, Booragoon

At the Ordinary Meeting of Council held on the 21 August 2012 Mr M Norman submitted two questions relating the Len Shearer Reserve. At that meeting these questions were taken on notice. A response in writing was provided to Mr Norman from Ms Christine Young, Director Community Development and the details contained in that response are recorded below:

##### Question 1

*In consideration of community concerns or to allay any fears councillors may have, will council agree to carry out an independent environmental study on possible impacts of the installation and longer term consequences of synthetic turf at Len Shearer Reserve on surrounding flora, fauna, ground water, soil, users and local residents; considering at least, material borne pollutants, airborne particulate matter especially sub PM10 from synthetic infill material (e.g. crystalline silica) considering its wear over time, and urban hotspot creation using peer-reviewed, independently-tested scientific data in preference to the manufacturer's presentation material, specifications, testing or material data sheets?*

##### Response

Synthetic turf has been used for sports facilities since the 1960's. The early generations of synthetic turf did present with a number of real and perceived health and environmental issues. Many of these have progressively been addressed with improved technology and environmental legislation.

There are obvious differences between natural and synthetic turf with one being organic and the other synthetic. While natural grass does support a number of natural processes, particularly with regard to the health of the soil and does provide some foraging opportunities for local insect eating birds, it would be a big step to suggest it provides a diverse habitat for local flora and fauna. Essentially natural grass (specifically used for active sports) is a monoculture that requires a regime of maintenance that includes many less than desirable inputs (such as fertilizers and pesticides) that need to be managed carefully. Synthetic turf on the other hand, does not support any biological processes, but neither does it use water or require chemical inputs in its maintenance.

In answer to the question the City will not be seeking to carry out an independent environmental study to address factors raised above, however when specifying a product for the project consideration will be given to best knowledge/practice in terms of minimising environmental and health impacts and maximising player comfort.

## 6. QUESTION TIME (Continued)

### Question 2

*“Why has overuse, resulting considerable damage of the Len Shearer Reserve Natural Turf predominately from organised soccer activities, been allowed and not effectively managed by the Council, especially in consideration of:*

- 1) *allowing soccer season creep, so there is little time for the natural turf to recover between soccer and summer athletics,*
- 2) *not stopping enough matches and practices seasons when ground is sodden or extremely muddy,*
- 3) *installing extra goalpost in-ground receivers to allow the two large pitches certain across-field movement (when new game lines are painted) to promote even wear and allow some recovery in high traffic areas such as goals, penalty spots corners etc.,*
- 4) *improving management of sharing matches and practise sessions across multiple reserves, and*
- 5) *capping the number of players, and matches at Len Shearer ...to extend the life of the Natural Turf overcoming or delaying replacement by Synthetic turf, which will reduce access for certain clubs and residents?*

Please consider:

- 1) *Melville athletics have stated they cannot use the Synthetic Turf due heat, equipment (javelin, shot put, discus etc.) causing damage to the surface and the inability to stake shade structures.*
- 2) *Council representatives stated at the recent information sessions on the 18th and 20th of August that the Synthetic Turf in the configuration proposed is probably only suitable for Soccer and Touch Rugby.*
- 3) *Unorganised and informal sport, family use etc. will be restricted by what they can do in within the area.*
- 4) *Health and safety issues will arise due to elevated surfaces temperatures during certain hotter days. Duty of care responsibilities at other facilities have stopped use once the surface temperature reaches 50degrees Celsius.*
- 5) *It is highly likely that dog owners will have no access.”*

### Response

The use of Len Shearer Reserve has been effectively managed. The City of Melville has been working with the Melville Athletic Club and the Melville City Football Club (the two main users of the reserve) over a number of years to put in place a range of initiatives to reduce the problems associated with over usage at Len Shearer Reserve. These initiatives include:

- Increasing the utilisation of Winthrop Park and planned floodlight installation (Melville City Football Club).
- Increasing the utilisation of Tompkins Park including the installation of additional floodlighting (Melville City Football Club).
- Decreasing the utilisation of Len Shearer Reserve (Melville City Football Club).
- Relocating regular School Athletic Carnivals from Len Shearer to other City of Melville Reserves.

## 6. QUESTION TIME (Continued)

Further to these initiatives the City has acted by closing the reserve in 2009/2010 at short notice due to water shortages to allow turf recovery where needed. Additionally the City in conjunction with the Football and Athletics Clubs, has been proactive in working with the Clubs to modify training and competition programs, to shift training across the whole reserve rather than just at goal mouths and centre spots to further assist in preventing wear and tear in high usage areas.

### 6.2 J Hargreaves, Booragoon

At the Ordinary Meeting of Council held on the 21 August 2012 Ms J Hargreaves submitted two questions relating the Len Shearer Reserve. At that meeting these questions were taken on notice. A response in writing was provided to Ms Hargreaves from Ms Christine Young, Director Community Development and the details contained in that response are recorded below:

#### Question 1

*“The maintenance cost of the Len Shearer Reserve proposed Synthetic Turf has been estimated in the City of Melville “Len Shearer Information” document at \$10,000 per annum, however the “Natural Grass vs. Synthetic Turf Surfaces Study Final Report” by the Government of Western Australia, Department of Sport and Recreation, estimates the operating cost to be \$25,000 per soccer field per annum. In consideration of the extreme proximity of leaf shedding gum trees and other vegetation and the susceptibility of Synthetic Turf to maintenance and operating issues from tree litter, how can the maintenance cost be only \$10,000 per annum?”*

#### Response

The maintenance requirements for synthetic turf are far less intensive than those required for natural turf. Essentially synthetic turf requires a regular brushing, aerating, raking and sweeping which is often done with one small machine. This may be purchased or contracted out, whichever is the most cost effective. The costs quoted are indicative costs which can vary and were provided in a recent feasibility study by an external consultant.

## 6. QUESTION TIME (Continued)

### Questions Taken on Notice at the Agenda Briefing Forum held on 4 September 2012

At the Agenda Briefing Forum held on 4 September 2012, Mr Selvaratnam submitted a question relating to the Business Case for installing a synthetic playing surface at Len Shearer Reserve. At that meeting the question was taken on notice. A response in writing was provided to Mr Selvaratnam from Ms Christine Young, Director Community Development and the details contained in that response are recorded below:

#### 6.3 Mr A Selvaratnam, Booragoon

##### Question

*“When will Council release an updated Business Case that is fully costed for all the additional costs and risks, and allow the Melville Residents to view this plan prior to final investment decisions being made?”*

*The most current version of the Business Case (February 2012) for installing a synthetic playing surface at Len Shearer Reserve has a lot of uncosted and unbudgeted capital expenditure risk (please refer to points below) that in total will be significantly greater than the budget contingencies allowed by Council (current planned contingencies are \$220,000).*

*Current uncosted and unbudgeted capital expenditure in the current Business Case:*

- *\$148,000 additional capital cost risk of additional lighting if the \$282,000 expenditure planned lighting interferes with the synthetic surface development.*
- *Uncosted capital costs risk for a specific environmental plan for the impact of a synthetic surface at Len Shearer Reserve.*
- *Uncosted capital cost for a parking and traffic management plan for the Hatfield Way and Marcus Avenue areas.*
- *Uncosted maintenance and grooming equipment costs.*
- *Uncosted plans for additional paths and access ways not in the original February 2012 Business Case.*
- *Uncosted capital costs for the upgrade turf product that is different to the cheaper product disclosed in the February 2012 Business Case.”*

##### Response

A revised business case will be submitted to Council in December 2012 along with the finalised concept plan. The business case will be publically available from late November 2012.

## 6. QUESTION TIME (Continued)

At the Agenda Briefing Forum held on 4 September 2012, Mr Norman submitted a question relating to the surface temperature of the synthetic playing surface at Len Shearer Reserve. At that meeting the question was taken on notice. A response in writing was provided to Mr Norman from Ms Christine Young, Director Community Development and the details contained in that response are recorded below:

### 6.4 Mr M Norman, Booragoon

#### Question

*“Based upon Bureau of Meteorology data and the presentation material exhibited at the Len Shearer information sessions, the surface temperature of the synthetic turf referenced in the business case would have exceeded 50 degrees Celsius on 68% of the days during 2011’s three summer months. Due to health issues, when above 50 degrees Celsius surface temperature, synthetic turf use should stop and the surface cooled. This analysis is based upon coated, green-coloured rubber infill, which will be more expensive than current business case that costs with non-coated, recycled rubber. With this product, the number of days exceeding 50 degrees Celsius would have risen to close to 80% of the summer period.*

*How will the council cool the surface to allow safe access for Athletics, residents and casual users during summer days when surface temperature poses a health risk? And, when will we know the additional costs and temperature effects for a system such as LigaTurf CoolPlus filament with a TPE based infill.*

The question submitted by Mr Norman was taken on notice. A response will be provided to Mr Norman by Mrs Christine Young, Director Community Development and will be provided in the Minutes of the Ordinary Meeting of Council.”

#### Response

The City understands that synthetic turf does have a tendency to heat up on hot days. The practice of applying water to temporarily cool the surface is not being considered as a viable option at Len Shearer Reserve due to the constraints that the City is already experiencing with water allocations for irrigation.

The issues with health and safety on days that are very hot will need to be addressed through player management and a heat policy governing safe play.

The City, when constructing the tender for synthetics for use on Len Shearer, will ensure that it specifies materials so that the number of days that the surface is available for safe play is maximised. This will ensure that rapidly evolving technology with regards to synthetic turf is taken advantage of.

**6. QUESTION TIME (Continued)**

**6.5 Ms J Hargreaves, Booragoon**

Question

*“Regarding the maintenance costs of Synthetic Turf on Len Shearer Reserve does the Council realise that the “indicative” figure provided in a recent feasibility study by ABV was in fact a single manufacturer (STIs) estimate (as stated on page 6 of Appendix 2 of their report SYNTHETIC SPORTS SURFACES FEASIBILITY STUDY UPDATE)?*

*Given this figure is considerably less than the estimate of the WA Department of Sport and Recreation and feedback from organisations with similar synthetic turf pitches, will rate payers or sports clubs be left paying for the shortfall?*

Questions submitted by Ms Hargreaves were taken on notice. A response in writing will be provided to Ms Hargreaves from Ms Leanne Hartill, A/Director Community Development and the details contained in that response will be recorded in the Agenda and Minutes of the October 2012 Ordinary Meeting of Council.

**6.6 Mr M Norman, Booragoon**

Question 1

*In response to my question at the August 21<sup>st</sup> Ordinary Meeting of Council the following statement was made:*

*“ the City has been proactive in working with the clubs to modify training and competition programs to shift training across the whole reserve rather than just at goal mouths and centre spots to further assist in preventing wear and tear in high usage areas..”*

*In light of the following pictures taken within last 3 weeks, could our council please explain why their plan is not working and high wear areas are still receiving excessive use?*



**Figure 1 - Use of highly worn area when other large fully grassed areas are available**

6. QUESTION TIME (Continued)



Figure 2 - Use of highly worn area when other large fully grassed areas are available



Figure 3 - Training goal posts on high wear centre line

Question 2

*In response to my question at the August 21<sup>st</sup> Ordinary Meeting of Council the following statement was made:*

*“Synthetic turf on the other hand, does not support any biological processes, but neither does it use water or require chemical inputs in its maintenance.”*

*Could our council please explain how Synthetic turf does not support any biological processes and requires no chemical input, in light of:*

- a) Synthetic structures that come in contact with water in an open and non-sterile environment will support biological process, and*
- b) Synthetic Turf manufacturers recommend - “use of anti-algae remedies is a must. As the run off from most surfaces ends up in the storm water system you should check with your local council or water board about the use of chemicals on your surface”*

**6. QUESTION TIME (Continued)**

*How will our council fully ensure it understands the full long-term impact of any proposition to install Synthetic Turf at Len Shearer Reserve to users, residents and the environment?*

Questions submitted by Mr Norman were taken on notice. A response in writing will be provided to Mr Norman from Ms Leanne Hartill, A/Director Community Development and the details contained in that response will be recorded in the Agenda and Minutes of the October 2012 Ordinary Meeting of Council.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 21 AUGUST 2012**  
**Min 21 August 2012****COUNCIL RESOLUTION**

At pm 6.40pm Cr Willis moved, seconded Cr Foxtton -

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 21 August 2012, be confirmed as a true and accurate record.**

At 6.40pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 4 SEPTEMBER 2012**  
**Notes 4 September 2012****COUNCIL RESOLUTION**

At 6.40pm Cr Hill moved, seconded Cr Reidy -

**That the Notes of the Agenda Briefing Forum held on Tuesday, 4 September 2012, be received.**

At 6.40pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

**8. CONFIRMATION OF MINUTES (Continued)****8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (FMARCC) – 27 AUGUST 2012****COUNCIL RESOLUTION**

At 6.40pm Cr Reynolds moved, seconded Cr Willis -

**That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 27 August 2012 be noted.**

**NB:**

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

At 6.41pm the Mayor submitted the motion, which was declared

**CARRIED (9/2)**

Cr Nicholson requested that the votes be recorded –

**For: Mayor R Aubrey, Cr Foxtton, Cr Hill, Cr Kinnell, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Taylor-Rees, Cr Willis.**

**Against: Cr Nicholson, Cr Pazolli.**

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

Nil.

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

Nil.

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

Nil.

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

- 16.1 Motion Without Notice – Role of the Elected Members in Providing Community Leadership

The above matter is confidential in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 relating to a matter affecting an employee or employees.

- P12/3329 Confidential Item - Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross
- P12/3340 Confidential Item - Three-Storey Single House at Lot 899 (18A) Tweeddale Road, Applecross

Confidential Items P12/3329 and P12/3340 were distributed to Elected Members on Friday, 31 August 2012 under confidential cover.

The above matters are confidential in accordance with Section 5.23 (2) (d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

- C12/5253 Confidential Item - Potential Sale of Three of the City's Collateralised Debt Obligation Investments

Confidential Item C12/5253 was distributed to Elected Members on Thursday, 23 August 2012 under confidential cover.

- C12/5253 Confidential Item C12/5253 – Update to FMARCC Report C12/5253 Regarding the Potential Sale of Three of the City's Collateralised Debt Obligation Investments

Confidential Item C12/5253 – Update to FMARCC Report C12/5253 was distributed to Elected Members on Friday, 7 September 2012 under confidential cover.

The above matters are confidential in accordance with Section 5.23 (2) (c) & (e) of the Local Government Act 1995, relating to a contract that may be entered into and information that has a commercial value to another person.

- C12/6048 Late and Confidential Item – CO16/12 Road Resurfacing and Associated Works Program

Confidential Item C12/6048 – CO16/12 Road Resurfacing and Associated Works Program was distributed to Elected Members on Tuesday, 11 September 2012.

The above matter is confidential in accordance with Section 5.23 (2) (c) of the Local Government Act 1995 relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

**12. PETITIONS**

Nil.

### 13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

#### **P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Ward	:	Applecross – Mount Pleasant
Category	:	Operational
Application Number	:	DA-2011-599
Property	:	Lot 276 (8) Bragor Place, Ardross
Proposal	:	Three-storey Mixed-use Development
Applicant	:	Yaran Property Group
Owner	:	Bragor 8 Pty Ltd
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P12/3323 Ordinary Meeting of Council 21 August 2012
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services

#### **AUTHORITY / DISCRETION**

##### **DEFINITION**

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

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for the re-development of the subject lot to provide a mixed-use development comprising a three storey building.
- The majority of the development will be made up of multiple dwellings (i.e. residential) however, one tenancy located on the corner of Bragor Place and Almondbury Road is proposed to be used as an office.
- The subject site is located in close proximity to the City Centre, in an area designated as “City Centre Frame”. ‘Office’ and ‘Residential’ uses are classed as ‘S’ and ‘D’ land uses respectively within the City Centre Frame Precinct.
- The proposed development incorporates a number of variations to the development requirements of the R-Codes and Community Planning Scheme No 5 (CPS5). These relate to plot ratio, landscaping, secondary street setback and side setbacks.
- The proposed variations are supported or can otherwise be made to comply by way of conditions to satisfy the relevant Performance Criteria of the R-Codes and/or the objectives of CPS5.
- The approval of the application requires a Special Majority decision of Council given the plot ratio variation that is proposed.
- The application is recommended for conditional approval.



**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame
R-Code	:	R50
Use Classes	:	Office and Residential
Use Permissibility	:	Office – S Residential - D

**Site Details**

Lot Area	:	862.76sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	No registered trees on verge
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

[3323 Site and Elevation Plans 8 Bragor Place Booragoon](#)

**DETAIL**

**Development Requirements**

The proposal generally satisfies the relevant development requirements of the R-Codes, CPS5 and Council Policy with the exception of the following:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
<b>CPS5 / Policy Variations</b>					
Plot Ratio	0.8 (690.2sqm)	0.91 (787.14sqm)	<b>Does not comply</b>	Council	
Landscaping	25%	3%	<b>Does not comply</b>	MPDS	
Secondary Street Setback	3.0m	GF, FF & SF - 0m	<b>Does not comply</b>	MPDS	
Commercial Setback	2.0m to residential uses	1.0m	<b>Does not comply</b>	Council	
<b>R-Code Variations</b>					
Setbacks – Side (east)					
GF – Stores / bin	1.5m	0m	<b>Does not comply</b>	MPDS	
SF – units 12 & 13 wall	4.3m	3.4m	<b>Does not comply</b>	MPDS	
Setbacks – Side (north)					
SF - Unit 15 entire wall	2.0m	1.5m-6.9m	<b>Does not comply</b>	MPDS	

(Note: GF – Ground Floor, FF – First Floor, SF – Second Floor)

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**PUBLIC CONSULTATION / COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Variations to R-Codes / Policy / R-Codes  
 Support/Object: Six objections

Submission received from	Summary of Submissions	Support / Objection	Officer's Comment	Action (Uphold / Not Uphold)
Bragor Place	<p>Object to the proposal on the grounds of:</p> <ul style="list-style-type: none"> <li>• Safety – proposal would increase traffic flow in the street making it less safe for school children.</li> <li>• Waste Collection – proposal will increase parking on the street resulting in access issues for waste trucks.</li> <li>• Bought into the locality on the understanding that Almondbury Road will be commercial uses and Bragor remains residential.</li> <li>• Proposal will set a precedence for a similar mixed use proposal on the opposite corner.</li> </ul>	Object	In response to the concerns raised by the objector, the proposal has been revised to remove all but one office tenancy. Revisions have also been undertaken with respect to the car parking layout to ensure vehicle access and egress occur in a safe manner. It is noted that the supporting Transport Statement submitted as part of the application indicates that the proposal (as presented) will only have a 'low impact' classification under the Western Australian Planning Commission (WAPC) Transport Assessment guidelines. This has been acknowledged by the City's Engineering Design Department.	Partially Uphold
Bragor Place	Concerns raised in relation to the adverse impact the proposal will have in relation to amenity and safety of Bragor Place.	Object	As per comments above.	Partially Uphold

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

<p>Bragor Place</p>	<p>Object to the proposal given its inconsistency with the City's zoning plans and will result in a significant increase in traffic risk to local residents and school children.</p> <p>Concerns also raised in relation to the proposal setting a precedence for a similar development on the opposite corner.</p>	<p>Object</p>	<p>As per comments above.</p> <p>With regard to zoning, the subject site is zoned 'City Centre Frame' Precinct which may permit both office and residential uses at the discretion of Council. From a land use perspective, no adverse impacts are considered to occur with existing residential uses on Bragor Place (Refer comments section for further detail).</p>	<p>Partially Uphold</p>
<p>Lealt Place</p>	<p>Concerns raised in relation to the proposal based on the following reasons:</p> <ul style="list-style-type: none"> <li>• The applicant promotes National Rental Affordability Scheme (NRAS) and it is assumed that the subject proposal will form part of this scheme. The NRAS require developments to satisfy a number of requirements relating to universal access, efficient lighting, environmentally friendly hot water systems, ventilation and water tanks. The proposal does not appear to meet any of these requirements.</li> <li>• Any future development will increase the traffic load on Bragor Place.</li> </ul>	<p>Object</p>	<p>As per comments above, concerns relating to traffic impact have been addressed through revised plans which show all but one office tenancy being deleted from the original proposal. In effect, this has reduced the previously anticipated commercial traffic impacting on the locality. The traffic volumes anticipated are considered to be 'low impact' as per the supporting transport statement submitted.</p> <p>With regard to NRAS issues, it is not a relevant planning consideration for the City. Notwithstanding, the proposal is considered to deliver upon the intent of the NRAS through providing opportunity for housing diversity (i.e. compact two bedroom units).</p>	<p>Partially Uphold</p>

**P12/3323 – RECOMMENDED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

	<ul style="list-style-type: none"> <li>• Inadequate parking is considered to be provided for the office uses. Any overflow parking may create problems in the neighbour streets – Leverburgh Street and Lealt Place.</li> <li>• Not sure how the proposal complies with State Planning Policy 3.1 guidelines which require grouped dwellings to be 200sqm per dwelling.</li> <li>• The ratio of car bays to residential units is totally inadequate considering there is no provision for external parking.</li> <li>• Do not wish to live adjacent to an unmanageable slum for 'disadvantaged people'.</li> </ul>		<p>It is noted that dwelling size for the proposal is not subject to the grouped dwelling requirements of the R-Codes given the proposal is for multiple dwellings. Dwelling size in this context is governed under the plot ratio requirement contained under clause 7.1.1 for which the proposal seeks a minor variation.</p> <p>The statement relating to the proposal being a 'unmanageable slum' is not a relevant planning consideration.</p>	
<p>Almondbury Road</p>	<p>Object to the proposal based on the following reasons:</p> <ul style="list-style-type: none"> <li>• Inadequate setbacks based on the scale of the development. The zero building setback on the secondary street should not be allowed.</li> <li>• The proposal is 1.0m higher than the normal allowable height which will create overshadowing problems.</li> <li>• The proposal is considered to have an occupancy density of up to 50 persons. In addition, a very high level of air conditioning. This is considered to result in noise issues.</li> </ul>	<p>Object</p>	<p>As noted above, a number of concerns raised have been addressed as part of revised plans submitted. In addition the following comments are made:</p> <ul style="list-style-type: none"> <li>• Reduced secondary street setbacks are supported on the basis that it will assist in promoting the creation of a 'main street' environment in accordance with the City's Local Commercial Strategy.</li> <li>• With regard to building height, the proposal is compliant.</li> </ul>	<p>Partially Uphold</p>

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

	<ul style="list-style-type: none"> <li>• Parking is already a problem in the area and the proposal will exacerbate this.</li> <li>• Over the years, effort has been made to landscape the boundary to maximise privacy. Boundary works associated with the proposal will result in removal of this landscaping.</li> <li>• Construction work will result in environmental damage and extreme loss of privacy.</li> </ul>		<ul style="list-style-type: none"> <li>• Noise generating utilities and ongoing levels will be governed under the <i>Environmental Protection (Noise) Regulations 1997</i>.</li> <li>• Parking provision satisfies the relevant Policy and R-Code requirements.</li> <li>• Any damages incurred during construction work on neighbouring lots must be restored by the builder.</li> </ul>	
Links Road	<p>Object to the proposal given its inconsistency with the City's zoning plans and will result in a significant increase in traffic risk to local residents and school children.</p> <p>The R50 zoning should only apply to offices physically fronting and getting access via Almondbury Road.</p> <p>Concerns also raised in relation to the proposal setting precedence for a similar development on the opposite corner.</p>	Object	<p>Concerns relating to traffic have been addressed through revised plans and supporting Transport Statement which concludes the proposal falls under a 'low impact' classification.</p> <p>With regard to zoning, it is noted that building size has little relevance but rather, plot ratio applicable against the relevant density provision. In this instance, it is noted that under the R-Codes, R40 and R50 lots both afford a plot ratio requirement of 0.6 (for multiple dwellings).</p>	Partially Uphold

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**Traffic Impact Assessment

A detailed traffic report prepared by an independent traffic consultant has been submitted in support of the development proposal. This was assessed by officers of the City's Technical Services Directorate, whose input resulted in further modifications to the parking, access and egress areas.

Given these revisions, it is concluded that the proposed development is supported in traffic and transport terms.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications associated with this proposal.

**FINANCIAL IMPLICATIONS**

There are no financial implications anticipated as part of this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no Policy implications associated with this proposal.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application requires a Special Majority decision of the Council to determine. Should the application be refused, the matter may be the subject of an Application for Review at the State Administrative Tribunal (SAT).

**COMMENT**

Planning approval is sought for a three-storey mixed-use development within the 'City Centre Frame' Precinct of Bragor Place / Almondbury Road. The City Centre Frame is one of a number of 'Commercial Centre Frame' Precincts located throughout the City of Melville.

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In this instance, the frame abuts the 'City Centre' Precinct along its southern side. This portion of the frame generally consists of residential uses however some commercial uses exist in the form of a dental and dermatology clinic. Commercial land use activities are expected to become more dominant throughout the City Centre Frame precinct as the population of the City grows and as the retail, commercial, and recreational importance of the City Centre itself becomes more significant.

The Statement of Intent of the 'CCF- City Centre Frame' Precinct states:

*"Medium density residential and mixed business area, including small scale offices, medical practitioners, and public purposes but excluding shops, open air display of goods and vehicles, restaurants, service stations and the like. All development shall be residential in character with a suitable landscaping provision to ensure compatibility with existing homes."*

The development proposal in question is therefore consistent with the stated land use objectives of CPS5 and is supported in principle, in land use terms, on that basis.

In design terms, the proposed building has been architecturally designed in a contemporary residential style with a concealed roof. The lot slopes downwards from south to north along Bragor Place and this topographical feature has also been designed within the fabric of the building. The overall design of the proposal is considered to be consistent with the anticipated residential character of buildings located within a R50 density coding.

#### Plot Ratio

The proposal presents a total plot ratio of 0.91 (787.14sqm) in lieu of 0.8 (690.2sqm) permitted under the provisions of CPS5. This minor variation of 0.11 or 96.94sqm requires a Special Majority decision of the Council to approve.

It is noted that the Council has previously endorsed development proposals that include variations to the Plot Ratio provisions, as have the SAT in respect of development proposals at Tweeddale Road, Applecross and Queens Road, Mount Pleasant.

A recent example of note was the redevelopment proposal for 31F Ardross Street, Applecross, where a plot ratio variation from 0.5 to 1.259 was endorsed by the Council in the interests of delivering positive visual and built form outcomes at the northern entrance to the Applecross Village Local Shopping Centre.

Whilst precedent does not dictate decision making, the examples quoted serve to exemplify the fact that development can be accommodated in accordance with the spirit and intent of CPS5, and without prejudice to it, despite the fact that variations to plot ratio are allowed.

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

In this case, the variation is supported for the following reasons:

- The creation of a more defined commercial character along this part of Almondbury Road will assist in creation a “Main Street” shopping environment along the northern side of the Garden City shopping complex. The implementation of ‘main street’ principles along Almondbury Road is a key objective of the City’s Local Commercial Strategy.
- Plot ratio restrictions do not, in isolation, provide a good mechanism for the control of building bulk or scale. In this context, it is noted that the proposal satisfies the building height requirements for the locality and with regard to setbacks, only presents minor variations. As such, it can be considered that the building otherwise fits within the building envelope set in place through these two development provisions which in effect, have better control over building size in comparison to plot ratio alone.
- The variation is considered minor (being only 0.11 or 96.94sqm).
- In the context of the current proposal, the calculation of plot ratio has included the ground level storage areas. Should these areas be excluded, the plot ratio of the proposal would equate to just 0.83 or 718.14sqm (a variation of only 0.03). Reasons in support of this method of calculation relate to the proposed new definition for ‘plot ratio’ contained under the draft R-Codes which specifically excludes storerooms in the calculation of plot ratio.
- The variation sought is acceptable when assessed against the Performance Criteria provided by Clause 7.1.1 of the R Codes, in that the proposed building is at a bulk and scale that is consistent with the future desired built form of the locality.
- Whilst concerns raised in relation to building bulk are acknowledged, the development is not considered to adversely impact the amenity of the adjoining neighbours for reasons outlined above.

### Landscaping

Under the precinct provisions, landscaping is required to be provided at a rate of 25% of total site area. The subject development proposes an area of landscaping equal to 3% of the total site area available.

Given the urban context of the application site, and the desire that the urban form in this location is bolstered and reinforced via an appropriate urban form and design, the CPS5 landscaping requirement of 25% of total site area is considered to be onerous, and in this case, unnecessary.

In accordance with the provisions of Clause 5.9 (a) and (b) of CPS5, the level of landscaping proposed to be provided is considered acceptable in this case, as care has been exercised to ensure landscaping provision at key strategic locations across the site.

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In this regard, the cul-de-sac and adjacent verge areas can be further bolstered with landscaping in addition to what is existing so that it complements the built form, softens the external appearance of the development, and provides a suitable landscaped setting.

On that basis, the landscaping variation sought is supported.

Secondary Street Setback

The proposed development has been designed with a nil setback across all floors on the secondary street (i.e. Almondbury Road). This setback represents a variation to the City's Residential Development Policy CP-078 which otherwise requires developments on corner lots to be setback a minimum of 3.0m.

In accordance with the provisions of the Policy and R-Codes, the setback variation has been assessed on its merits taking into consideration the wider objectives of the City's Local Commercial Strategy that suggests Almondbury Road achieve a 'main street' design.

The planning assessment undertaken has been fully cognisant of this, and the applicant has modified the proposed plans at the City's request on a number of occasions, working with officers to achieve an acceptable outcome. These revisions have:

- Incorporated / retained an office component facing Almondbury Road to ensure the development maintains interaction with the future 'main street'.
- Nil setbacks enhance passive surveillance and interaction of buildings with street level which promotes active streetscapes and visual interest. This kind of urban design is evident in other metropolitan city centres such as Fremantle, Leederville and Subiaco.

On this basis, the setback variation is supported.

Multiple Dwelling (Residential) - Variations

The residential component of the development has been assessed against the provisions of Part 7 of the R-Codes. In this regard, a number of variations to the Acceptable Development Provisions are proposed, including:

Side Setbacks - East

The proposal seeks a variation to the ground floor store area wall setback of 0m in lieu of 1.5m and, upper floor unit 12 and 13 walls setback 3.4m in lieu of 4.3m. The walls are 15m and 36m respectively in length, with a height of 2.7m and 9.0m respectively.

The proposed variations have been assessed against Performance Criteria 6.3.1 and 6.3.2 of the R-Codes and are all considered to satisfy the criteria for the following reasons:

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

- Bulk impact of the upper floor wall has been minimised through the use of feature walls, wall articulation and a variety of window treatments;
- Bulk impact of the store boundary wall is considered to be negligible given it only measures 0.9m higher than a dividing fence and will otherwise be concealed by existing landscaping situated along the common boundary.
- The setback variation does not result in any adverse overshadowing impact given the wall is east facing;
- There are no privacy implications as all windows have been screening or obscured;
- Whilst concerns have been raised by the adjoining neighbour to the east relating to building bulk concerns (amongst other matters), the variation are supported for reasons outlined above.

In addition to the above, it is noted that the affected property is subject to the same zoning as the subject site. That is, it is zoned to allow either medium density multiple dwellings or a mixed use development, one of which is likely to occur at some point in the future.

#### Side Setbacks - North

The northern setback variation relates to a minor portion of the second floor wall setback 1.5m in lieu of 2.0m. The variation is a result of the diagonal lot boundary which results in a small corner portion of the second floor balcony being setback less than 2.0m. It is noted that the remainder of the wall is compliant with the setback extending as far as 6.9m towards the eastern side of the lot.

The variation is supported for the following reasons:

- Only a minor portion of the upper floor balcony is non-compliant which, in terms of area, equates to only 0.56sqm.
- The variation faces the southern aspect of the adjoining residence which does not contain any outdoor living areas (rather a service corridor extending to the backyard).
- There are no privacy implications as the balconies are proposed to be screened.

#### Amenity

The proposed development has been assessed against, and found to comply with, the amenity provisions outlined by Clause 7.8 of CPS5 and Amenity Policy CP-067. The detailed development proposal is therefore supported on that basis, notwithstanding the development variations sought.

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****CONCLUSION**

The development of the site in the manner proposed can take place without prejudice to the provisions of CPS5, or Council Policy.

On that basis, and given it is considered that the development will deliver a positive visual and built form outcome for the City, it is recommended that conditional approval be granted.

An Addendum to this report is provided as an attachment to the Minutes. [3323 Addendum](#)

**OFFICER RECOMMENDATION (3323)****SPECIAL MAJORITY APPROVAL**

At 6.43pm Cr Robartson moved, seconded Cr Kinnell -

- A) That the application for a three-storey mixed-use development at Lot 276 (8) Bragor Place, Ardross be approved by a Special Majority Decision of the Council pursuant to Clause 4.3 of Community Planning Scheme No.5 subject to the following Special and Standard Conditions:

**SPECIAL CONDITIONS:**

1. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning and Development Services.
2. Prior to the initial occupation of the development, the ground floor level of the building and wall/s are to be treated with a non-sacrificial anti-graffiti agent to the satisfaction of the Manager Planning and Development Services.
3. In accordance with the approved plans, all parking bay/s, driveway/s and points of ingress and egress areas are to be permanently provided, constructed, drained, and marked prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning and Development Services.
4. Prior to the occupation of the building all unused crossovers are to be removed and the kerbing and verge must be reinstated at the applicant/owner's full expense, and to the satisfaction of the Manager Planning and Development Services.
5. All stormwater and drainage run off to be contained on site.

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

6. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site and the cul-de-sac road verge adjacent to the site shall be submitted to and approved in writing by the Manager Planning and Development Services. The landscaping plan is to include details of (but not limited to):
- (a) The location, number and type of proposed trees and shrubs including size and planting density;
  - (b) Any lawns to be established;
  - (c) Any existing vegetation and/or landscaped areas to be retained; and,
  - (d) Any verge treatments

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

**ADVICE NOTES:**

1. The parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the City of Melville plan nos 102a2-80e/1 (concrete commercial crossover), 423a2-87e (bitumen commercial crossover) unless otherwise specified by this approval. The applicant shall pay any damage that is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost of such damage or alteration. A concrete apron having width of 0.75 metres must be installed between a brick paved crossing and the bitumen surface of a road.
2. Prior to the commencement of the development, the street trees located within the verge are to be protected in accordance with Australian Standard AS4970: Protection of Trees.
3. This is a Planning Approval only and does not obviate the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council or with any other requirements of Community Planning Scheme No. 5. Prior to the commencement of any works a Building Licence may be required.
4. Any roof mounted or freestanding plant or equipment such as plumbing pipes are to be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Planning and Development Services.

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

5. The premise is to be provided with a refuse storage area which:
- (a) Is provided with a tap and connected to an adequate supply of water;
  - (b) Is of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the City's Coordinator of Health Services;
  - (c) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City's Co-ordinator of Health Services;
  - (d) Having walls not less than 1.5 metres in height and having an access way of not less than one metre in width and fitted with a self closing gate;
  - (e) Containing a smooth and impervious floor –
    - i. Of not less than 75 millimetres in thickness; and
    - ii. Which is evenly graded to an approved liquid refuse disposal system; and
  - (f) Which is easily accessible to allow for the removal of the receptacles.

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.

6. Noise from air conditioning units must comply with the *Environmental Protection (Noise) Regulations 1997*. In this regard, the owner may wish to refer to the document titled, "An installers guide to Air Conditioner Noise" available on the Department of Environment and Conservation's website to ensure air conditioning units are located such that they will not cause a noise nuisance to nearby properties.

The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

- B) That the residents who objected to the proposal be notified in writing of A) above.

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**Amendment

At 6.43pm Cr Robartson, with agreement of the seconder Cr Kinnell, agreed to incorporate the amendment into the motion.

*That Condition 6 be amended to delete the words “and the cul-de-sac road verge adjacent to the site” and a new Condition 7 be included as below;*

- 7 Prior to the initial occupation of the development, the four existing eucalyptus trees located within the verge at the head of the Bragor Place cul-de-sac shall be removed, and replaced by four 200 litre sized eucalyptus trees. All works to be undertaken to the satisfaction of the Manager Planning and Development Services. The financial costs associated with the tree removal, tree replacement, and a two year maintenance period, as well as any other associated costs, are to be borne in full by the developer.***

Reasons for Amendment

It is proposed that a separate condition be imposed to govern the planting and maintenance of proposed tree planting within the verge located at the head of the Bragor Place cul-de-sac. This tree planting will require the provision of maintenance to the City's requirements. Officers from the City's Technical Services Directorate have indicated a preference that the existing planting within the verge be removed and replaced with four 200 litre sized eucalyptus trees. It is recommended that the verge be retained as a low maintenance installation, and in that respect, a maintenance period of two years is considered acceptable. All costs associated with this work will be borne by the developer.

The addition of this planning condition will also necessitate a minor change to the wording of Condition No 6, to delete reference to planting within the cul-de-sac road verge.

**COUNCIL RESOLUTION (3323)****SPECIAL MAJORITY APPROVAL**

At 6.55pm the Mayor submitted the substantive motion as amended –

- A) That the application for a three-storey mixed-use development at Lot 276 (8) Bragor Place, Ardross be approved by a Special Majority Decision of the Council pursuant to Clause 4.3 of Community Planning Scheme No.5 subject to the following Special and Standard Conditions:**

**SPECIAL CONDITIONS:**

- 1. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning and Development Services.**

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

2. Prior to the initial occupation of the development, the ground floor level of the building and wall/s are to be treated with a non-sacrificial anti-graffiti agent to the satisfaction of the Manager Planning and Development Services.
3. In accordance with the approved plans, all parking bay/s, driveway/s and points of ingress and egress areas are to be permanently provided, constructed, drained, and marked prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning and Development Services.
4. Prior to the occupation of the building all unused crossovers are to be removed and the kerbing and verge must be reinstated at the applicant/owner's full expense, and to the satisfaction of the Manager Planning and Development Services.
5. All stormwater and drainage run off to be contained on site.
6. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved in writing by the Manager Planning and Development Services. The landscaping plan is to include details of (but not limited to):
  - (a) The location, number and type of proposed trees and shrubs including size and planting density;
  - (b) Any lawns to be established;
  - (c) Any existing vegetation and/or landscaped areas to be retained; and,
  - (d) Any verge treatments

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

7. *Prior to the initial occupation of the development, the four existing eucalyptus trees located within the verge at the head of the Bragor Place cul-de-sac shall be removed, and replaced by four 200 litre sized eucalyptus trees. All works to be undertaken to the satisfaction of the Manager Planning and Development Services. The financial costs associated with the tree removal, tree replacement, and a two year maintenance period, as well as any other associated costs are to be borne in full by the developer.*

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****ADVICE NOTES:**

1. The parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the City of Melville plan nos 102a2-80e/1 (concrete commercial crossover), 423a2-87e (bitumen commercial crossover) unless otherwise specified by this approval. The applicant shall pay any damage that is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost of such damage or alteration. A concrete apron having width of 0.75 metres must be installed between a brick paved crossing and the bitumen surface of a road.
2. Prior to the commencement of the development, the street trees located within the verge are to be protected in accordance with Australian Standard AS4970: Protection of Trees.
3. This is a Planning Approval only and does not obviate the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council or with any other requirements of Community Planning Scheme No. 5. Prior to the commencement of any works a Building Licence may be required.
4. Any roof mounted or freestanding plant or equipment such as plumbing pipes are to be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Planning and Development Services.
5. The premise is to be provided with a refuse storage area which:
  - (a) Is provided with a tap and connected to an adequate supply of water;
  - (b) Is of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the City's Coordinator of Health Services;
  - (c) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City's Co-ordinator of Health Services;
  - (d) Having walls not less than 1.5 metres in height and having an access way of not less than one metre in width and fitted with a self closing gate;
  - (e) Containing a smooth and impervious floor –
    - i. Of not less than 75 millimetres in thickness; and
    - ii. Which is evenly graded to an approved liquid refuse disposal system; and
  - (f) Which is easily accessible to allow for the removal of the receptacles.

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.

**P12/3323 – RECOMMITTED ITEM - THREE-STOREY MIXED-USE DEVELOPMENT AT LOT 276 (8) BRAGOR PLACE, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

6. Noise from air conditioning units must comply with the *Environmental Protection (Noise) Regulations 1997*. In this regard, the owner may wish to refer to the document titled, “An installers guide to Air Conditioner Noise” available on the Department of Environment and Conservation’s website to ensure air conditioning units are located such that they will not cause a noise nuisance to nearby properties.

The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

- B) That the residents who objected to the proposal be notified in writing of A) above.

At 6.55pm the Mayor declared the motion

**LOST DUE TO SPECIAL MAJORITY NOT BEING ACHIEVED (8/3)**

Reasons for Refusal

The proposed development would, by virtue of its plot ratio, reduced building setbacks, and lack of on site landscaping, be of detriment to the character and amenity of the locality, contrary to the provisions of the City of Melville Community Planning Scheme No 5 (CPS5). In respect of landscaping, CPS5 requires an area of landscaping to be provided equal to 25% of the lot area. In this case, an area equal to 3% of the total lot area only, was proposed for the provision of landscaping.

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant  
 Category : Operational  
 Application Number : DA-2012-327  
 Property : Lot 88 (42) Kishorn Road Applecross  
 Proposal : Office Development and Kiosk  
 Applicant : Leon House  
 Owner : Guideline Investments Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not Applicable  
 Responsible Officer : Peter Prendergast  
 Manager Planning and Development Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for a three-storey office and kiosk at 42 Kishorn Road Applecross (the 'subject site').
- An 'Office' use within the 'Commercial Centre Frame' Precinct is an 'S' use - a use not permitted unless the Council exercises discretion and grants approval after advertising in accordance with Community Planning Scheme No. 5 (CPS5) requirements.
- The application is generally compliant with only minor variations to the applicable development requirements contained under the provisions of CPS5. These relate to plot ratio, setbacks, car parking and building height.
- One submission has been received during the consultation phase objecting to the proposal on the grounds of loss of light and detrimental impact to amenity and property value.
- The application is recommended for conditional approval, which in this case, given the plot ratio and building height variations being sought, will require a Special Majority decision of the Council.



**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Commercial Centre Frame
R-Code	: R50
Use Type	: Office and Kiosk
Use Permissibility	: 'S' Use – use not permitted unless Council exercises discretion and grants approval after advertising in accordance with cl 5.7 of CPS5

**Site Details**

Lot Area	: 503 sqm
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer Photo above

[3326 Revised Plans 42 Kishorn Road](#)

**DETAIL**

**Development Requirements**

The proposal is generally compliant with the development requirements contained under CPS5 with the exception of the following:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.6 (301.8sqm)	1.09 (550sqm)	<b>Does not Comply</b>	Special Majority Decision	
Building Height	12.0m	12.7m	<b>Does not Comply</b>	Special Majority Decision	
Car Parking	14.75 bays	13.33 bays (excluding 3 motorcycle bays)	<b>Does not comply – 1.42 bay shortfall</b>	Absolute Majority	

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	6.0m avg	GF – 3.0m avg FF – 1.5m avg SF – 1.5m avg	<b>Does not Comply</b>	MPDS	

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

Rear	6.0m avg	FF - 3.4m SF - 3.4m	<b>Does not Comply</b>	MPDS	
Side (West)	2.0m	GF - 0m	<b>Does not Comply</b>	MPDS	

(Note: GF – Ground Floor, FF – First Floor, SF – Second Floor)

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes. One objection  
Reason: Variation to Council Policy  
Support/Object: Object

<b>Affected Property</b>	<b>Summary of Submission</b>	<b>Support / Object</b>	<b>Officer Comment</b>	<b>Action (Uphold / Not Uphold)</b>
First Avenue	The proposal will result in a reduction of natural light to all living rooms, both upstairs and down stairs. This would result in having to maintain artificial lighting during the day, increasing the power consumption, overall appeal and value of the property.	Object	Whilst the concerns raised are acknowledged, it is considered that adequate levels of natural light will still be available to the submitter's property which is situated due north of the subject site.  Impact on property values is not a valid material planning consideration.	Not Uphold

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPECROSS (SMREC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**Architectural and Urban Design Advisory Panel

The details of this application were presented to a meeting of the City's Architectural and Urban Design Advisory Panel (AUDAP) on July 17 2012, who, in summary, commented that:

- The aesthetics of the proposal are acceptable subject to landscaping being well planned and maintained.
- The proposed development is designed to incorporate a ground floor coffee take away kiosk, which will serve to activate the building frontage and benefit the street as a whole.
- Provision should be made for one disabled car parking bay within the undercroft car parking area.
- For all-season use, the roof top garden may benefit from a degree of cover to provide protection from the sun in summer, and from more adverse weather conditions in winter.
- The rear setback variation will have a negligible impact on adjoining residential uses given it abuts a south-facing, service corridor.

Where relevant, the concerns expressed by the AUDAP have been the subject of negotiation with the applicant, and addressed via the submission of amended plans. (Refer to comments section of this report for further commentary in this respect).

Traffic Impact Assessment

A detailed traffic report prepared by an independent traffic consultant has been submitted in support of the development proposal. This was assessed by officers of the City's Technical Services Directorate, whose input resulted in further modifications to the parking, access and egress areas.

Given these revisions, it is concluded that the proposed development is supported in traffic and transport terms.

**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**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPECROSS (SMREC) (ATTACHMENT)****POLICY IMPLICATIONS**Council Policy No. CP 079 – Car Parking (Non Residential)

This policy stipulates non-residential car parking requirements relative to individual land uses. The policy prescribes the following parking ratios relative to:

- 'Office' – One bay per 40sqm net lettable area (NLA); and,
- 'Restaurant/café' (Kiosk) – One bay per three patrons at capacity, plus one bay per staff member.

Refer to comments section of this report for further commentary in respect of car parking.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The approval of this proposal requires a Special Majority decision of the Council. Should the application be refused by the Council, that decision may subsequently be the subject of an application for review to the State Administrative Tribunal (SAT).

**COMMENTS**

The proposed development is designed to provide car parking and a small kiosk to the ground floor with two levels of office accommodation on the upper floors, topped by a roof top garden.

The development is of contemporary design, incorporating high levels of articulation using a varied palette of external building materials. This includes the provision of extensive louvre treatments to windows on the front and rear elevations, which will assist in deflecting direct sunlight into the building, and safeguard privacy for occupiers of neighbouring properties.

The development has been designed to incorporate a flat roof design, which will enable the provision of the roof top garden area. The roof top garden area will, together with ground level planting to front and rear boundaries, as well as a vertical green wall, ensure the provision of adequate levels of landscaping throughout the development in accordance with Council requirements.

The development site is located within a semi commercial area, close to bus and train routes. To the north the site abuts existing residential development, whilst to the south and east it abuts existing commercial development. To the west is a vacant site for which residential subdivision approval has been granted, although development of the site for residential purposes is yet to take place.

Land Use Considerations

Under the provisions of CPS5, the subject site is located within the Canning Bridge 'Commercial Centre Frame' (CCF) precinct, and shares a boundary to the south with the 'Canning Bridge District Centre Precinct'.

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPECROSS (SMREC) (ATTACHMENT)**

As such in land use terms the subject site is located in an area that is characterised by a range of commercial uses, both office and retail, as well as some existing residential developments, particularly within the CCF precinct.

The Statement of Intent of the 'CBF – Canning Bridge Frame' Precinct states:

*"Primarily residential but may include offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally....."*

The development proposal in question is therefore considered to be consistent with the stated land use objectives of CPS5, and is supported in principle, in land use terms, on that basis.

#### Plot Ratio

The proposed plot ratio is 1.09 (550sqm) in lieu of 0.6 (301.8sqm) permitted under the provisions of CPS5. This variation of 0.49 (248.2sqm) requires a Special Majority decision of the Council to approve.

The impact of this proposed plot ratio variation has been assessed and in this case is supported for the following reasons:

- The scale of the proposed development is broadly consistent with the scale of development within the immediate locality.
- The proposal will result in the removal and re-development of a surface level car park, the continued existence of which does little to contribute to the streetscape, nor to define the urban form in any positive way.
- The proposal incorporates office use and a takeaway coffee kiosk, designed to service the needs of employees of the proposed offices, as well as those of the broader area. By incorporating both uses, the development will make a positive contribution to the local area.
- The plot ratio variation will not have a direct adverse impact on amenity levels of local residents.

#### Setbacks

A number of setback variations are proposed, including:

- A front setback of 3.0m (ground floor) and 1.5m (first and second floors) in lieu of 6.0m;
- A rear setback of 3.4m (first and second floors) in lieu of 6.0m; and,
- A side (west) setback of nil to the ground floor in lieu of 2.0m.

In accordance with the provisions of CPS5, the setback variations have been assessed on their merit taking into consideration potential amenity impacts on adjoining properties as well as the desired built form.

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

In respect of the latter, the City's broader strategic planning objectives for the locality, as defined by the Local Commercial Strategy have been considered, as have the defining principles of the Canning Bridge Precinct Vision, both of which seek to diversity land use and employment opportunities within the subject area.

The setback variations sought in this case are supported for the following reasons:

- The requirement for a 6.0m rear setback is a CPS5 requirement designed to safeguard levels of residential amenity for occupiers of residential properties that abut non residential development sites. In practice however, it is considered that the provision of this setback requirement is more relevant in its application when the residential property deemed to be potentially affected is itself located within a living area precinct. This is not the case with the subject proposal, as the potentially affected residential property to the north is located within the CCF precinct, where non residential uses are common, and in close proximity to the busy Canning Bridge District Centre, where the balance of residential to non residential land uses is skewed in favour of non residential.
- Notwithstanding the above, the 3.4m rear setback proposed in this case is considered to be acceptable as the closest residential property to the north will have a side to rear relationship with the proposed office development on the subject lot, and given it is located to the north, the adverse impacts of overshadowing, and access to adequate levels of ventilation, should not be an issue. In addition as the non residential land use proposed in this case is an office development, the two uses can in principle exist side by side without giving rise to any adverse amenity impacts from excessive noise levels or overlooking.
- Adverse building bulk impacts are also mitigated in this case by virtue of the architectural articulation that is evident within the rear façade of the building. In addition, the southern side of the adjoining dwelling has a service corridor where it abuts the subject site, which itself mitigates any adverse bulk impacts that could otherwise result.
- The western side setback variation amounts to an 8.12m length of wall serving the proposed kiosk. This wall is single storey in height, and although sited on the boundary, it is considered that its impact will be readily absorbed in design terms once the development of the adjacent vacant site to the west takes place.
- The front setback variation continues the established setback created by the commercial development to the east. In addition, to foster the creation of more active streetscapes, as well as encourage improved passive surveillance, a reduced setback is considered vital.
- Given the lot depth is 20.2m, the strict imposition of a front setback of 6.0m and a rear setback of 6.0m would render the development of the lot economically unviable.

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPECROSS (SMREC) (ATTACHMENT)**Building Height

The applicant seeks approval for a minor (0.7m) maximum building height variation, the proposed building being 12.7m in lieu of 12m as required under Council Policy CP-066 "Building Height". The approval of this variation requires a Special Majority decision of the Council.

The height variation has been assessed against the objectives of the Policy and the relevant Performance Criteria of the R-Codes, as a result of which it is concluded that the additional building height can be accommodated in this case on the basis that:

- The built form outcome delivered by this development is broadly commensurate with that expected in this commercial location, and consistent with the Statement of Intent for this precinct as outlined by CPS5.
- The over height portion of the building will not in itself, result in any adverse visual or amenity impacts such that approval should be resisted.

Traffic Volume and Car Parking Considerations

Based on the road hierarchy criteria of Livable Neighbourhoods, Kishorn Road is designated as an 'Access Street' with capacities expected up to 3,000 vehicles per day (vpd). Data collected by the City in September 2010 indicated vehicle counts of approximately 1,295 vpd.

The traffic report submitted in support of this proposal predicts the generation of up to 70 additional vehicle movements per day. Based on the capacity that exists, this level of additional vehicular activity can therefore be readily accommodated without compromise to the free flow of traffic, or traffic safety levels, on Kishorn Road.

With regard to car parking, it is proposed to provide 12 car bays (inclusive of a disabled and loading bay), eight bicycle bays, and three motorcycle bays, which in accordance with the provisions of Council Policy CP-079 'Car Parking (Non Residential), equates to the provision of 13 bays in lieu of 15.

This shortfall can be accepted in this case, given that:

- The subject site is situated less than 150m from high frequency bus routes which currently provide up to nine different bus services north (towards Perth City and beyond) and south (towards Fremantle).
- The bus services also provide a direct link to the Canning Bridge Train Station which, further broadens accessibility to other suburbs, particularly those adjacent to train stations.
- The fact that the applicant proposes to construct eight bicycle racks within the undercroft area for the use by customers and staff of the commercial tenancies. The provision of bicycle parking and end-of-trip facilities provides the ability for staff and customers to avail themselves of alternative, more sustainable transport options.
- The provision of three motorcycle / scooter bays diversifies parking options for any employees or customers who elect to travel using this method of transport.
- Within 200m of the subject site, there are 126 public car parking bays (marked bays within the road reserve and in paid parking stations);

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**Amenity

The proposed development has been assessed in accordance with the amenity provisions of Clause 7.8 of CPS5 and those of Council Policy CP-067 'Amenity', as a result of which it is concluded that the proposed development can take place without prejudice to the levels of amenity currently enjoyed by residents, employees, business operators, and visitors of the locality. The proposed development is supported on that basis.

**CONCLUSION**

In conclusion, it is considered that the proposed development is acceptable in principle in land use terms, and furthermore can be successfully accommodated on the lot in the manner proposed, in accordance with Council's requirements. On that basis, it is recommended that the application be approved by a Special Majority Decision of the Council.

An Addendum to this report is provided as an attachment to the Minutes. [3326 Addendum](#)

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3326)****SPECIAL MAJORITY APPROVAL**

At 6.57pm Cr Robartson moved, seconded Cr Reidy -

- A) That the application for the development of a three-storey office with kiosk on Lot 88 (42) Kishorn Road, Applecross be approved by a Special Majority Decision of the Council and subject to the following Special Conditions and Standard Conditions:**

**SPECIAL CONDITIONS:**

- 1. The western crossover as marked in 'RED' on the approved plans is to achieve a minimum setback of 1.0m from the existing verge tree.**
- 2. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning and Development Services.**
- 3. In accordance with the approved plans, all parking bay/s, driveway/s and points of ingress and egress areas are to be permanently provided, constructed, drained, and marked prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning and Development Services.**

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPECROSS (SMREC) (ATTACHMENT)**

4. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site and the road verge adjacent to the site shall be submitted to and approved in writing by the Manager Planning and Development Services. The landscaping plan is to include details of (but not limited to):
- (a) The location, number and type of proposed trees and shrubs including size and planting density;
  - (b) Any lawns to be established;
  - (c) Any existing vegetation and/or landscaped areas to be retained; and;
  - (d) Any verge treatments.

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

**STANDARD CONDITIONS:**

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

**ADVICE NOTES:**

1. The parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the City of Melville plan no's 102a2-80e/1 (concrete commercial crossover), 423a2-87e (bitumen commercial crossover) unless otherwise specified by this approval. The applicant shall pay any damage that is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost of such damage or alteration. A concrete apron having width of 0.75 metres must be installed between a brick paved crossing and the bitumen surface of a road.
2. The Health Act (Carbon Monoxide) Regulations 1975 prescribe the concentration of carbon monoxide for the purposes of section 182(13) of the Health Act 1911 to be 50 parts per million measured over one hour. This criterion must be included in the design of the car park ventilation system. Where the Building Code of Australia also contains design criteria, the more onerous criteria shall be used in the design.

The car park is to be certified, in writing, by a practicing Mechanical Engineer to be in compliance with the Health Act (Carbon Monoxide) Regulations 1975 and AS1668.2.

3. Any roof mounted or freestanding plant or equipment such as plumbing pipes are to be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Planning and Development Services.

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPECROSS (SMREC) (ATTACHMENT)****5. The premises is to be provided with a refuse storage area which:**

- (a) Is provided with a tap and connected to an adequate supply of water;
- (b) Is of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the City's Coordinator of Health Services;
- (c) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City's Co-ordinator of Health Services;
- (d) Having walls not less than 1.5 metres in height and having an access way of not less than one metre in width and fitted with a self closing gate;
- (e) Containing a smooth and impervious floor –
  - iii. Of not less than 75 millimetres in thickness; and
  - iv. Which is evenly graded to an approved liquid refuse disposal system; and
- (f) Which is easily accessible to allow for the removal of the receptacles.

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.

6. Noise from air conditioning units must comply with the *Environmental Protection (Noise) Regulations 1997*. In this regard, the owner may wish to refer to the document titled, "An installer's guide to Air Conditioner Noise" available on the Department of Environment and Conservation's website to ensure air conditioning units are located such that they will not cause a noise nuisance to nearby properties.

The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

7. This development (Espresso Bar) constitutes a "Food Business" as per Section 107 of the Food Act 2008 and therefore shall comply with the provisions of the Food Regulations 2009 and the Food Safety Standards. Further information will be available from the City's Environmental Health Services Section.

**P12/3326 - PROPOSED THREE-STOREY OFFICE WITH KIOSK ON LOT 88 (42)  
KISHORN ROAD, APPLECROSS (SMREC) (ATTACHMENT)**

- 8. Prior to the commencement of “Food Handling” operations, the “Food Business” must notify the City of Melville Health Section on the approved “Notification” form. All plans and specifications of the “Food Business” including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville Health Section for approval as part of the application for Building Licence. The provisions contained in Australian Standard 4674 – Design, Construction and Fitout of Food Premises will be used to determine whether the construction complies with the requirements of Standard 3.2.3 of the Food Safety Standards – “Food Premises and Equipment”.**
  - 9. A separate application for Planning Approval and Signs Licence is required for all signage**
- B) That the resident who objected to the proposal be notified in writing of A) above.**

At 7.01pm the Mayor submitted the motion, which was declared

**CARRIED BY SPECIAL MAJORITY (11/0)**

**P12/3327 - CHANGE OF USE: SHOWROOM TO GYMNASIUM ON LOT 489 (761)  
CANNING HIGHWAY, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2012-706  
 Property : Lot 489 (761) Canning Highway, Applecross  
 Proposal : Change Of Use: Showroom To Gymnasium  
 Applicant : Mr J Ennis  
 Owner : Almara Pty Ltd  
 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 : Peter Prendergast  
 Manager Planning and Development Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P12/3327 - CHANGE OF USE: SHOWROOM TO GYMNASIUM ON LOT 489 (761)  
CANNING HIGHWAY, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for a change of use from 'Showroom' to 'Use Not Listed' (Gymnasium).
- Under the provisions of Community Planning Scheme 5 (CPS5), a 'Use Not Listed' is a 'D' use within the 'District Centre' Precinct, and as such is not permitted unless Council exercises discretion and grants approval.
- The proposed land use is considered appropriate in principle, and the proposal is generally compliant with the City of Melville's CPS5, with the exception of an overall shortfall of six car parking bays.
- The impact of this car parking variation has been assessed in accordance with a performance based approach, taking into consideration the proximity and access to nearby public car parking facilities, the opportunity for informal reciprocal car parking to occur between business tenancies, and the proximity to high frequency bus routes on Canning Highway and Riseley Street.
- As a result of this performance based assessment it is concluded that the variation to the City's standard car parking requirements can be tolerated.
- In view of the car parking variation, an Absolute Majority Decision of Council is required for this development.
- The application is recommended for conditional approval.



**P12/3327 - CHANGE OF USE: SHOWROOM TO GYMNASIUM ON LOT 489 (761)  
CANNING HIGHWAY, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : District Centre (DC2 – Riseley Centre)  
 R-Code : R60  
 Use Type : Use Not Listed (Gymnasium)  
 Use Class : 'D' – discretionary use not permitted unless  
 Council exercises discretion and grants approval.

**Site Details**

Lot Area : 612.7m<sup>2</sup>  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : Not applicable  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Refer to photo above

[3327 Site Plan 761 Canning Highway](#)

**DETAIL**

The proposal satisfies the development requirements of CPS5 and Council policy with the exception of car parking.

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Car parking (1 bay per 20sqm NLA)	20 bays	6 bays	Does not comply	Council	

**P12/3327 - CHANGE OF USE: SHOWROOM TO GYMNASIUM ON LOT 489 (761)  
CANNING HIGHWAY, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

In accordance with Clause 7.5 (e) of CPS5, it is considered that consultation is not required in this instance.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Required: Yes  
Reason: Abuts Category 2 'Primary Regional Roads' Reservation  
Support/Object: Conditional support

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Main Roads WA	No objection raised in principle.	Support	Noted.	Uphold.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the Council refuse the application for Planning Approval, the applicant may 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**

Draft Vision for the Riseley Centre Precinct

The application site is located within the Riseley Centre Precinct and as such the Draft Vision for the Riseley Centre Precinct is of relevance in a strategic planning sense.

In short, the strategic visioning process will deliver a structure plan specific to the Centre, which will guide the future development and re-development of the Centre in accordance with City and community expectations.

**P12/3327 - CHANGE OF USE: SHOWROOM TO GYMNASIUM ON LOT 489 (761)  
CANNING HIGHWAY, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**Policy CP-079 Car Parking (Non-Residential)

Table 1: Car Parking Ratios of the Policy states that the minimum car parking requirement for a 'Health Club' use is '1 bay per 20 square metres NLA'.

Refer to the comments section of this report for a detailed consideration of the merits of this proposal relative to the provisions of the City's Car Parking Policy.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application requires an Absolute Majority Decision of Council in accordance with Part 4 of CPS5 due to the variation to car parking requirement.

The Council may refuse to grant planning approval for the change of use on the grounds that the six car parking bay shortfall cannot be endorsed. Such an approach is not recommended in this case for the reasons outlined elsewhere in this report.

If the application is refused, the matter may be subject of a review by the State Administrative Tribunal.

**COMMENTS**

Planning consent is sought to change the use of the premises from a 'Showroom' (previously used for the sale of furniture) to a 24 hour 'Gymnasium'.

Under the provisions of CPS5 the application site is located within the 'Riseley District Centre' Precinct, which is an Activity Centre containing a broad range of retail and commercial business premises. The Centre is bounded by Canning Highway, Willcock Street, and Simpson Street, whilst Riseley Street dissects it between Canning Highway and Willcock Street.

The application site enjoys a dual frontage to Canning Highway and a Right of Way located between Willcock Street and Kearns Crescent. It is surrounded by similar commercial, service and retail land uses commensurate with its District Centre zoning status, including a restaurant, office, hardware store, potential showroom, a tyre fitting service shop, and a beauty salon.

In addition a City owned car park is located at 1 Willcock Street, and this provides 26 all day off-street parking bays, designed for the benefit of customers of this part of the District Centre.

It is proposed that the Gymnasium will occupy one half of the former showroom use, which is in the process of being subdivided into two tenancies.

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Whilst in land use terms the proposed use is considered to be appropriately located, discretion is sought by the applicant in respect of the provision of off street car parking bays, which falls short of the City's standard requirements. This shortfall of car parking bays is the main issue for consideration in respect of this proposal.

Car Parking

The proposed development has been assessed in accordance with the requirements of Council Policy CP-079 'Car Parking (Non Residential). Under this Policy, the proposed land use requires the provision of 20 car parking bays. Only six bays are provided on site, resulting in a shortfall of 14 bays.

This shortfall is reduced to 12 bays pursuant to the Car Parking (Non-Residential) Policy, as the Applicant has agreed to provide 12 bicycle parking bays on site.

Furthermore, the premises were previously occupied by Monro Furniture which operated across a tenancy double the size of the gymnasium tenancy now proposed. This business required the provision of 24 car parking bays, however approval was granted requiring only 12 bays on the basis of the availability of public parking in the locality. Consequently, there is a historical shortfall of six car parking bays which can be translated to the subject tenancy.

As such, the remaining car parking shortfall associated with the proposed change of use is six bays. The impact that this further shortfall of six car parking bays has on the amenity of the Centre has been assessed in accordance with a performance based approach which takes into account the following:

- The proposed use is one which is readily acceptable in land use terms in this zoning;
- The proposed use will assist in bringing vibrancy to the area, and enhance the social, physical and economic vitality on offer, for the benefit of businesses and users alike, during the daytime and evening trading periods;
- The gymnasium use will deliver enhanced levels of natural and passive surveillance within the area, especially given its 24 hour trading cycle;
- In terms of the availability of car bays for the proposed use, in addition to the 26 bays within the council-owned car park (1 Willcock Street), there are 14 usable on-street car bays on Willcock Street between Canning Highway and McCallum Crescent, each of which allow two hour parking as well as 60 on-street car bays along Kearns Crescent, which offer two hour parking between 8am and 6pm Monday to Saturday, unrestricted at other times;
- In total, up to 100 car bays are located within 200 metres of the subject site and this level of provision will adequately address the additional six bay shortfall now proposed;
- There is a degree of informal reciprocal car parking that takes place in District Centre locations such as this, where patrons to such Centres are likely to avail themselves of more than one service on offer within the Centre, each time a visit is made to that Centre, whilst parking their vehicle in one available bay;

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- The peak hours of operation for the gymnasium use are indicated by the applicant to be between the hours of 5.00am – 8.00am and 5.00pm – 10.00pm, Monday to Friday, times when the majority of other commercial uses within the Centre are closed for trading;
- The site of the proposed gymnasium is located within close proximity to high frequency bus routes on Canning Highway and Riseley Street, the accessibility to which will assist those users of the gymnasium who do not have access to a motor vehicle;
- The proposed gymnasium use in this case is not a Health Club Facility, despite being assessed as such under the Council's Car Parking Policy provisions. As such it will not offer group fitness classes of the kind that encourage heavy patronage at one particular time, thereby exerting pressure on the reserve of car parking bays that are available for use within the locality.

Amenity

The proposed development has been assessed against, and found to be compliant with the amenity provisions of Clause 7.8 of CPS5 and those of Council Policy CP-067 'Amenity'.

**CONCLUSION**

It is concluded that the proposed car parking shortfall can be readily absorbed within the immediate area without significant adverse impact on the amenity of either users of the Centre, business operators and staff within the Centre, or residential occupiers in close proximity of the Centre. Furthermore, it is considered that the gymnasium use will complement the range of uses available within the District Centre, enhancing rather than detracting from its vitality and viability. On that basis, it is recommended that planning approval is granted.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3327)****ABSOLUTE MAJORITY APPROVAL**

At 7.01pm Cr Pazolli moved, seconded Cr Kinnell -

**That the Council by absolute majority decision, approve the application for change of use from 'Showroom' to 'Gymnasium' on Lot 489 (761) Canning Highway, Applecross.**

**ADVICE NOTE**

- 1. A separate application for Planning Approval and Signs Licence is required for all signage.**
- 2. A separate application for Planning Approval is required for any external alterations to the premises.**

At 7.01pm the Mayor submitted the motion, which was declared

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



**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- A number of traffic studies and feasibility investigations have been carried out in relation to the development of the Murdoch Activity Centre (MAC) over the last two years.
- The City of Melville has supported the Roe Highway Extension (RHE) and the southern connection to Murdoch Drive, subject to environmental approvals and a grade separated intersection treatment at the South Street and Murdoch Drive intersection.
- Traffic modelling completed to date does not provide a definitive answer as to the benefit or otherwise of grade separation for South Street/Murdoch Drive or the impact on the traffic network from a southern connection to Murdoch Drive.
- Further analysis is warranted given the importance of this area of the network and the magnitude of the complex traffic patterns expected in the near future.
- The report seeks to summarise the various traffic and transport related issues that have been flagged as part of various traffic studies and to provide some background to future decision making in relation to these matters.

**BACKGROUND**

The Murdoch Activity Centre is classified as a Strategic Specialised Centre in the State Government's Directions 2031 Framework.

The challenges in this area for the existing road networks are evident: -

- Emerging development of the Mixed Use Precinct (MUP) by Landcorp.
- Large Park and Ride catering for the bus and train interchange.
- Second busiest train station for boardings on the metropolitan train system.
- Close proximity to the major freeway interchange of Kwinana Freeway and South Street.
- Proximity to Murdoch University and the planned eastern commercial precinct expansion.
- New large public hospital – Fiona Stanley Hospital.
- Existing private St John of God Hospital with planned expansion.
- Ambitious mode share targets of 60% private car transport and 40% public transport being well above the current metropolitan average.
- Proximity to Jandakot City, potentially with 250 businesses and around 7,000 people.

At its meeting of 21 December 2010 (Item T10/3173 – Infrastructure Management Implications – Murdoch Activity Centre), Council was advised of various issues including that the planned development of the MAC and that the adjoining wider precinct was expected to place increasing demands on the transport network, principally South Street and Murdoch Drive.

It was indicated that if the configuration of the transport network remained unchanged, then this would have serious implications for the City, as the traffic volumes on the network adjacent to the precinct would likely exceed capacity by 2021 and be at gridlock by 2031.

It was also indicated at that time that as Fiona Stanley Hospital was expected to open in 2014, it was critical that the State Government commit funds within the 2011/12 State Budget to find critical transport infrastructure to service the MAC.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

Council's resolutions at this December 2010 meeting were numerous, but in light of the most recent 2012 issues for the MAC, importantly particular emphasis was placed on these resolutions (inter alia) –

- “6. *Requests the State Government to:*
- b. to commit funding for the construction of the Mixed Use Precinct Tunnel under South Street from the Kwinana Freeway off ramp, with direct access into and out of the Mixed Use Precinct prior to the opening of the Fiona Stanley Hospital to improve overall vehicular movement efficiency within the Murdoch Activity Centre.*
  - c. to commit funding for the construction of the extension of Roe Highway to Stock Road, with particular urgency focused on providing a free flowing, unrestricted intersection at the southern extension of Murdoch Drive prior to the opening of Fiona Stanley Hospital to improve overall vehicular movement efficiency within the Murdoch Activity Centre.*
  - d. commit funding for the construction of a grade separated intersection at South Street and Murdoch Drive to improve overall vehicular movement efficiency within the Murdoch Activity Centre and reduce traffic congestion on South Street.*
7. *Requests the Chief Executive Officer to write to the Honourable Colin Barnett MEdc MLA, Premier and Minister for State Development requesting he and the Honourable Christian Porter MLA, Attorney General and Treasurer, and the Honourable Troy Buswell MLA, Minister for Transport; Housing, meet urgently with the Mayor and the Chief Executive Officer to resolve the planning, transport and infrastructure requirements and the financial implications associated with Murdoch Activity Centre.”*

In the intervening period, the Mayor, Chief Executive Officer (CEO) and senior staff have had extensive meetings with the Premier, Ministers and other Parliamentary Members, Director Generals and their agencies.

As a result of the traffic modelling work carried out for the MAC and the representations to State Government by the City; Main Roads WA was allocated \$15 million to develop an at-grade intersection upgrading solution for the South Street and Murdoch Drive intersection to help alleviate traffic congestion issues associated with the opening of the Fiona Stanley Hospital.

This upgrading work is discussed in more detail in this report.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****DETAIL****South Street/Murdoch Drive Intersection**At-grade improvement works

A plan of the proposed intersection upgrading planned by Main Roads WA is attached.

[3321 Main Roads WA Plan 5085](#)

[3321 Main Roads WA Plan 5084](#)

[3321 Main Roads WA Plan 5086](#)

[3321 Main Roads WA Plan 5087](#)

The design and contract development of these works is nearing completion which will enable a contract to be let for construction. The expected completion date for the works is prior to Fiona Stanley Hospital opening in early 2014.

The main features of these works include: -

- Additional two extended right turning lanes from Murdoch Drive south into South Street east (three right turn lanes total). One right turn lane extended southwards to Barry Marshall Parade.
- Additional one extended right turning lane from South Street east into Murdoch Drive north (two right turn lanes total).
- Extension of the right turn lane from Murdoch Drive north into South Street west.
- Extension of right turn lane from South Street west into Murdoch Drive south.
- Extension of left turn lane from South Street east into Murdoch Drive south.
- Extended left turn lanes from Murdoch Drive north and south into South Street east and west (respectively).







These works, estimated at between \$10 - \$15 million will assist in addressing the current delays at this intersection and the additional traffic generated by the new hospital.

Traffic modelling carried out by Urbsol on behalf of the Public Transport Authority (PTA) indicates that the upgraded Murdoch Drive/South Street intersection would cope at least up to 2016/2017 with the increase of background traffic levels with both hospitals open, including Landcorp's MUP initial development stages in place and with the Park and Ride access remaining in its location within the Mixed Use Precinct

The following pictorial defines the Levels of Service (LOS) categories for traffic flow and congestion levels:

T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)

**Level of Service Categories**

	<p><b>A</b> Free flow in which individual drivers are not affected by the presence of others in the traffic stream.</p>
	<p><b>B</b> Stable flow with reasonable freedom to select desired speed and to manoeuvre.</p>
	<p><b>C</b> Stable flow, but most drivers are restricted in their freedom to select desired speed and to manoeuvre.</p>
	<p><b>D</b> Close to limit of stable flow and is approaching unstable flow. All drivers are severely restricted in choosing desired speed and to manoeuvre.</p>
	<p><b>E</b> Traffic volume is close to capacity with virtually no freedom to select desired speed and to manoeuvre. Flow is unstable.</p>
	<p><b>F</b> Forced traffic flow. The amount of traffic approaching the point under consideration exceeds that which can pass it. Flow break-down occurs and queuing and delays result.</p>

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

The operational functionality of the intersection of South Street and Murdoch Drive would be classified as having a low but acceptable Level of Service of “D” (LOS D).

PTA modelling also suggests that beyond 2017 and up to 2021 the functionality of the intersection will be dependant on the future stages of Landcorp’s development and the need to relocate the Park and Ride facilities out of the Mixed Use Precinct, more likely into the south east or south west quadrants. Multi-storey car parking areas may be required to cater for the 1,500 bays estimated to be required.

The PTA model predicts that if the Park and Ride was to remain within the hospital precinct beyond 2017 that traffic issues, particularly with the Kwinana Freeway north bound off/loop ramp would deteriorate to LOS F in both the A.M and P.M peaks.

However, a traffic analysis commissioned by Main Roads WA for the new at-grade intersection improvement for the South Street/Murdoch Drive expects it to operate at a LOS F at peak time movements on the north bound lanes south of South Street. This will likely create significant congestion issues along Murdoch Drive at the Barry Marshall Parade, Robin Warren Drive and Discovery Drive and other Murdoch University exits.

Although Main Roads WA expect that the intersection will operate effectively on the date of the opening of Fiona Stanley Hospital in early 2014, they have indicated that the at-grade improvements will have a very short lifespan of effectiveness as the hospital precinct begins to function thereafter.

The Main Roads WA analysis indicates that the intersection will operate with a 0.99 degree of saturation (practical degree of saturation of an Intersection ranges from 0 (very low traffic volumes) to 1.0 for saturated traffic flow or capacity) by 2021 during the afternoon peak, even with the Roe Highway Extension. Queues on Murdoch Drive turning right from the proposed three lane right turn lanes are expected to be in excess of 300 metres in length. By operating so close to capacity, any minor disturbance in the traffic flow will result in excessive queues and delays.

Such congested traffic conditions will result in driver frustration and an increased crash risk. There is also the potential for the queued traffic on Murdoch Drive to block emergency vehicle access to and from the hospitals, Fire and Emergency Services Authority (FESA) and the Police who are also located within the immediate area.

Clearly there are diverging opinions between the results of the PTA and Main Roads WA modelling in relation to the functionality of an at-grade intersection upgrade at South Street/Murdoch Drive.

Traffic modelling is predictive only to the point that the assumptions used to determine future traffic volumes and direction are met in the timeframes indicated.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

At this time, these assumptions are soundly based but are dependant on -

- Accuracy of future trip generation data for the forecast, residential, retail, hotel and commercial/health level users.
- Estimations of the complex arrival and departure patterns at the hospital, University and Park and Ride users.
- Ambitious mode share targets that are above the current metropolitan average. Early traffic modelling by consultants SKM chose a 60/40 mode split i.e. 60% of arrivals by motor vehicle and 40% by public transport, cycling and walking.
- The Department of Planning's Parking Strategy for the precinct was largely based on that mode split. A mode split of this magnitude has not been achieved to this point in Western Australia.

Grade Separated Intersection Option

In recent correspondence dated 11 May 2012 from the Mayor to Christian Porter MLA, the then State Treasurer; Attorney General and current Member for Bateman, concern was expressed as to the longevity of the proposed at-grade South Street/Murdoch Drive intersection upgrade and seeking a commitment to fund a grade separated intersection treatment as being a more long lasting and more efficient expenditure of funds.

This request was made on the basis that the at-grade "solution" would only provide temporary relief up to 2017 and with congestion increasing above the current 2012 congestion levels from that time.

In addition, the Urbsol traffic modelling carried out on behalf of the PTA indicates that the section of South Street between Murdoch Drive and the Freeway will be congested during peak periods creating safety concerns with the resultant queuing trailing back along the north and south Freeway off ramps at South Street.

It was suggested that since the timing for the Roe Highway Extension and Murdoch Drive southern connection works remain uncertain, any works currently being planned to improve access in this precinct need to be effective into the medium term future.

The City's concern is that the currently planned at-grade intersection improvement works at the South Street/Murdoch Drive intersection will have a very limited window of effectiveness and that a more effective and lasting intersection treatment, such as grade separation, should be sought as a matter of urgency.

Following a meeting between the Mayor and senior officers with the Minister for Transport and Minister for Planning, the City was advised that the at-grade works would be proceeded with as budgeted for completion prior to the Fiona Stanley Hospital (FSH) opening.

Based on the City's assertion that it would be more difficult to build a grade separated option after the at-grade works have been completed. Main Roads WA have prepared a report on "Constructability of Future Bridge Options for Murdoch Drive and South Street Intersection Upgrade".

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

This report considers the constructability of future bridge options for the intersection and assesses the feasibility of two future grade separated options, after the current at-grade upgrade works have been constructed.

The grade separated bridging options considered were;

1. Centre Overpass Intersection (COI).
2. Centre Turn Overpass (CTO) interchange.

Each of these options would have different levels of impact on the surrounding area, but were both considered feasible.

The report also indicated that to minimise reworks, the initial upgrade solution should be designed to match alignments and profiles of the selected future upgrade (either COI or CTO). Also, earthworks, pavement construction, service relocations, pathways, street lighting and hard landscaping required for the future option be considered for inclusion with the initial upgrade option.

The report concluded that the structural work for option CTO was more complex than the COI and was expected that the construction period would be 4-6 months longer. Also, that there would be no significant difference with the impacts to the local stakeholders, whether the grade separated upgrade was constructed now or in the future. The changes proposed for the current at-grade upgrade would assist with establishment of the temporary works for the grade separated works.

**Crash Investigations - Intersection of South Street and Murdoch Drive**

Crash costs at the intersection of South Street and Murdoch Drive were investigated by the City for the five year period from 1 January 2006 to 31 December 2010. During that period, there were 152 crashes at the intersection, costing the community a total of \$4,575,835 based on costs per crash type.

Of the 152 crashes, only 16% of the crashes resulted in injuries however these crashes resulted in 65% of the severity costs which amounted to \$2,500,000.

Additional analysis has been completed for mid block section and intersections along South Street between the intersection of Gilbertson Road and Wheatley Drive over the same period. This identified that approximately 895 crashes occurred costing the community \$32,709,564 in crash costs and \$45,054,598 in severity costs.

Building on the this analysis, Opus International Consultants have been engaged to assist the City in predicting future crash costs that takes into consideration growth rates in traffic for the years 2021 and 2031 based on the predicted impacts of Fiona Stanley and the MAC and also the impacts on Murdoch Drive with the proposed at-grade intersection upgrade at South Street and with Roe Highway Extension or without Roe Highway Extension. The final report from Opus has only recently been received by the City.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****Landcorp Mixed Use Precinct (MUP)**

The MUP site has been identified as the heart of the MAC development, connecting Murdoch Station with the adjacent employment and health nodes. It has the opportunity to provide an innovative example of a mixed use, transport oriented development. Multi modal transport connections (public transport, car, cycle and pedestrian) to and through the MUP is therefore an important component of the current Landcorp MUP Business Case development, along with travel demand strategies to reduce traffic generation and increase shorter walking and cycling trips within the MAC.

Barry Marshall Parade is the main spine road and will provide the connection between the Bus Station and Murdoch Drive, although only buses will be permitted on the northern most section of the street. Direct access from South Street will be available via a left in left out connection; this is currently Fiona Wood Road. A series of other internal roads will then provide access to St John of God Hospital and Fiona Stanley Hospital and other employment and health uses associated with the development.

A staged implementation of the MUP is required due to the location of the PTA Park and Ride which is leased to 2017/18. The full development of the MUP will only be possible once an alternate location, together with funding is made available by the State Government.

The relocation of the PTA Park and Ride is considered critical as this will impede the timing and development of the MUP.

The activation of the MUP is critical to attract businesses and support services for Fiona Stanley Hospital and St John of God Murdoch. It has also been identified that an anchor State or Local Government tenant would assist with this activation and the City of Melville has expressed an interest with Landcorp in having a community presence in the MUP.

An announcement has been made recently that the State Government is considering relocating the WA Police Headquarters to the Mixed Use Precinct.

**Current Status**

Landcorp has completed the project Business Case which is progressing through the State Government approval process.

Landcorp is now progressing on a number of fronts in order to meet the project schedule of commencing on site in 2013. These include:

- Ongoing discussions continuing with all stakeholders including regular meetings with the City of Melville.
- Commencement of the Statutory Approvals process (MRS Amendment lodged).
- Other statutory approvals will be progressed in the near future.
- Additional traffic modelling (fine-tuned with updated data from Fiona Stanley and St John of God Hospitals).
- Detailed engineering design has also been substantially advanced and plans have been submitted to the City for the civil works approvals for the roads and drainage components. It is expected that these would be approved by the City, with conditions, during September 2012.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

- Landscape design and place-making works for the new precinct are also well advanced.

A plan showing the MUP location is attached. [3321 Landcorp Context Plan](#)

**Public Transport Authority Traffic Modelling**

Detailed traffic modelling was commissioned by PTA and carried out by Urbsol. The initial modelling was undertaken to assess a number of road design alternatives related to the impact of the future relocation of the train station Park and Ride to facilitate the development of the MUP by Landcorp.

This analysis was then extended to consider the impact of the staged development of the Landcorp site in more detail and particularly Landcorp's road network and land use and its affect on the overall Hospital Precinct.

A summary of the PTA modelling is as follows;

**Surrounding Road Network**

The surrounding road network comprises the Kwinana Freeway, South Street, Murdoch Drive and Farrington Road.

Plan showing Road Networks is attached. [3321 Road Networks.](#)

Modelling results indicated that Murdoch Drive/South Street intersection would function at LOS D for the A.M and P.M peaks at least up to 2016/17 and thereafter the performance is dependent on the relocation of the PTA Park and Ride carpark. Queuing and delays are expected.

The Freeway south bound off ramp would operate at LOS C in the A.M peak up to 2016/17 and to LOS D by 2020/21 whereas the Kwinana Freeway south bound on ramp in the A.M peak would be LOS D throughout.

Murdoch Drive/Barry Marshall Parade would function at LOS D for the P.M peak. Significant queuing in both streets is expected and cars leaving St John of God will have difficulty turning right into Barry Marshall Parade.

Of particular concern is the new Kwinana Freeway north bound off ramp which has been designed to loop up onto South Street to a new set of signals and provides the principal access to the hospital precinct from the south. This ramp is predicted to operate as LOS E and LOS F by 2016/2017. This means that traffic could build up on the loop off ramp to a significant extent and tail back to the south, impacting on the through traffic lanes of the Kwinana Freeway.

This issue is predicted to worsen up until 2016/2017 when access to the Park and Ride remains within the MUP resulting from strong competition between public transport users and the hospital general traffic.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

Main Roads WA has recently advised that they are looking at the feasibility for a freeway north bound off ramp connection to Farrington Road west. This connection would assist in reducing demand on the South Street loop off ramp as Farrington Road could provide an alternate access point to the MAC.

Internal Road Network

The traffic modelling indicates the functionality and levels of service for the internal Hospital Precinct roads appear to be problematic and that other measures need to be considered to reduce congestion associated with hospital shift changes.

Modelling indicates the latest modified Landcorp MUP road network proposal does not lead to a failure of the network.

The signalised intersection of Barry Marshall Parade and Fiona Wood Road becomes key to the continued operation of the internal road network. The latest Landcorp design improves the operation of this intersection due to the simplified phasing arrangement at the “T” junction and removal of a number of competing movements.

However, this increased intersection efficiency simply moves the congestion deeper into the precinct and would funnel increased volumes of traffic down Barry Marshall Parade to the intersection with Bedbrook Row where a further new set of traffic signals is proposed. This would, again add to the overall traffic delays in Barry Marshall Parade. This intersection is predicted to have a low LOS in the A.M peak by 2016/17. The eventual relocation of the Park and Ride would see the LOS improve in Barry Marshall Parade in the longer term perspective.

Two aspects are clear in relation to the MAC internal precinct roads: -

1. It is essential that the Park and Ride be relocated away from the precinct as soon as possible.
2. The functionality of Barry Marshall Parade will be down graded with additional traffic, impacting on the efficiency of the public transport spine function of Barry Marshall Parade and will make the cycling and pedestrian environments less than ideal.

The Tunnel Options: - Murdoch MUP Access Study

Consultants AECOM were commissioned by the Department of Planning, the City of Melville and Landcorp to assess from the road network perspective, the need for and benefits of direct access from Kwinana Freeway to the MUP. The assessment was also aimed at identifying the elements required to develop the preferred network option that would serve both the need for efficient access to the MUP and efficient regional mobility for the network as a whole.

The draft report prepared in August 2011 concluded that from the analysis, the demand for a tunnel or ramp link from Kwinana Freeway south to the MUP was limited with expected flows of 2,700 to 3,400 vehicles per day (vpd). While the demand for a tunnel or ramp link from the MUP to Kwinana Freeway to the north is greater – 6,200 – 6,500 vpd, it also has greater engineering constraints to overcome.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

Plan showing tunnel options is attached. [3321 Tunnel Options](#)

The tunnel was the City of Melville's preferred option but the AECOM report did not justify the \$30M construction cost based on low traffic volumes.

In addition, Landcorp have redesigned the MUP and removed the large basement carparking areas from their preferred MUP design that would have linked to the tunnel, due to cost and economic considerations. This has effectively removed the relevance of the tunnel option. However, based on more recent micro simulation modelling by Urbsol, it would appear that the tunnel would have carried greater traffic flows than was estimated by AECOM.

AECOM concluded that the preferred solution is to construct the Roe Highway Extension and to provide access from the south to Murdoch Drive, which in turn would relieve congestion on South Street. It was recognised that major infrastructure projects such as the Roe Highway Extension will proceed on its own timetable and as such may be subject to delays in implementation. An interim substitute for the Roe Highway Extension could be provided in the form of a full southern connection from the MAC to Kwinana Freeway and Roe Highway.

**Roe Highway Extension**

The design development and community consultation for the extension of Roe Highway was funded by the current State Government. This facet of the project has been completed and the road proposal is currently subject to environmental review. The Council report T11/3239 Roe Highway Extension: Preferred Concept Design for the Melville Bypass of 20 September 2011 refers;

*“Main Roads WA have indicated that subject to the environmental approvals being in place, the RHE could be “shovel ready” in the latter half of 2012. The project is estimated at approximately \$700M and is currently unfunded.”*

**South West Group - Regional Transport Action Plan 2012**

The South West Group has been seeking to engage the State Government for some time to partner in the development of a regional integrated transport and land use strategy for the South West Metropolitan Region. The last strategic, regional transport plan undertaken by the South West Group titled "Travelling Together" was completed in 2003 and requires updating to reflect major changes in transport infrastructure needs and population growth.

The State Government is currently undertaking a large number of studies and plans to align their strategies with Directions 2031 and a population of Perth and Peel Regions of 3.5 million (approx. 2050).

Feedback from relevant State Government agencies indicates that they do not have adequate resources and capacity to engage in regional scale strategies initiated by others. This situation led the South West Group to take a more targeted and pro-active approach in addressing transport issues in the region through the Regional Transport Action Plan (RTAP) 2012.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

The RTAP Phase 1 report recommended that the focus of the activity for 2012/13 be a number of strategic priority projects.

Both the Murdoch Activity Centre and Jandakot City have been identified as a joint strategic priority project, given their significance as major employment centres in the region.

Two key actions associated with the Murdoch Activity Centre and Jandakot City project to be progressed by the South West Group in 2012/2013 relate to the southern freeway access for the Murdoch Activity Centre. The short term option involves the southern extension of Murdoch Drive to achieve northern and southern freeway access by 2014 when the Fiona Stanley Hospital opens.

The Roe Highway Extension is the longer term and preferred option, however the State Government has opted not to include funding in the 2012/2013 budget or forward estimates until the environmental approvals process has concluded, which is likely to be mid 2013.

These key actions are currently being progressed by the South West Group.

**Draft Murdoch Specialised Activity Centre Structure Plan**

Council at its meeting of 19 June 2012 considered the draft Murdoch Specialised Activity Centre Structure Plan and resolved to support advertising of the draft plan for public comment, subject to various pre-requisites being addressed.

The draft Structure Plan provides a high level guide to the future development and planning of the MAC. The structure plan provides for the development of an intensive mixed use precinct adjacent to the rail station, introduction of a second area of intensive development west of Murdoch Drive promotes development along an east west rapid transit corridor and provides general guidance to the development of “precincts” within the structure plan area. The importance of road and public transport improvements, including the role of an extended Roe Highway, is highlighted within the plan.

It is noted that the draft plan has been prepared as a high level strategic document. The draft plan lacks detail often associated with a structure plan, such as the stipulation of planning controls for individual sub precincts. The need for a strong governance model to achieve effective implementation is also noted but a preferred model is not identified. These and other aspects of the draft structure plan are proposed to be addressed through further studies.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

The draft Murdoch Specialised Activity Centre Structure Plan is considered to provide an innovative and appropriate response to ensuring that the Murdoch Specialised Centre develops to its optimal form. Lack of an effective governance model and under emphasis of the role of supporting infrastructure in the draft plan however, represent substantial risks to the achievement and implementation of optimal development. These issues were central to the Council's response as requiring further review prior to the plan moving to the consultation phase.

**Murdoch Access and Parking Policy**

Traffic modelling has indicated that optimal development of MAC will require substantial road infrastructure investment, together with improvements to public transport to encourage up to 40% of trips to and from MAC to be made using alternatives to the private car. In addition to the infrastructure improvements, management of the number of vehicles entering the precinct is required to avoid traffic gridlock. In response to these issues the Department of Planning prepared an Access and Parking Policy for MAC with the intention of providing optimum number of parking bays, taking into account the capacity of the road network, landowner requirements and the availability of alternative transport modes. Key features of the draft Policy were caps on the maximum amount of parking allowed for a development (with no minimum requirement), fee regulation and licensing of bays. Stakeholders were invited to comment on the draft Policy in early 2011.

The City's response to the draft Policy raised concerns with the lack of flexibility in the proposed caps, the undesirability of imposing minimum fees, reduced regional competitiveness of MAC as a centre and financial burdens associated with licensing of bays and bringing forward of Fringe Benefit Tax obligations. The City's response was coordinated with other MAC stakeholders via the Murdoch Precinct Strategic Group. The Western Australian Planning Commission (WAPC) responded to the feedback and in April 2011 released an interim policy position on access and parking at MAC. The interim policy was centred on revised parking caps and removed reference to fee regulation and licensing of bays. The revised caps better reflected the land use characteristics within the MAC and provided for more intensive usage closer to the rail station. The interim approach also enabled greater opportunity to have regard to the findings of the current MAC Part B Structure Plan process.

In releasing the interim policy the WAPC advised of its future intention to introduce a wider State Planning Policy framework to guide access and parking for all major activity centres throughout the metropolitan area. Principles of the wider State Planning Policy were publicised in early 2012. Media coverage of the policy principles at the time raised concerns regarding the possibility of the introduction of minimum fees across metropolitan centres. The public may delay the wider introduction of parking controls at major regional centres throughout the metropolitan area. A possibility is that due to the existence of the interim policy provisions that Murdoch will remain the only major metropolitan centre, outside of Perth CBD subject to State Government parking restrictions. This situation has implications for the competitiveness of Murdoch as a developing centre and presents a further constraint to optimal development.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

The City of Melville has been actively advocating on behalf of its community, to the State Government and Key Political Representatives, to provide improved road infrastructure within the Murdoch Activity Centre prior to the opening of Fiona Stanley Hospital in 2014 and support its development as a world class business and residential district.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The City has been engaged in ongoing consultation with all associated agencies involved in the planning of the MAC including; Department of Planning, Department of Transport, Main Roads WA, Public Transport Authority, Department of Housing, Health Department, St John of God Hospital, Murdoch University and Landcorp which have also formed the Mixed Use Precinct Working Group which includes representation from all major stakeholders. The Director Technical Services and the Director Urban Planning represent the City's interests on this working group.

More recently, a Murdoch MUP City of Melville senior officers meeting has been convened by Landcorp to liaise with the City's senior officers with regard to project managing the City's approvals process for the various aspects of the MUP including engineering and planning requirements.

The City of Melville also hosts the quarterly Murdoch Precinct Strategic Group meeting which provides the opportunity for all stakeholders in the MAC to share information and provide updates on latest developments.

**STATUTORY AND LEGAL IMPLICATIONS**

From the traffic and transport network perspective, the City is responsible for the care, control and management of roads under its jurisdiction, such as Murdoch Drive and Farrington Road. Main Roads WA is responsible for its roads in this area such as South Street, Kwinana Freeway and Roe Highway.

The internal roads within the Hospital Precinct, such as Barry Marshall Parade, Robin Warren Drive, Fiona Wood Road etc. are currently managed on behalf of Health Department by the State Government's Building Management and Works. Agreement has yet to be reached with the Health Department on the terms that the City may agree to have these internal roads dedicated and vested in the City of Melville subject to an appropriate funding source.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

Reference is made to the Council report item T10/3173 of December 2010 regarding Infrastructure Management Implications – Murdoch Activity Centre which details the costs associated with the management of the Hospital Precinct road networks, paths and landscaping, should they become dedicated and vested in the City of Melville. These costs were estimated at approximately \$1million annually (this is a whole of life annualised cost). As indicated previously, these roads are currently under the jurisdiction of Building Management and Works.

The road network master plan for the Hospital Precinct makes provision for Fiona Wood Road to extend to the south to intersect with Farrington Road. Should this extension be required to alleviate traffic congestion within the precinct, the funding for its construction should be borne by the State Government and not the City. The need for this additional road link may become clearer following the design feasibility work currently being carried out by Main Roads WA for a possible Kwinana Freeway north bound off ramp into Farrington Road to the west.

A plan showing a possible connection from Fiona Wood Road to Farrington Road is attached. [3321 Possible Connection of Fiona Wood Road with Farrington Road](#)

The Murdoch Activity Centre Access and Parking Policy may have financial implications for the City. The Policy would be a legislated approach and would be subject to further detail and passage for future legislation.

Costs in the order of \$250,000 have been suggested as being indicative of the Fringe Benefits Tax implications for the City of Melville's Operations Centre parking liability.

There are approximately 70 street bays within the hospital precinct road network which could derive income for the City, however as it currently stands, these would be managed by Building Management Works.

Should the City require further detailed traffic modelling to be undertaken, the cost implications of this are yet to be assessed but would be funded from within existing budgets. An assessment of this requirement will be determined once traffic modelling currently being undertaken by Main Roads WA has been finalised.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

All works within the Hospital Precinct including the initial clearing works, road and drainage construction have been subject to stringent Commonwealth Environmental approvals. Overall it is clear that extensive work has been conducted in ensuring the most appropriate designs have been selected thus limiting environmental impacts.

The proposed at-grade intersection works planned for South Street/Murdoch Drive could impact on the Quenda Wetland with additional stormwater flows being directed into it. The City has been working with Main Roads WA design consultants to ensure best practice water sensitive design principles have been incorporated into the design.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

Increased traffic congestion for the MAC is a significant risk that will require careful management and planning. To this point all traffic modelling carried out has indicated that various elements of the transport network will have lower than ideal levels of service.

Congestion can have negative consequences such as reduced safety, increased travel time, increased transport costs, increased pollution levels, loss of general amenity to the area, alienation of the community, “rat” running and particularly for the MAC a reduced level of development.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The proposed Murdoch Drive/ South Street intersection upgrade has the potential to increase run off and pollutants entering Quenda Wetlands.	Moderate consequences which are likely, resulting in a <b>Medium</b> level of risk.	Ensure best practice and water sensitive urban design to manage increased run off.
That the ongoing development of the MAC and Jandakot City will increase traffic congestion within the precinct and the surrounding road networks.	Major consequences which are possible resulting in a <b>High</b> level of risk.	Continue to work constructively with State Government and relevant agencies. Carry out additional traffic modelling to fully gauge the impacts of traffic congestion to pinpoint areas of concern so that they can be addressed.
The development potential of the Mixed Use Precinct is compromised as a result of traffic congestion and lack of infrastructure funding.	Major consequences which are possible resulting in a <b>High</b> level of risk.	Continue to work constructively with State Government and relevant agencies to ensure infrastructure upgrades are implemented.
The development of the Mixed Use Precinct is delayed as a result of the PTA Park and Ride Car Parking being located within the mixed use precinct.	Moderate consequences which are likely, resulting in a <b>Medium</b> level of risk.	Continue to work constructively with State Government and relevant agencies to expedite the relocation of the PTA Park and Ride Car Park out of the Mixed Use Precinct.
Emergency Services access is impeded as a result of traffic congestion.	Catastrophic consequences which are possible resulting in an <b>Extreme</b> level of risk.	Continue to work constructively with State Government and relevant agencies to ensure infrastructure upgrades are implemented prior to the opening of Fiona Stanley Hospital in 2014.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

This report is consistent with Council Policy CP-031 Asset Management which states:

*“Policy Objectives*

*To provide guidance and direction to the City to effectively manage its assets within a broad framework to ensure a coordinated, corporate approach to asset management within our organisation.*

*This Policy provides clear direction in the provision and management of all City of Melville assets to ensure sustainable outcomes are achieved and agreed levels of service are met, for present and future stakeholders.”*

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The City of Melville has taken an active role in the ongoing management and development of the MAC including advocating for improvements to the road network infrastructure such as the Roe Highway Extension, grade separation of the South Street and Murdoch Drive intersection and the tunnel option. As previously referred to, this advocacy has involved all levels within the organisation from the Mayor, Elected Members, CEO and down to officer level.

Council could choose to take a less active role. However, the MAC is a significant strategic development for the City and the organisation needs to work positively with all stakeholders in order to achieve the best possible outcome for our residents.

**CONCLUSION**

Recent transport modelling has now highlighted serious traffic and congestion implications within the MAC, at some intersections and the surrounding road networks which will critically impact the City of Melville.

The ongoing development of the MAC, including Landcorp’s proposals for the Mixed Use Precinct ultimately envisages some additional 35,000 persons in this immediate area. By 2014, 6,000 staff are expected from the combined development of St John of God Murdoch, Fiona Stanley Hospital and the State Rehabilitation Centre alone. Additional pressure on the road network will also arise from the development of the MUP, Murdoch University, Challenger Institute of Technology and the revitalisation of the urban quadrants of the greater MAC with an expected student population of 57,000 and a residential population of 22,000 by 2031. At that stage it is expected that 114,000 people will be accessing and living within the MAC.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

From the traffic modelling work carried out by Urbsol, some intersections will operate effectively on the date of the Fiona Stanley Hospital opening in early 2014, they have indicated that this effectiveness has a limited life span and that by 2016/2017, congestion and reduced levels of service will be evident as the Hospital Precinct begins to more fully function thereafter.

The Freeway north off ramp at South Street, Murdoch Drive and Barry Marshall Parade will be congested and concern has been expressed that emergency service vehicles, ambulance, Police and FESA may have difficulties entering and egressing the precinct.

Traffic studies have also highlighted that the PTA Park and Ride carpark would need to be relocated from 2016/2017.

This situation would be further complicated by the planned development of the MUP and the need to maintain access to the Public Transport Authority western carparking area which is leased by them up until 2018. The location of this carpark within the MUP, while subject to redevelopment, will create staging difficulties, additional costs and further traffic congestion when combined with hospital generated traffic. Access to the PTA carpark would need to be maintained substantially from Barry Marshall Parade and Murdoch Drive.

Since the timing for the Roe Highway Extension and Murdoch Drive southern connection works remain uncertain, any works currently being planned to improve access in this precinct need to be effective into the medium term future. The City's concern is that the currently planned at-grade intersection improvement works at the South Street/Murdoch Drive intersection will have a very limited window of effectiveness and that a more effective and lasting intersection treatment, such as grade separation, should be sought as a matter of urgency. Main Roads WA modelling has suggested significant queuing and a low LOS for the at-grade upgrading works.

However, the Minister for Transport has recently advised that the at-grade improvement works will be proceeded with as originally planned.

To this point, the City has indicated that it would not be prepared to take over the care, control and management of the Hospital Precinct road networks due to the ongoing cost liability issues. However, it is now clear that some of these roads, in particular, Barry Marshall Parade will be adversely affected by traffic congestion and with resultant loss of amenity, with poor pedestrian and cycling connectivity. The City could also seek assurances in relation to these issues before agreeing to take over management of these roads.

Much has been said about the forecast LOS of intersections in the MAC, particularly the South Street/Murdoch Drive intersection with an expected LOS "D". However Main Roads WA indicate the LOS falls below that level to E or F. The City will need to seek assurances from the Director General for Transport that the intersection upgrading works will perform at an efficient LOS and not prejudice traffic capacities in Barry Marshall Parade or Discovery Drive or the use of this precinct by emergency vehicles.

As a minimum, the at-grade intersection treatment needs to be designed to accommodate a grade separated option at a future time.

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3321)****APPROVAL**

At 7.01pm Cr Willis moved, seconded Cr Reidy -

**That the Council:**

1. **Note the City's ongoing concerns with the predicted traffic congestion within and surrounding the Murdoch Activity Centre.**
2. **Note that Main Roads WA are considering the feasibility of a Freeway off ramp (north) into Farrington Road to provide an alternate southern access into the Murdoch Activity Centre.**
3. **Endorse the engagement of traffic consultants to carry out additional modelling to provide a definitive answer as to the benefit or otherwise of grade separation at the South Street and Murdoch Drive intersection and for a southern connection from the Kwinana Freeway to Murdoch Drive and Farrington Road.**
4. **Acknowledges the collaborative approach undertaken to date with State Government Agencies in identifying solutions to resolve future traffic congestion within and surrounding the Murdoch Activity Centre.**
5. **Requests the Chief Executive Officer to:**
  - a) **Write to Main Roads WA seeking the opportunity to have input into the form of grade separated intersection at South Street/Murdoch Drive so that those design elements can be incorporated into the current at-grade design to minimise rework at a future time when grade separation may be considered.**
  - b) **Write to the Director General of the Department of Transport advising that the Council supports "in principle" a future connection of a Kwinana Freeway (north) off ramp into Farrington Road (west), provided that it does not allow direct vehicular access into Farrington Road to the east, this support being based on the need to provide an important alternate access point from the south into the Murdoch Activity Centre.**
  - c) **Write to the Director General of the Department of Transport requesting that any proposal for a future connection of Kwinana Freeway (north) off ramp into Farrington Road (west) also include the provision of a road connection into the southern extension of the future connection of Fiona Wood Road to Farrington Road.**
  - d) **Write to the Director General of the Department of Transport seeking clarification on the anticipated level of service for the at-grade option planned for South Street/Murdoch Drive intersection and seek assurances that vehicle queuing would not negatively impact on the intersection to the south of South Street along Murdoch Drive at Barry Marshall Parade, Robin Warren Drive and Discovery Drive or the passage of emergency vehicles.**

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

- e) Write to the Director General of the Department of Transport seeking clarification on the timing for and funding of the relocation of the Murdoch Train Station Park and Ride car park out of the Murdoch Mixed Use Precinct in order to ameliorate traffic congestion issues within the Murdoch Activity Centre and to activate development of the Mixed Use Precinct.
- f) Write to the Director General of the Department of Transport requesting an assurance that the funding of the future southern extension of Fiona Wood Drive to connect with Farrington Road and to any future Kwinana Freeway (north) off ramp, be fully funded by the State Government.
- g) Develop and implement an effective communication strategy to ensure all stakeholders (particularly City of Melville residents) are informed of the predicted traffic congestion within and surrounding the Murdoch Activity Centre.

Amendment 1

At 7.01pm Cr Robartson moved, seconded Cr Reynolds -

**That point 5. b) of the Officer Recommendation be amended by inserting the words “important temporary alternative access” after the word “future”; and**

**That an additional recommendation be included as a new point 5. h) as follows:**

***5. h) Write to the Premier of Western Australia, the Honourable Colin Barnett MEd MLA requesting the State Liberal Government to affirm its commitment to the construction of the Roe Highway extension from the Kwinana Freeway to Stock Road and the Southern Connection of the extended Roe Highway to Murdoch Drive as part of the 2013 State Liberal Party’s election platform, subject to all necessary environmental approvals and securing the necessary funding contribution from the Federal Government.***

At 7.15pm the Mayor submitted the amendment, which was declared

**CARRIED (9/2)**

Cr Robartson requested that the votes be recorded –

**For: Mayor R Aubrey, Cr Foxtton, Cr Hill, Cr Kinnell, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Taylor-Rees, Cr Willis.**

**Against: Cr Nicholson, Cr Pazolli.**

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**Reasons for Amendment

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

“5. b)

The City acknowledges the need to provide a temporary southern connection to the Murdoch Activity Centre, however while a southern access from the Kwinana Freeway at Farrington Road will provide temporary relief from congestion on the Kwinana Freeway at South Street during the AM peak period, it does not relieve congestion exiting the Murdoch Activity Centre during the PM peak period.

The City has concerns that without a firm commitment from the State Liberal Government to construct the extension of Roe Highway, that the access from the Kwinana Freeway at Farrington Road could become a more permanent solution. This will result in increased traffic movements and congestion on Farrington Road and will have an adverse impact on the residential areas both to the east and west of the Kwinana Freeway. The City’s preferred solution is for the State Government to construct the extension of Roe Highway.

The inclusion of the words “important temporary alternative access” after the word “future” is to make it clear that this access is considered a temporary solution pending the construction of the extension of Roe Highway to Stock Road.”

Amendment 2

At 7.16pm Cr Robartson moved, seconded Cr Hill –

At 7.18pm Cr Reynolds left the meeting and returned at 7.19pm

**That an additional point 6 be included in the Officer Recommendation.**

- 6. *Support the provision of pedestrian, cyclist and disabled persons’ crossing facilities at the intersection of South Street and Murdoch Drive, Murdoch with an enhanced with time count down facilities to advise how long the person has to cross the road.***

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

**CARRIED (11/0)**

Reasons for Amendment

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

“With the modifications to South Street/Murdoch Drive intersection they will be seven and eight lanes wide for pedestrians, cyclists and persons with a disability to cross. Vehicles will also be competing for time which will result in extensive periods where a person will need to wait. In Canada and USA they effectively use the count down facility to advise pedestrians how much time they have to cross the road.

The West Australian Newspaper 10 September 2012 reported that 20% of road deaths in Western Australia are pedestrians and over 50% are more than 50 years old.”

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

At 7.29pm Cr Reidy left the meeting and returned at 7.31pm.

Amendment 3

At 7.32pm Cr Nicholson moved, seconded Cr Pazolli -

**That an additional recommendation be included as a new point 5 i) as follows:**

***Write to the Director General of the Department of Transport requesting that the following Environmental Offsets be included as part of the design and construction of the at grade improvements to the Murdoch Drive and South Street intersection:***

***Required Environmental Offsets***

- That revegetation works be undertaken within the wetland area and adjacent to the new road works in consultation with the City of Melville Environmental Coordinator.***
- That the Gross Pollutant Traps (GPT's) be upgraded to treat heavy metals and fine particulate material to offset the increase in pollutants due to the increased traffic flow.***
- That a retarding basin be constructed downstream of the GPT's/stormwater outlet to retain the sediments and decrease the impact of increased heavy metals and other contaminants entering the inner wetland area.***
- That an additional swale be created on the South Street boundary of the Quenda wetland to further detain and filter contaminants coming from the extra lanes of traffic.***
- That all works be carried out in accordance with an Environmental Works Management Plan that ensures minimal impact on the wetland, this would include the management and control of runoff into the wetland during road works.***

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

**CARRIED (11/0)**

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**Reasons for Amendment

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

“The Quenda Wetlands is a high-priority Wetland Reserve managed by the City of Melville and the planned expansion of the intersection will impact on the Wetlands by reducing its size as well as exposing the Wetlands to human and vehicular interference.

CITY OF MELVILLE  
NATURAL AREAS ASSET  
MANAGEMENT PLAN  
2011

<sup>3</sup>3.2.1. Ecological Linkage Reserves

Ecological linkages can increase the effective size of flora populations and available habitat for individual animals, and help maintain genetic diversity for animals and plants by providing connections between groups of animals and plants in isolated bushland remnants<sup>2</sup>

The Plan rated Quenda Wetlands as a Reserve in Very High and High Value Linkages & it is a Very High Value wetlands.

Per Quenda management plan 2004  
& I quote;

<sup>3</sup> Priority Rating

The City of Melville manages this area as a Priority One (1) bushland and dampland reserve, as defined by the Prioritisation of Melville Reserves Document 2003, based on the condition of the vegetation, the impacts of management parameters for bushland protection and ecological value. <sup>3</sup>

Due to the highly sensitive nature of the wetland it is strongly recommended that offsets be made to reduce the impact of the proposed native vegetation clearing and help the wetland to buffer the impact of increased pollution. “

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)****COUNCIL RESOLUTION (3321)****APPROVAL**

At 7.49pm the Mayor submitted the substantive motion as amended –

**That the Council:**

1. **Note the City’s ongoing concerns with the predicted traffic congestion within and surrounding the Murdoch Activity Centre.**
2. **Note that Main Roads WA are considering the feasibility of a Freeway off ramp (north) into Farrington Road to provide an alternate southern access into the Murdoch Activity Centre.**
3. **Endorse the engagement of traffic consultants to carry out additional modelling to provide a definitive answer as to the benefit or otherwise of grade separation at the South Street and Murdoch Drive intersection and for a southern connection from the Kwinana Freeway to Murdoch Drive and Farrington Road.**
4. **Acknowledges the collaborative approach undertaken to date with State Government Agencies in identifying solutions to resolve future traffic congestion within and surrounding the Murdoch Activity Centre.**
5. **Requests the Chief Executive Officer to:**
  - a) **Write to Main Roads WA seeking the opportunity to have input into the form of grade separated intersection at South Street/Murdoch Drive so that those design elements can be incorporated into the current at-grade design to minimise rework at a future time when grade separation may be considered.**
  - b) **Write to the Director General of the Department of Transport advising that the Council supports “in principle” a future *important temporary alternative access* connection of a Kwinana Freeway (north) off ramp into Farrington Road (west), provided that it does not allow direct vehicular access into Farrington Road to the east, this support being based on the need to provide an important alternate access point from the south into the Murdoch Activity Centre.**
  - c) **Write to the Director General of the Department of Transport requesting that any proposal for a future connection of Kwinana Freeway (north) off ramp into Farrington Road (west) also include the provision of a road connection into the southern extension of the future connection of Fiona Wood Road to Farrington Road.**

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

- d) Write to the Director General of the Department of Transport seeking clarification on the anticipated level of service for the at-grade option planned for South Street/Murdoch Drive intersection and seek assurances that vehicle queuing would not negatively impact on the intersection to the south of South Street along Murdoch Drive at Barry Marshall Parade, Robin Warren Drive and Discovery Drive or the passage of emergency vehicles.
- e) Write to the Director General of the Department of Transport seeking clarification on the timing for and funding of the relocation of the Murdoch Train Station Park and Ride car park out of the Murdoch Mixed Use Precinct in order to ameliorate traffic congestion issues within the Murdoch Activity Centre and to activate development of the Mixed Use Precinct.
- f) Write to the Director General of the Department of Transport requesting an assurance that the funding of the future southern extension of Fiona Wood Drive to connect with Farrington Road and to any future Kwinana Freeway (north) off ramp, be fully funded by the State Government.
- g) Develop and implement an effective communication strategy to ensure all stakeholders (particularly City of Melville residents) are informed of the predicted traffic congestion within and surrounding the Murdoch Activity Centre.
- h) *Write to the Premier of Western Australia, the Honourable Colin Barnett MEdc MLA requesting the State Liberal Government to affirm its commitment to the construction of the Roe Highway extension from the Kwinana Freeway to Stock Road and the Southern Connection of the extended Roe Highway to Murdoch Drive as part of the 2013 State Liberal Party's election platform, subject to all necessary environmental approvals and securing the necessary funding contribution from the Federal Government.*
- i) *Write to the Director General of the Department of Transport requesting that the following Environmental Offsets be included as part of the design and construction of the at grade improvements to the Murdoch Drive and South Street intersection:*

***Required Environmental Offsets***

- *That revegetation works be undertaken within the wetland area and adjacent to the new road works in consultation with the City of Melville Environmental Coordinator.*
- *That the Gross Pollutant Traps (GPT's) be upgraded to treat heavy metals and fine particulate material to offset the increase in pollutants due to the increased traffic flow.*

**T12/3321 - MURDOCH ACTIVITY CENTRE (MAC) – UPDATE ON TRAFFIC AND TRANSPORT ISSUES (REC) (ATTACHMENT)**

- *That a retarding basin be constructed downstream of the GPT's/stormwater outlet to retain the sediments and decrease the impact of increased heavy metals and other contaminants entering the inner wetland area.*
  - *That an additional swale be created on the South Street boundary of the Quenda wetland to further detain and filter contaminants coming from the extra lanes of traffic.*
  - *That all works be carried out in accordance with an Environmental Works Management Plan that ensures minimal impact on the wetland, this would includes the management and control of runoff into the wetland during road works.*
6. *Support the provision of pedestrian, cyclist and disabled persons' crossing facilities at the intersection of South Street and Murdoch Drive, Murdoch with an enhanced with time count down facilities to advise how long the person has to cross the road.*

At 7.49pm the Mayor declared the motion

**CARRIED (10/1)**

At 7.50pm Cr Pazolli left the meeting.

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Disability Services – Access and Inclusion Plan  
 Customer Index : Disability Services Commission  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : C07/8013 – Disability Access and Inclusion Plan 2007 – 21 August 2007  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Leanne Hartill, Manager Neighbourhood Development

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- It is a legislative requirement of the Western Australian Disability Services Act 1993 that all local government authorities develop and implement a Disability Access and Inclusion Plan (DAIP) which is reviewed and amended at a minimum of every five years. It is therefore necessary for the current City of Melville DAIP 2007-2011 to be updated and amended.
- The City of Melville contracted E-Qual consultants to review its Disability Access and Inclusion Plan (DAIP) 2007-2011 and through a comprehensive consultative process developed a new draft DAIP 2012-2017.
- It is recommended that the new draft Disability Access and Inclusion Plan 2012-2017 and Disability Access and Inclusion Policy be adopted by Council.
- The Disability Access and Inclusion Plan be reviewed, and reported on annually by staff with a major external review every five years.

**BACKGROUND**

In 2012, as per the legislative requirements, the City of Melville undertook a review of its existing Disability Access and Inclusion Plan (DAIP) 2007-2011, consulted with key stakeholders and drafted a new DAIP 2012-2017 to guide further improvements to access and inclusion. The draft DAIP 2012-2017 and the Disability Access and Inclusion Policy were previously included in one document. The Disability Access and Inclusion Policy is now a stand alone document to ensure a consistent regular review process in line with all Council and operational policies.

**[8048 COM DAIP 2012 - 2017](#)****[8048 CP-084 Disability Access and Inclusion Policy](#)**

The City contracted an independent disability consultancy firm, E-equal, to conduct a review of the previous plan, conduct the consultation and draft the DAIP 2012-2017 document for the City.

The process in developing the new DAIP 2012 - 2017 addressed the compulsory six outcomes established under the Disability Services regulations and the City of Melville's two additional non-compulsory outcomes. The process consisted of:

- Examination of Council documents, including the Disability Access and Inclusion Plan 2007 – 2011, and reports on the progress made towards implementation each year.
- Examination of information on the demographics of disability.
- A literature review of relevant changes to disability legislation and other relevant documents and strategies.
- Investigation of contemporary and developing trends and best practice in access and inclusion, including examination of the DAIPs of other metropolitan local governments.
- Consultation with City of Melville staff and Elected Members.
- A community engagement process which included a variety of consultation methods with 116 people. The process offered a variety of perspectives, including people with a disability, seniors, carers and parents with prams who were familiar with the City's services, as well as local business owners and employees.
- The development of a report on the DAIP review and community engagement to inform the new DAIP document.

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)**

The City of Melville drafted its initial Disability Services Plan (DSP) in 1995 to address the barriers within the community for people with disabilities. The Plan was developed to address the City's statutory requirements under the Western Australian Disability Services Act 1993.

The City's Plan has been reviewed regularly since 1995 and progress reports were submitted as required to the Disability Services Commission.

During 2003 and 2004, the City undertook a comprehensive review of its DSP and subsequently developed an updated Disability Access and Inclusion Plan, which was again reviewed and updated for the period 2007-2011.

**DETAIL**

The review of the DAIP 2007-2011 and the engagement process showed that the City has been working in many positive ways across the organisation to improve access for people with disabilities to the City's buildings, facilities and services, with many initiatives in previous plans either completed or ongoing.

Staff response to the consultation was low however, suggesting that recognition of the plan and that it is a whole organisation responsibility can be improved. The review found that the plan itself was also in need of updating according to current local needs and priorities, the evolving legislative environment and current good practice regarding disability and access. The review also identified a number of access barriers and issues, and some suggested strategies for overcoming them.

The key issues identified in the consultation process in relation to each DAIP Outcome informed the new DAIP 2012 -2017. The identified strategies have been incorporated into the new internal DAIP Implementation Plan.

The major accessibility issues identified were:

- Paths - increased maintenance and accessibility of existing pathways and increase in the number of pathways needed.
- Events - are not always held at accessible venues, no information provided on accessibility, more provision is needed to be inclusive.
- Information - lack of information about accessibility of council and non council facilities, lack of information on access improvements throughout the City.
- Employment - increase in the employment opportunities and internship opportunities needed.
- Consultation - need better communication of consultation opportunities, need to consult specifically with people with a disability regarding strategic issues.
- Buildings - particularly the accessibility of older buildings in the City of Melville.
- Transport - the number of accessible buses, their frequency and bus stop accessibility.
- Inclusion - stronger partnerships and more opportunities for inclusive activities and events, better advocacy of access issues and inclusive practices to businesses and organisations.
- Parking - particularly the amount of parking available around key community facilities, the accessibility of the bays and upkeep.
- Staff Awareness - staff identified the need for awareness training with an emphasis on practical information and personal experiences.

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)**  
**(ATTACHMENT)**

- Accountability - staff identified the need for better integration of the DAIP into the existing City of Melville reporting processes and more measurable and specific actions.

To comply with the WA Disability Services Act 1993 every local government authority must report on six compulsory outcome areas, based on the review of the Plan, including feedback from the community. There is a demonstrated continued need for the City of Melville to go beyond the six outcome areas and continue to include two further outcomes. These outcomes relate to ensuring people with disabilities at the City of Melville have equal employment opportunities and the Council's role in raising community awareness around access and inclusion.

The eight outcome areas are:

1. People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disabilities have the same opportunities as other people to make complaints to a public authority.
6. People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with disabilities have the same opportunities as other people to be employed by the City.
8. Provide information, opportunities and encouragement to raise the awareness of the community regarding disability access and inclusion.

The data gathered through the methodology outlined has informed the strategies that address the eight outcome areas described above. The strategies have been outlined in the five year Implementation Plan which states the responsible officer, timeframe and actions required for each strategy. The Implementation Plan has been developed with each service area, including the responsible officer in an effort to better integrate the DAIP and improve on the current level of commitment towards the DAIP as a whole organisational responsibility. A cross organisation continuous improvement team will also be established to ensure the effective implementation of the DAIP and improvement opportunities.

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

The Disability Services Act 1993 sets out the minimum consultation requirements for the public authorities to undertake in relation to DAIP's. Local government authorities must undertake public consultation with people with disability and key stakeholders as part of the development/amendment of the DAIP. The public consultation must be advertised through the public authority's website or the local/state newspaper for a minimum period of three weeks.

The level of consultation, in accordance with the Stakeholder Relationships Policy CP-002, was to "involve" the community. In this regard, as part of this 2012 review of the City of Melville's DAIP, a broad level of engagement was carried out to identify potential strategies to be incorporated into the new DAIP. Over 100 community members, including people with disabilities, their families and carers, and service providers contributed feedback as well as City of Melville staff and Elected Members.

The opportunities for engagement were advertised or promoted:

- Through the local community newspaper;
- Through the City's publication, *Mosaic*;
- On the City's website;
- To individuals and groups through e-mail and phone conversations;
- Surveys were available at events associated with the City's Revision of the *Strategic Community Plan*;
- Short presentation to seniors as part of the *Age Friendly Melville* forum, with surveys available; and
- Two presentations at City of Melville staff meetings outlining the DAIP, review process and requirements.

The various consultation methods used included:

- A community survey form. This was available in hard copy from the libraries, recreation centres and community centres;
- The survey form was also available online on the City's website;
- The survey was handed to participants at the Canning Bridge Library's National year of Reading launch on Tuesday, 14 February 2012;
- Disability Services Commission Local Area Co-coordinators;
- Two telephone interviews with community members;
- An email survey of Council staff, with hard copies available to staff without access to email;
- One focus group held at a seniors group at the Bull Creek Community Centre; and
- Two community workshops, one during the day, one in the evening.

The draft DAIP 2012-2017 is also available on the City of Melville website for viewing and further comment.

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The Community Development Officer - Social Inclusion has consulted with the Disability Services Commission regarding the draft DAIP to ensure it's compliance with the Act.

**STATUTORY AND LEGAL IMPLICATIONS**

The Western Australia Disability Services Act 1993 (as amended in 2004) requires Local and State Government authorities to develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and objectives of the Act.

To comply with the amended Act, a Local Government is required to:

- Develop a DAIP which:
  - Furthers the principles and objectives of the Act; and
  - Meets the six Standards in Schedule 2 of the Disability Services Regulations 2004.
- Lodge the DAIP 2012-2017 with the Disability Services Commission by 31 July 2012. An extension to October 2012 has been requested and agreed to by the Commission.
- Take all practicable measures to ensure that the plan is implemented by the Local Government, its officers, employees, and relevant agencies and contractors.
- Review its plan at least every five years.
- Undertake public consultation, as specified in the regulations, when preparing, reviewing or amending its plan.
- Lodge review reports, amended plans or new plans with the Disability Services Commission.
- Report to the Commission by 31 July each year about:
  - Progress made by the Local Government in achieving the desired outcomes in Schedule 3 of the regulations;
  - Progress made by agents and contractors of the Local Government in achieving the desired outcomes in Schedule 3 of the regulations; and
  - The strategies used by the Local Government to inform its agents and contractors about its plan.
- Report in its Annual Report about the implementation of its plan.

**FINANCIAL IMPLICATIONS**

There are no additional financial implications for the 2012/2013 financial year other than what has already been committed in the current budget:

\$30,000 for access works  
\$33,000 for Activelink

There will be additional future financial implications which will be considered as part of annual budget submissions.

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Significant breach of the Disability Services Act (1993) and reputational consequences if the draft DAIP is not lodged with the Disability Service Commission.	<b>Minor</b>	Council endorse the draft DAIP 2012-2017 and lodge with the Commission.
That budget allocation for upgrades for accessible access is not sufficient for community expectations or requirements.	<b>Moderate</b>	Ensure suitable budget allocations made as part of budget processes for Council endorsement. Regularly update accessible facilities information on the 'your welcome' website, provide media releases and marketing around upgrades. Involve affected community members in upgrades. Budget accordingly for future years.
Those issues identified through engagement processes that are not the responsibility of the City will not be actioned by the responsible organisation/agency/business resulting in dissatisfied community.	<b>Moderate</b>	That all issues that are not the responsibility of the Council are referred/advocated for to relevant organisations.
As a result of the DAIP being implemented over a five year period some actions requested by the community may not be addressed immediately.	<b>Minor</b>	Ensure all tasks are tracked and updated regularly internally and provide updates to the community via relevant publications.

**POLICY IMPLICATIONS**

Disability Access and Inclusion Policy applies, this policy commits to:

*“Ensuring that the community is an accessible and inclusive community for people with disabilities, their families and carers. “*

and

*“That the City of Melville interprets an accessible and inclusive community as one in which all council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disabilities, providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community, as far as is practicable.”*

**CD12/8048 - DISABILITY ACCESS AND INCLUSION PLAN 2012-2017 (REC)  
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

That the Council not adopt the DAIP 2012-2017 and subsequently lodge with the Disability Services Commission. The impact of this action would be that the Council would be in contravention of the Disability Services Act 1993.

**CONCLUSION**

The review of the DAIP 2007-2012 and internal and external engagement undertaken has shown that the City of Melville has made significant improvements to provide more accessible and inclusive services, information and buildings. It notes however that there are still barriers experienced by the community. In order to be more effective in our commitment towards achieving the strategies identified in the eight outcome areas of the DAIP, there is a need for an integrated approach across all service areas. This can be promoted through:

- Review of the internal Implementation Plan and reporting process and responsible officers.
- Whole of organisation Disability Awareness Training that will focus on the DAIP.
- The continuation of DAIP as an informing document for all our projects, business and events.
- The establishment of a cross-functional DAIP Team made up of relevant key staff to review the progress on the implementation of the strategies identified in the DAIP Implementation Plan.
- An internal marketing and communication plan.
- Community engagement to be sought for expertise on access and inclusion improvements on buildings, services and information. Expertise can be identified from community members registered on the Neighbourhood Development Community Engagement Database.

The draft DAIP outlines a range of strategies that will inform the five year Implementation Plan to improve access and inclusion to 2017. These strategies respond to the six compulsory and two non compulsory outcome areas and are based on the consultation with the community and with staff. The strategies will be tracked through the Implementation Plan which will outline the responsible officer, target date and actions required. The Implementation Plan has been developed in consultation with each Directorate/Service Area in an effort to better integrate the DAIP and improve on the current level of commitment towards the DAIP as a whole of organisation responsibility.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8048)****APPROVAL**

At 7.51pm Cr Hill moved, seconded Cr Willis -

**That the Council adopt the City of Melville Disability Access and Inclusion Plan 2012 – 2017 and the Disability Access and Inclusion Policy as attached.**

**[8048 CoM DAIP 2012 – 2017](#)**

**[8048 CP-084 Disability Access and Inclusion Policy](#)**

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

**CARRIED (10/0)**

**C12/5000 – 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 & 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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 27 July 2012 up to and including 23 August 2012 and recommends that the information be noted.

**C12/5000 – 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**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>File Reference</b>
672	City of Melville and Troy Park Sporting Association Inc.	Management Licence between the City of Melville and Troy Park Sporting Association Inc.	2662702
685	City of Melville and Mount Pleasant Baptist Church Auskick	New Management Licence Mt Pleasant Baptist Church Auskick and the City of Melville	2716867
706	City of Melville	Funding Agreement – Willagee Structure Plan	2773332
711	City of Melville and The Bowmen of Melville Archery Club Inc.	Management Licence between the City of Melville and The Bowmen of Melville Archery Club Inc.	2733642

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**C12/5000 – COMMON SEAL REGISTER (REC)****STATUTORY AND LEGAL IMPLICATIONS**

Section 2.5(2) of the Local Government Act 1995.

*The local government is a body corporate with perpetual succession and a common seal.*

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

- (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 27 July 2012 up to and including 23 August 2012, be noted.**

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

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

**C12/6000 - INVESTMENT STATEMENTS (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 checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**KEY ISSUES / SUMMARY**

- This report presents the investment statements for the month of July 2012 and recommends that the information detailed in the report be noted.
- The Reserve Bank of Australia (RBA) continues to cut the cash rate which will have an impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for July 2012 are based on valuations obtained from CPG Research and Advisory as at 31 July 2012. When compared to the valuations used as at 30 June 2011 CDOs have increased in value by \$3,856,203.

**C12/6000 - INVESTMENT STATEMENTS (REC)**
**BACKGROUND**

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

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

**DETAIL**

Summary details of investments held as at 31 July 2012 are shown in the tables below.

**CITY OF MELVILLE  
STATEMENT OF INVESTMENTS  
FOR THE PERIOD ENDING 31 JULY 2012**

<b>SUMMARY BY FUND</b>	<b>PURCHASE PRICE</b> \$	<b>MANAGEMENT VALUE</b> AT 30/06/2011 \$	<b>ESTIMATED CURRENT MARKET VALUE</b> \$	<b>BOOK PROFIT/(LOSS)</b> \$	<b>BOOK PROFIT/(LOSS)</b> %
MUNICIPAL	\$ 37,483,825	\$ 37,483,825	\$ 37,483,825	\$ -	0.00%
RESERVE	\$ 45,080,621	\$ 33,997,056	\$ 37,853,259	\$ 3,856,203	8.55%
TRUST	\$ 505,818	\$ 505,818	\$ 505,818	\$ -	0.00%
CRF	\$ 187,855	\$ 187,855	\$ 187,855	\$ -	0.00%
	<b>\$ 83,258,119</b>	<b>\$ 72,174,554</b>	<b>\$ 76,030,757</b>	<b>\$ 3,856,203</b>	<b>4.63%</b>

<b>SUMMARY BY INVESTMENT TYPE</b>	<b>PURCHASE PRICE</b> \$	<b>MANAGEMENT VALUE</b> AT 30/06/2011 \$	<b>ESTIMATED CURRENT MARKET VALUE</b> \$	<b>BOOK PROFIT/(LOSS)</b> \$	<b>BOOK PROFIT/(LOSS)</b> %
ADI	\$ -	\$ -	\$ -	\$ -	0.00%
CDO	\$ 11,650,000	\$ 566,435	\$ 4,422,638	\$ 3,856,203	33.10%
BOND	\$ 4,500,000	\$ 4,500,000	\$ 4,500,000	\$ -	0.00%
FRN	\$ 6,000,000	\$ 6,000,000	\$ 6,000,000	\$ -	0.00%
FRTD	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 53,674,410	\$ 53,674,410	\$ 53,674,410	\$ -	0.00%
11AM	\$ 4,703,064	\$ 4,703,064	\$ 4,703,064	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	<b>\$ 83,258,119</b>	<b>\$ 72,174,554</b>	<b>\$ 76,030,757</b>	<b>\$ 3,856,203</b>	<b>4.63%</b>

<b>SUMMARY BY CREDIT RATING</b>	<b>PURCHASE PRICE</b> \$	<b>MANAGEMENT VALUE</b> AT 30/06/2011 \$	<b>ESTIMATED CURRENT MARKET VALUE</b> \$	<b>BOOK PROFIT/(LOSS)</b> \$	<b>BOOK PROFIT/(LOSS)</b> %
AA	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	0.00%
AA-	\$ 52,577,474	\$ 52,577,474	\$ 52,577,474	\$ -	0.00%
A+	\$ 6,300,000	\$ 6,300,000	\$ 6,300,000	\$ -	0.00%
A	\$ 500,000	\$ 500,000	\$ 500,000	\$ -	0.00%
A-	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	0.00%
BBB+	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
CCC	\$ -	\$ -	\$ -	\$ -	0.00%
CCC-	\$ -	\$ -	\$ -	\$ -	0.00%
NR	\$ 11,650,000	\$ 566,435	\$ 4,422,638	\$ 3,856,203	33.10%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	<b>\$ 83,258,119</b>	<b>\$ 72,174,554</b>	<b>\$ 76,030,757</b>	<b>\$ 3,856,203</b>	<b>4.63%</b>

**C12/6000 - INVESTMENT STATEMENTS (REC)**

The following statements detail the investments held by the City. Marketable investments are shown at their estimated market value.

**STATEMENT OF INVESTMENTS  
FOR THE PERIOD ENDING 31 JULY 2012**

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2011 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/10 \$	MATURITY DATE
BANKWEST (11AM)		11AM	3.50%	AA-	\$2,675	\$2,675	\$2,675	\$0	On call
WESTPAC (MAXI DIRECT)		11AM	3.75%	AA-	\$4,700,000	\$4,700,000	\$4,700,000	\$0	On call
WESTPAC (MAXI BONUS 1)		11AM	4.10%	AA-	\$102	\$102	\$102	\$0	On call
WESTPAC (MAXI BONUS 2)		11AM	4.10%	AA-	\$287	\$287	\$287	\$0	On call
					<b>\$4,703,064</b>	<b>\$4,703,064</b>	<b>\$4,703,064</b>	<b>\$0</b>	
ANZ BANK (TERM)		TERM	6.00%	AA-	\$2,400,000	\$2,400,000	\$2,400,000	\$0	Various
ADELAIDE BANK (TERM)		TERM	5.40%	A-	\$1,200,000	\$1,200,000	\$1,200,000	\$0	23-Aug-12
BANKWEST (TERM)		TERM	Various	AA-	\$9,674,410	\$9,674,410	\$9,674,410	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)		TERM	5.50%	A-	\$2,800,000	\$2,800,000	\$2,800,000	\$0	6-Aug-12
COMMONWEALTH BANK (TERM)		TERM	4.02%	AA-	\$3,000,000	\$3,000,000	\$3,000,000	\$0	3-Oct-12
NAB (TERM)		TERM	Various	AA-	\$7,800,000	\$7,800,000	\$7,800,000	\$0	Various
ST GEORGE BANK (TERM)		TERM	Various	AA-	\$11,000,000	\$11,000,000	\$11,000,000	\$0	Various
SUNCORP METWAY LTD (TERM)		TERM	Various	A+	\$6,300,000	\$6,300,000	\$6,300,000	\$0	Various
WESTPAC (TERM)		TERM	Various	AA-	\$9,500,000	\$9,500,000	\$9,500,000	\$0	Various
					<b>\$53,674,410</b>	<b>\$53,674,410</b>	<b>\$53,674,410</b>	<b>\$0</b>	
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	4.99%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK		FRTD	4.65%	A	\$500,000	\$500,000	\$500,000	\$0	6-Sep-12
					<b>\$2,500,000</b>	<b>\$2,500,000</b>	<b>\$2,500,000</b>	<b>\$0</b>	
COMMONWEALTH BANK (COVERED BOND)		BOND	5.25%	AAA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	25-Jan-17
COMMONWEALTH BANK (RETAIL BOND)		BOND	5.26%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
WESTPAC (COVERED BOND)		BOND	5.46%	AA-	\$500,000	\$500,000	\$500,000	\$0	6-Feb-17
COMMONWEALTH BANK (FRN)		FRN	5.06%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
NAB (FRN)		FRN	4.45%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	16-Sep-14
NAB (FRN)		FRN	4.74%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
					<b>\$10,500,000</b>	<b>\$10,500,000</b>	<b>\$10,500,000</b>	<b>\$0</b>	
APHEX (GLENELG)	High	CDO	4.78%	NR	\$2,000,000	\$122,833	\$380,520	\$257,687	22-Dec-14
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	\$2,000,000	\$1	\$1,400,000	\$1,399,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
CORSAIR (CAYMAN) KAKADU	High	CDO	5.83%	NR	\$1,500,000	\$75,255	\$235,020	\$159,765	20-Mar-14
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.13%	NR	\$1,800,000	\$347,317	\$658,404	\$311,087	20-Mar-13
MANAGED ACES CLASS 1A PARKES	High	CDO	0.00%	NR	\$1,050,000	\$10,269	\$8,694	-\$1,575	20-Jun-15
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	\$1,500,000	\$9,095	\$750,000	\$740,905	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	\$500,000	\$1,663	\$250,000	\$248,337	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	\$850,000	\$1	\$425,000	\$424,999	20-Mar-17
					<b>\$11,650,000</b>	<b>\$566,435</b>	<b>\$4,422,638</b>	<b>\$3,856,203</b>	
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%		\$230,645	\$230,645	\$230,645	\$0	
<b>TOTAL FUNDS INVESTED</b>					<b>\$83,258,119</b>	<b>\$72,174,554</b>	<b>\$76,030,757</b>	<b>\$3,856,203</b>	

**CREDIT RISK COMPARISON**

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$4,000,000	\$4,000,000	5%	80%	
AA-	\$52,577,474	\$52,577,474	69%	80%	
A+	\$6,300,000	\$6,300,000	8%	50%	
A	\$500,000	\$500,000	1%	50%	
A-	\$4,000,000	\$4,000,000	5%	50%	
BBB+	\$2,000,000	\$2,000,000	3%	20%	
NR	\$11,650,000	\$4,422,638	6%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
<b>TOTAL</b>	<b>83,258,119</b>	<b>76,030,757</b>	<b>100%</b>		

**C12/6000 - INVESTMENT STATEMENTS (REC)**
**DIVERSIFICATION RISK**

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ADELAIDE BANK (TERM)	TERM	A-	1,200,000	1.58%	1.58%	20%	
ANZ BANK (TERM)	TERM	AA-	2,400,000	3.16%	3.16%	20%	
BANKWEST (11AM)	11AM	AA-	2,675	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	9,674,410	12.72%	12.73%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.63%	2.63%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	2,800,000	3.68%	3.68%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	3,000,000	3.95%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	2,000,000	2.63%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.63%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	2.63%	11.84%	20%	
ING BANK	FRTD	A	500,000	0.66%	0.66%	15%	
MACQUARIE BANK	ADI	A	-	0.00%	0.00%	15%	
NAB (FRN)	FRN	AA-	4,000,000	5.26%		20%	
NAB (TERM)	TERM	AA-	7,800,000	10.26%	15.52%	20%	
RABODIRECT (TERM)	TERM	AA	-	0.00%	0.00%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	11,000,000	14.47%	14.47%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	6,300,000	8.29%	8.29%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	102	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	287	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	4,700,000	6.18%		20%	
WESTPAC (TERM)	TERM	AA-	9,500,000	12.49%		20%	
WESTPAC (COVERED BOND)	BOND	AA-	500,000	0.66%		20%	
WESTPAC BANK	ADI	AA-	-	0.00%	19.33%	20%	
ADELAIDE BANK	ADI	A-	-	0.00%	0.00%	10%	
CDO - Various	CDO		4,422,638	5.82%	5.82%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.30%	0.30%		
			<b>76,030,757</b>	<b>100%</b>	<b>100%</b>		

**MATURITY COMPARISON**

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	37,758,998	100%	100%	
RESERVE FUNDS	<b>37,758,998</b>	<b>100%</b>		
< 1 year	21,839,025	58%	100%	
< 2 years	2,235,020	6%	80%	
< 3 years	4,854,214	13%	80%	
< 4 years	4,000,000	11%	40%	
< 5 years	4,925,000	13%	40%	
> 5 years	-	0%	20%	Purchased Prior To Policy Change
	<b>37,853,259</b>	<b>100%</b>		

Due to the lack of an active market for CDOs and the continuing increase in credit market concerns worldwide, the risks associated with the City's investment portfolio in CDOs remains elevated. The City will continue to take a very conservative approach when valuing its CDOs for year end reporting purposes.

Monthly valuations for CDOs shown for July are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 July 2012. When compared to the valuations used as at 30 June 2011, valuations obtained from CPG as at 31 July 2012 show that CDOs have increased in value by \$3,856,203.

Lehman Brothers arranged CDOs have experienced an increase in trading level indications, as heightened investor expectations of a favourable ruling in the courts grows, which would result in an early termination and the City gaining access to the collateral representing the City's original investments which are held by the Trustees. It is noted that favourable rulings increase the prospects of a favourable negotiated outcome along the lines of the Mahogany CDOs. This is still under legal proceedings in the United States (US) and United Kingdom (UK) Courts and negotiations between the Lehman estate and the Belmont Group's lawyers. The City in conjunction with CPG will monitor and report on the developments.

**C12/6000 - INVESTMENT STATEMENTS (REC)**

Some of the non Lehman Brothers arranged CDOs continue to pay coupon payments based on the full amount invested whilst those CDO's that have suffered an erosion of credit support and therefore underlying principal, pay interest at a reduced rate depending on the extent of the principal loss experienced. Council has earned \$5 million from CDO investments since 1 July 2007.

Based on previous independent advice from a number of sources the City's policy has been to continue to hold the CDO investments to maturity unless opportunities to sell at realistic values are presented. Further investment in CDOs is specifically excluded under the City's current Investment Policy.

The values of non Lehman Brothers arranged CDOs held as at 31 July 2012 were:

- face value of \$ 6,350,000;
- written down (book) value of \$555,674 and an
- estimated market value of \$1,282,638.

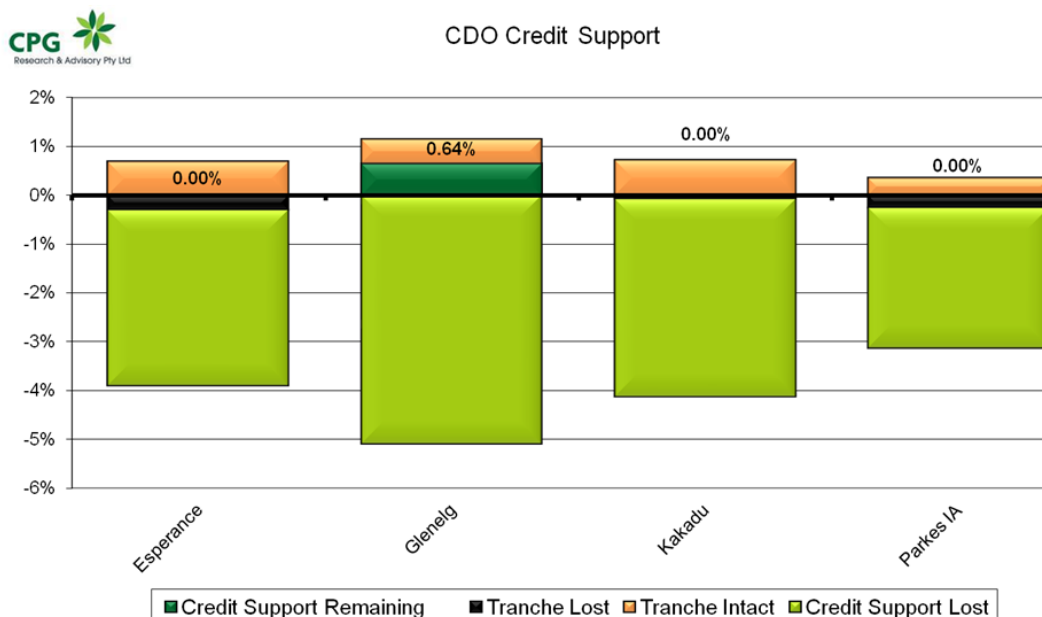
The values of Lehman Brothers arranged CDOs held as at 31 July 2012 were:

- face value of \$ 5,300,000;
- written down (book) value of \$10,761 and an
- estimated market value of \$3,140,000.

**Credit Ratings and Credit Events**

22 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 impact of these credit events on the City's remaining non Lehman arranged CDOs are shown below.



**C12/6000 - INVESTMENT STATEMENTS (REC)**

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before <b>FIRST</b> Loss of Principal	Remaining Credit Support before <b>TOTAL</b> Loss of Principal	Comments
<b>Aphex Glenelg</b> Arranger: Nomura International <b>\$2.0 million</b> <b>Maturing 22/12/14</b>	<b>8 credit events:</b> ResCap, Takefuji, AIFUL, Thomson, Lehman's, Landsbanki, CIT Group & PMI Group.	1.0	1.8	Very high likelihood of total default.
<b>Corsair Cayman Kakadu</b> Arranger: J.P. Morgan Australia <b>\$1.5 million</b> <b>Maturing 20/3/14</b>	<b>12 credit events:</b> 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 10.6% (\$0.159 million) of principal has occurred. Very high likelihood of total default.
<b>Helium Capital Esperance</b> Arranger: Merrill Lynch International <b>\$1.8 million</b> <b>Maturing 20/3/13</b>	<b>7 credit events:</b> PMI Group, Idearc, Tribune, Thomson, Lehman's, AMBAC Assurance & CIT Group.	-0.5	1.2	Partial loss 30.3% (\$0.545 million) of principal has occurred. Very high likelihood of total default.
<b>Managed Aces Class Parkes 1A</b> Arranger: Morgan Stanley <b>\$1.05 million</b> <b>Maturing 20/6/15</b>	<b>10 credit events:</b> 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.

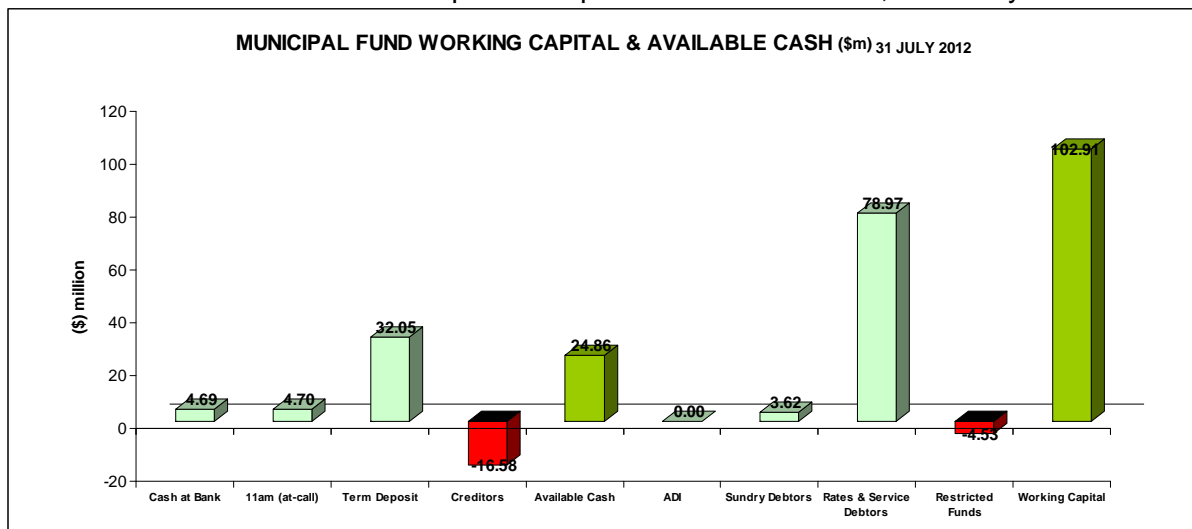
**C12/6000 - INVESTMENT STATEMENTS (REC)**

Terminated Lehman Brothers Arranged CDOs

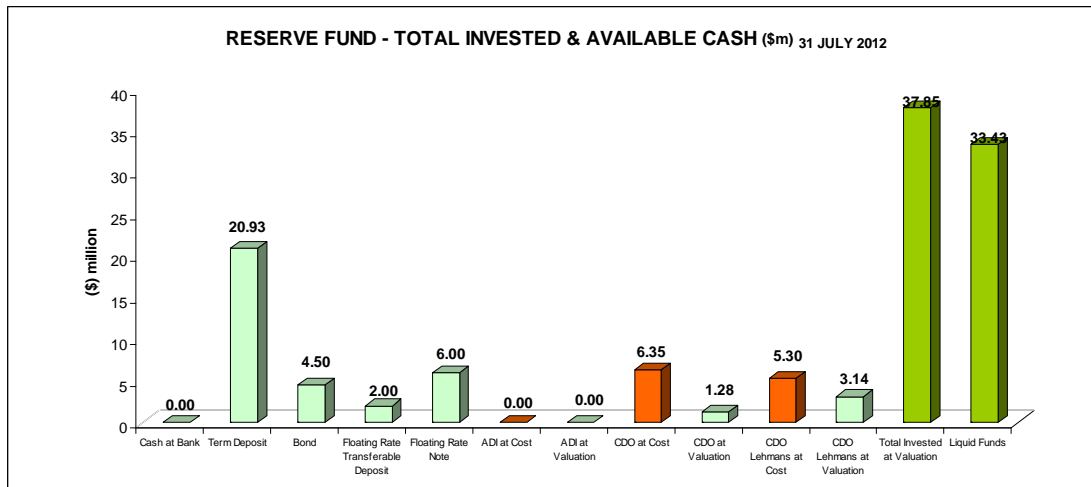
Lehman B Face Value & Original Maturity Date	No. of Credit Events	Remaining Credit Support before <b>FIRST</b> Loss of Principal	Remaining Credit Support before <b>TOTAL</b> Loss of Principal	Comments
<b>Beryl Finance Global Bank Note \$2.45 million 20/9/14</b>	<b>Nil credit events:</b>	1	N/A	Terminated due to Lehman bankruptcy – In legal dispute re collateral
<b>Zircon Finance Coolangatta \$1.50 million 20/9/14</b>	<b>8.0 credit events:</b> Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	
<b>Zircon Finance Merimbula A \$0.50 million 20/6/13</b>	<b>8.0 credit events:</b> Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	2.9	3.7	
<b>Zircon Finance Miami \$0.85 million 20/3/17</b>	<b>7.0 credit events:</b> Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	

**Net Funds Held**

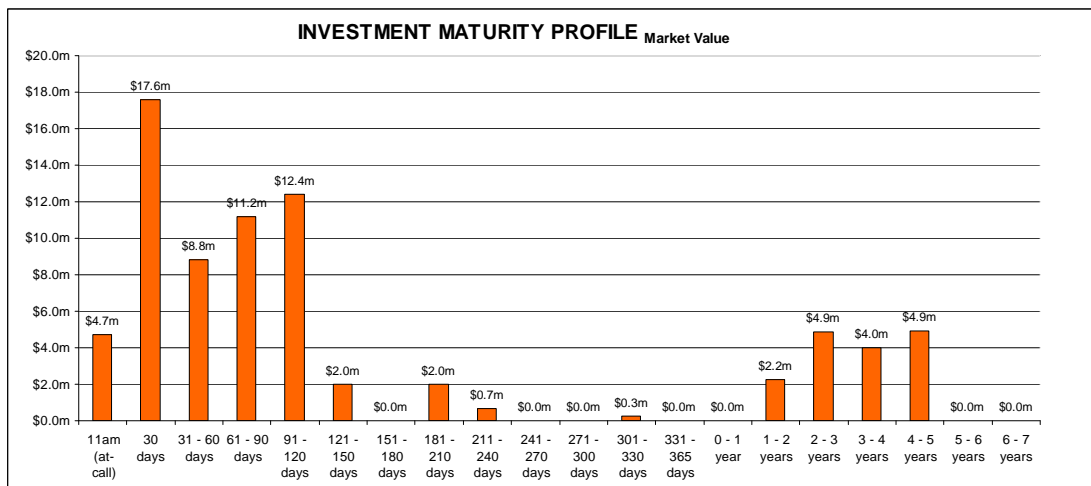
The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation, at 31 July 2012.



**C12/6000 - INVESTMENT STATEMENTS (REC)**



The graph below summarise the maturity profile of the City's investments at market value as at 31 July 2012.



**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 daily contact with the City's investment advisors, CPG Research and Advisory.

**C12/6000 - INVESTMENT STATEMENTS (REC)****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 and to seek early termination of the Lehman arranged CDOs, so that the City gains access to the more valuable collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

In conjunction with approximately 72 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 City the legal process is lengthy and it will still be some time before certainty is achieved.

A stand-off is taking place between the UK (United Kingdom) and US (United States) courts as to which countries laws should be applied in respect of the Lehman Brothers arranged CDOs, which are the subject of early termination. Lehman Brothers was unsuccessful in its appeal to the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court in the UK and the decision during the year brought finality to the legal process in that jurisdiction. It is likely however that the legal process will continue for at least another year as the US Bankruptcy Court judgement is almost certain to be appealed.

As previously mentioned, the likelihood of this happening can be demonstrated by the upward valuations in these CDOs over the past months.

**FINANCIAL IMPLICATIONS**

For the period ending 31 July 2012, interest earned on:

- Municipal and Trust Funds was \$148,817 against a revised budget of \$195,727. This represents a \$46,910 negative variance.
- Reserve Funds was \$147,913 against a revised budget of \$69,966. This represents a \$77,957 positive variance.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$5 million.

The City's revenue from investment earnings is expected to decrease in the foreseeable future, as the RBA continues to cut the cash rate and the new restrictions that have been placed by regulation that limits the type of investments in which the City is permitted to invest.

In accordance with the Council's Investment of Funds Policy, any surplus investment returns derived as a result of investing when compared to the cash rate will be transferred to the Risk Management Reserve. Actual losses incurred will be funded from the Risk Management Reserve to the extent that funds are available in that Reserve. Where losses exceed the available funds, these will be prorated and deducted across the City's other Reserve Funds, excluding the Leave Entitlement Reserve, in proportion to the Reserve Balances as at 30 June 2007.

**C12/6000 - INVESTMENT STATEMENTS (REC)**

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3 million face value of Lehman Brothers arranged CDOs. At this time we understand that interest on the underlying collateral is being retained by the Trustee who has taken control of that collateral and whether or not it will be eventually received by the City will depend on the outcomes of legal action or negotiated settlement agreements.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Council's Investment of Funds policy was 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 the continuing credit market concerns overseas, the risks associated with the City's investment portfolio in CDOs is high. Whilst the City continues to earn and be paid interest from its 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.

Due to the lack of an active market for CDOs however, these investments must continue to be held unless opportunities to sell at realistic values are presented as required by the Policy.

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.

**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 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. The legacy CDO investments are being closely monitored by officers in conjunction with the City's investment advisors.

**C12/6000 - INVESTMENT STATEMENTS (REC)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)****NOTING****That the Investment Report for the month of July 2012 be noted.**

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

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

**C12/6001 – SCHEDULE OF ACCOUNTS FOR JULY 2012 (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statements and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not Applicable
Funding	:	2011/2012 and 2012/2013 Budgets
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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**C12/6001 – SCHEDULE OF ACCOUNTS FOR JULY 2012 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- This report presents details of the payments made in the month of July 2012 to suppliers for the provision of goods and services and recommends that the Schedule of Accounts be noted.

**BACKGROUND**

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial Administration) 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 31 July 2012, [6001 July 2012](#) including Payment Registers numbers Cheques **298 to 302** and Electronic Funds Transfers **252 to 254** were distributed to the Members of Council on 31 August 2012.

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

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Alpha West Pty Ltd	E030333	Maintenance & support upgrade	\$25,500.57
AVP Valuers	Chq 050033	Independent valuation services	\$51,975.00
Badge Constructions	E030350	Progress claim 13 for redevelopment of Melville Aquatic Fitness Centre	\$82,765.00
Boral Constructions	E030193 & E030238	Road resurfacing	\$383,983.74
Brajkovich Demolition Pty Ltd	E030303	Demolition of Carawatha Primary School	\$104,258.00
Downer EDI Works Pty Ltd	E030217	Road resurfacing	\$132,402.60
Dowsing Concrete	E030230	Concrete works	\$88,786.70
Flexi Staff	E030196 & E030264	Temporary employment	\$27,549.49
LGIS Insurance Broking	E030304	Insurance	\$1,321,820.64
Robinson Buildtech	E030252	Building maintenance	\$25,062.29
Southern Metropolitan Regional Council	E030314	MSW Disposal fees for June 2012 & Green waste gate fees for June 2012	\$292,754.03
Synergy	Chq 049798	Electricity billing	\$338,562.83
Water Corporation	Chg 050094 & E030236	Annual water charges & second instalment for purchase of 70-72 Olgilvie Road & Clive Street Mount Pleasant	\$639,149.50

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**C12/6001 – SCHEDULE OF ACCOUNTS FOR JULY 2012 (REC) (ATTACHMENT)****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 2011/2012 and 2012/2013 Budgets.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

**That the Schedule of Accounts for the month ending 31 July 2012, as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 July 2012](#) be noted.**

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

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

At 7.52pm Cr Pazolli returned to the meeting.

**C12/6002 – FINANCIAL STATEMENTS FOR JULY 2012 (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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**KEY ISSUES / SUMMARY**

- This report presents the Financial Statements for the financial year to date ending 31 July 2012 and recommends that they be noted by the Council.
- Determination of accrued income, expenditure, carry forwards and reserve transfers for 2011/12 is still in the process of being finalised. It is anticipated that this will have an impact on the overall final result for the 2011/2012 financial year and where applicable some of the results reported in 2012/2013 financial year to date.
- This report presents the budget amendments for the month of July and recommends that they be adopted by Absolute Majority of the Council.
- Money expended in an emergency:
  - As a result of the fire at the Civic Centre in 2011, unbudgeted expenditure of \$443,115 has been expended from Municipal funds since the day of the fire, the majority of which will be recovered from the insurance claim in 2012/13.

**C12/6002 – FINANCIAL STATEMENTS FOR JULY 2012 (AMREC) (ATTACHMENTS)**
**BACKGROUND**

The Financial Statements for the financial year to date ending 31 July 2012 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.

To 31 July 2012, a net operating negative variance of \$3.65 million and a net capital positive variance of \$4.86 million was recorded. Determination of accrued income, expenditure, carry forwards and Reserve transfers for 2011/12 is still in the process of being finalised. It is anticipated that this will have an impact on the overall final result for the financial year ending 30 June 2012, as the final overall surplus/deficit is yet to be determined. These year end adjustments will also have an impact on the figures reported in the 2012/2013 financial year to date and therefore the variances to budget.

**Variances**

A summary of variances and comments are provided in attachment [6002H July 2012](#).

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 JULY 2012								
	July Actual \$	YTD Actual \$	YTD Rev. Budget \$	Variance \$	Variance %	Current Commitments \$	Annual Budget \$	Annual Rev. Budget \$
<b>Revenues</b>								
General Purpose Funding	323,977	323,977	6,323,326	(5,999,350)	-95%	-	13,844,420	13,844,420
Law, Order, Public Safety	2,311,545	2,311,545	2,095,476	216,068	10%	(1,000)	2,511,781	2,511,781
Health	116,753	116,753	1,398	115,355	8249%	-	215,106	215,106
	20,413,403	20,413,403	26,095,383	(5,655,980)	-22%	23,065	48,956,270	48,956,270
<b>Expenses</b>								
Governance	(1,166,192)	(1,166,192)	(1,738,791)	572,600	-33%	(761,042)	(16,062,578)	(16,050,966)
General Purpose Funding	44,444	44,444	(14,400)	58,844	-409%	(147,448)	(6,575,980)	(6,575,980)
Law, Order, Public Safety	(183,082)	(183,082)	(237,721)	54,639	-23%	(35,168)	(3,723,487)	(3,708,623)
Education & Welfare	(271,715)	(271,715)	(450,410)	178,695	-40%	(166,785)	(5,463,762)	(5,474,823)
Community Amenities	(545,914)	(545,914)	(1,511,405)	965,491	-64%	(942,569)	(19,172,687)	(19,159,796)
Recreation and Culture	(1,207,373)	(1,207,373)	(2,054,191)	846,818	-41%	(1,253,667)	(26,840,555)	(26,888,267)
Transport	(557,740)	(557,740)	(740,475)	182,734	-25%	(389,660)	(9,897,362)	(9,803,647)
Economic Services	(57,828)	(57,828)	(2,513)	(55,315)	2201%	(35,368)	(106,161)	(106,161)
Other Property and Services	(1,121,337)	(1,121,337)	(164,676)	(956,660)	581%	(219,259)	(3,193,363)	(3,297,226)
	(5,118,611)	(5,118,611)	(6,991,995)	1,873,384	-27%	(3,977,422)	(92,121,666)	(92,121,666)

**Revenue**

\$58.3 million in Rates (including underground power) has been raised to 31 July 2012. Of this amount, \$52.3 million relates to general rates. This is compared with a revised annual budget of \$52.3 million, resulting in no material variance.

**Money Expended in an Emergency and Unbudgeted Expenditure**

The fire at the Civic Centre in 2011 resulted in unbudgeted expenditure of \$443,115 being expended from the City's Municipal funds. It is anticipated that these costs less the City's \$10,000 insurance excess and any betterment, will be recovered from our insurers in the 2012/13 financial year. Officers will continue to report to Council on the progress of our expenditures. The reinstatement works have now been completed.

**C12/6002 – FINANCIAL STATEMENTS FOR JULY 2012 (AMREC) (ATTACHMENTS)**

Some of the major expenditure items included:

- Fire damage repairs : \$351K
- Purchase of a new scanner and printer : \$94K

**Budget Amendments**

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

**Rates Collections and Debtors**

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. The following attachments form part of the Attachments to the Agenda.

Rates, Refuse & Fire and Emergency Service Authority payments totaling \$4,896,455 were collected over the course of the month. Rate collection progress for the month of July was 10.3% above target. 23.3% of 2012/13 rates had been collected as at 31 July 2012, which compares favourably to the 11.3% collected this same time last year.

Total sundry debtor balances increased by \$28,240 over the course of the month. The 90+ day's debtor balance decreased by \$18,002 due to Leeming Sports Association making a payment of \$4,000 and Leeming Recreation Centre making a payment of \$13,043 in July.

**Granting of concession or writing off debts owed to the Council**

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

No concessions were granted or amounts written off under delegated in the month of July 2012.

<b>DESCRIPTION</b>	<b>LINK</b>
Rate Setting Statement – July 2012	<a href="#">6002A July 2012</a>
Statement of Financial Activity – July 2012	<a href="#">6002B July 2012</a>
Representation of Net Working Capital – July 2012	<a href="#">6002E July 2012</a>
Reconciliation of Net Working Capital – July 2012	<a href="#">6002F July 2012</a>
Notes on Operating Statements reporting on variances of 10% or greater – July 2012	<a href="#">6002H July 2012</a>
Details of Budget Amendments requested – July 2012	<a href="#">6002J July 2012</a>
Summary of Rates Debtors – July 2012	<a href="#">6002L July 2012</a>
Graph Showing Rates Collections – July 2012	<a href="#">6002M July 2012</a>
Summary of General Debtors aged 90 Days Old or Greater – July 2012	<a href="#">6002N July 2012</a>

**C12/6002 – FINANCIAL STATEMENTS FOR JULY 2012 (AMREC) (ATTACHMENTS)****PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports  
Regulation 34 of the Local Government (Financial Management) Regulations 1996 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.

**C12/6002 – FINANCIAL STATEMENTS FOR JULY 2012 (AMREC) (ATTACHMENTS)**

(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 2012/2013 Budget, was 10% or \$50,000 whichever is greater.

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

**FINANCIAL IMPLICATIONS**

Variances are dealt with in attachment 6002H (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 31 July 2012. The determination of the end of year surplus will depend on the accrued income, expenditure, carry forwards and Reserve Transfers for 2011/12, which is still to be finalised. It is anticipated that this will have an impact on the overall final result for the year ending 30 June 2012 as well as the 2012/2013 financial year to date results.

**C12/6002 – FINANCIAL STATEMENTS FOR JULY 2012 (AMREC) (ATTACHMENTS)**

At 7.52pm Cr Pazolli returned to the meeting.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)  
ABSOLUTE MAJORITY APPROVAL**

At 7.52pm Cr Reidy moved, seconded Cr Willis -

**That the Council:**

- Note the Rate Setting Statement and Statements of Financial Activity for the financial year ending 31 July 2012 as detailed in the following attachments:**

<b>DESCRIPTION</b>	<b>LINK</b>
Rate Setting Statement – July 2012	<a href="#"><u>6002A July 2012</u></a>
Statement of Financial Activity – July 2012	<a href="#"><u>6002B July 2012</u></a>
Representation of Net Working Capital – July 2012	<a href="#"><u>6002E July 2012</u></a>
Reconciliation of Net Working Capital – July 2012	<a href="#"><u>6002F July 2012</u></a>
Notes on Operating Statements reporting on variances of 10% or greater – July 2012	<a href="#"><u>6002H July 2012</u></a>
Details of Budget Amendments requested – July 2012	<a href="#"><u>6002J July 2012</u></a>
Summary of Rates Debtors – July 2012	<a href="#"><u>6002L July 2012</u></a>
Graph Showing Rates Collections – July 2012	<a href="#"><u>6002M July 2012</u></a>
Summary of General Debtors aged 90 Days Old or Greater – July 2012	<a href="#"><u>6002N July 2012</u></a>

- Adopt by Absolute Majority Decision the budget amendments, as listed in the Budget Amendment Reports for July 2012, as detailed in attachment [6002J July 2012](#).**

At 7.52pm the Mayor submitted the motion, which was declared

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

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15. EN BLOC ITEMS**

At 7.52pm Cr Reynolds moved, seconded Cr Foxton -

**That the recommendations for items C12/5000, C12/6000 and C12/6001 be carried En Bloc.**

At 7.52pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

**16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL****16.1 Role of the Elected Members in Providing Community Leadership**

At 7.53pm Cr Pazolli moved, seconded Cr Nicholson -

**That Cr Pazolli be permitted to present to Council a Motion Without Notice relating to Role of the Elected Members in Providing Community Leadership.**

At 7.54pm the Mayor submitted the motion which was declared

**CARRIED BY ABSOLUTE MAJORITY (8/3)**

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

At 7.55pm Cr Pazolli moved, seconded Cr Nicholson -

**That the meeting be closed to the public to permit discussion on the following confidential matters –**

- **16.1 Motion Without Notice – Role of the Elected Members in Providing Community Leadership covered under Section 5.23 (2) (a) of the Local Government Act 1995 relating to (a) a matter affecting an employee or employees.**
- **P12/3329 Confidential Item - Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross covered under Section 5.23 (2) (d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**

**17. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED  
(Continued)**

- **P12/3340 Confidential Item - Three-Storey Single House at Lot 899 (18A) Tweeddale Road, Applecross covered under Section 5.23 (2) (d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**
- **C12/5253 Confidential Item - Potential Sale of Three of the City's Collateralised Debt Obligation Investments covered under Section 5.23 (2) (c) & (e) of the Local Government Act 1995, relating to a contract that may be entered into and information that has a commercial value to another person.**
- **C12/5253 Confidential Item C12/5253 – Update to FMARCC Report C12/5253 Regarding the Potential Sale of Three of the City's Collateralised Debt Obligation Investments covered under Section 5.23 (2) (c) & (e) of the Local Government Act 1995, relating to a contract that may be entered into and information that has a commercial value to another person.**
- **C12/6048 Late and Confidential Item – CO16/12 Road Resurfacing and Associated Works Program covered under Section 5.23 (2) (c) of the Local Government Act 1995 relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.**

At 7.55pm the Mayor submitted the motion, which was declared

**CARRIED (10/1)**

One member of the public and two members from the press left the meeting.

**16.1 Role of the Elected Members in Providing Community Leadership****COUNCIL RESOLUTION****ABSOLUTE MAJORITY**

At 7.56pm Cr Pazolli moved, seconded Cr Nicholson -

**The Council's Code of Conduct shall not be used as a means to prevent the open and transparent expression of an Elected Member's views on community issues to City of Melville ratepayers, except on those issues subject to quasi-judicial requirements or deemed confidential.**

At 8.38pm Cr Nicholson left the meeting and returned at 8.41pm.

At 8.46pm the Mayor submitted the motion, which was declared

**LOST (4/7)**

**Cr Pazolli requested that the votes be recorded -**

**For: Cr Nicholson, Cr Pazolli, Cr Taylor-Rees, Cr Willis.**

**Against: Mayor R Aubrey, Cr Foxtton, Cr Hill, Cr Kinnell, Cr Reidy, Cr Reynolds, Cr Robartson.**

At 8.48pm Cr Reynolds left the meeting.

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.

**P12/3329 - CONFIDENTIAL ITEM - RECONSIDERATION OF THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3329)  
SPECIAL MAJORITY APPROVAL**

At 8.48pm Cr Pazolli moved, seconded Cr Robartson -

**That the Council approve by Special Majority the Officer Recommendation contained in the confidential report P12/3329 - Confidential Item - Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross.**

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

**LOST DUE TO LACK SPECIAL MAJORITY NOT ACHIEVED (7/3)**

Reasons for Refusal

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

At 8.49pm Cr Taylor-Rees left the meeting.

At 8.49 Cr Reynolds returned to the meeting.

**P12/3340 - CONFIDENTIAL ITEM - THREE-STOREY SINGLE HOUSE AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3340)  
SPECIAL MAJORITY APPROVAL**

At 8.54pm Cr Pazolli moved, seconded Cr Robartson -

**That the Council approve by Special Majority the Officer Recommendation contained in the confidential report P12/3340 - Confidential Item - Three-Storey Single House At Lot 899 (18A) Tweeddale Road, Applecross.**

At 9.01pm the Mayor submitted the motion, which was declared

**CARRIED BY SPECIAL MAJORITY (10/0)**

**C12/6048 - CO16/12 – ROAD RESURFACING AND ASSOCIATED WORKS PROGRAM  
(REC) (CONFIDENTIAL ATTACHMENT)****CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION & COUNCIL  
RESOLUTION (6048) APPROVAL**

At 9.01pm Cr Robartson moved, seconded Cr Reidy -

**That the Council approve the Contract & Tender Advisory Unit Recommendation contained in the confidential report C12/6048 – CO16/12 Road Resurfacing and Associated Works Program.**

At 9.01pm Cr Taylor-Rees returned to the meeting.

At 9.02pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

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

**C12/5253 - CONFIDENTIAL ITEM – POTENTIAL SALE OF THREE OF THE CITY'S  
COLLATERISED DEBT OBLIGATION INVESTMENTS (REC)****OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5253)  
NOTING**

At 9.03pm Cr Kinnell moved, seconded Cr Reynolds -

**That the Council note the Financial Management, Audit, Risk and Compliance Committee's recommendation in the Confidential Report – C12/5253 – Potential Sale of Three of the City's Collaterised Debt Obligation Investments.**

At 9.03pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

**CONFIDENTIAL ITEM C12/5253 – UPDATE TO FMARCC REPORT C12/5253  
REGARDING THE POTENTIAL SALE OF THREE OF THE CITY'S COLLATERISED  
DEBT OBLIGATION INVESTMENTS (REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5253) APPROVAL**

At 9.04pm Cr Kinnell moved, seconded Cr Reynolds -

**That the Council approve the Officer Recommendation contained in the Confidential Report – C12/5253 – Update to FMARCC Report C12/5253 Regarding the Potential Sale of Three of the City's Collaterised Debt Obligation Investments.**

At 9.15pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

At 9.15pm Cr Robartson moved, seconded Cr Willis -

**That the meeting come out from behind closed doors and the public be invited back into the meeting.**

At 9.17pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

No members of the public returned to the meeting.

## **18. CLOSURE**

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 9.17pm.