



**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD ON
TUESDAY 16 SEPTEMBER 2014
AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 16 SEPTEMBER 2014.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr L Hitchcock	Executive Manager Legal Services
Ms C Young	Director Community Development
Mr M Tieleman	Director Corporate Services
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr P Prendergast	Manager Statutory Planning
M W Schaefer	Strategic Urban Planner
Mr N Fimmano	A/Governance & Compliance Program Manager
Ms C Newman	Executive Administration Coordinator
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were four members of the public and one member from the Press Emma Clayton – Melville Times in the Public Gallery.

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

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

Nil

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

Nil

6. QUESTION TIME**6.1 J Addvalue – Canning Bridge**Question

Given that 1) Draft 2 for CPS6 was advertised in August 2008, after comprehensive consultation, and that 2) the then – Head of Urban Planning subsequently gave an assurance to me that the new plan would be completed in months rather than years, would the Council now some 6 years later, give top priority, with the necessary resources to the completion of CPS6 and the structure plan or the Canning Bridge Precinct?

Response

The Chief Executive Officer responded by saying that the process for the amendment and acceptance of Town Planning Schemes or City Planning Schemes, has been quite a tedious process for many years.

There is a requirement to do a review every five years and it is generally on average a ten year process to undertake. The review process has had the Planning Commission involved in the City's development of the City Planning Scheme No.6. Problems have been encountered and reports that were completed have become out of date and other reports had to be prepared.

The City can only put the resources that are available at the City, The CPS 6 has gone through the department and is with the Minister. The Minister has 7 – 14 days in which to sign off on the request to go out for advertising. It is hoped that within two weeks the City can go out for advertising on this matter.

The City has fast tracked the Canning Bridge Plan and it is before the Council to go out for advertising, Council Officers have to worked with the government to achieve these outcomes.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 19 AUGUST 2014**
Minutes 19 August 2014**COUNCIL RESOLUTION**

At 6.36pm, Cr Schuster moved, seconded Cr Robartson-

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 August 2014, be confirmed as a true and accurate record.

At 6.36pm, The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 SEPTEMBER 2014
Notes 2 September 2014**COUNCIL RESOLUTION**

At 6.36pm, Cr Aubrey moved, seconded by Cr Hill-

That the Notes of the Agenda Briefing Forum held on Tuesday, 2 September 2014, be received.

At 6.37pm, The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE
COMMITTEE MEETING – 25 AUGUST 2014**COUNCIL RESOLUTION**

At 6.38pm Cr Macphail moved, seconded Cr Willis –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday 25 August 2014 be noted.

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

CARRIED UNANIMOUSLY (13/0)

NB:

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

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

P14/3520 – Mayor Aubrey – Financial Interest

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

P14/3520 – Cr Aubrey – Interest under the Code of Conduct

P14/3520 – Cr Barton – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

12. PETITIONS

Nil

13. ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE – 25 AUGUST 2014

The following item from the Financial Management, Audit, Risk and Compliance Committee meeting of 25 August 2014 requires consideration by the Council.

**M14/5382 – LOCAL GOVERNMENT REFORM TRANSITION PLAN (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Local Government Reform
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Kylie Johnson Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

M14/5382 – LOCAL GOVERNMENT REFORM TRANSITION PLAN (REC)
(ATTACHMENT)

KEY ISSUES / SUMMARY

- The State Government have instigated a local government reform process which is expected to lead to a decision in the following months from the Minister of potential boundary reform.
- At this point the expected implementation date is for reform to occur with a legal day one position on the 1 July 2015.
- Given this relatively short period of time to undertake transition the City engaged Ernst & Young to assist the City of Melville, City of Fremantle and City of Kwinana to develop a Local Government Reform Transition Plan, and provide training for key staff who will be involved in the transition.
- Training of key staff occurred in July 2014, and Transition Management Teams have been aligned and commenced preliminary transition planning with City of Fremantle and City of Kwinana counterparts.
- Attached is the Reform Transition Plan developed for the City of Melville, which outlines aspects including transition principles, governance structure, transition approach and program level planning and templates.

BACKGROUND

The State Government have instigated a local government reform process which is expected to lead to a decision in the following months from the Minister of potential boundary reform. At this point the expected implementation date is for reform to occur with a legal day one position on the 1 July 2015.

Given this relatively short period of time to undertake transition the City engaged Ernst & Young to assist the City of Melville, City of Fremantle and City of Kwinana to develop a Local Government Reform Transition Plan, and provide training for key staff who will be involved in the transition.

Training of key staff occurred on 9 July 2014, and Transition Management Teams have been aligned and commenced preliminary transition planning with City of Fremantle and City of Kwinana counterparts.

DETAIL

Attached is the Reform Transition Plan [5382 Reform Transition Plan](#) developed for the City of Melville, which outlines aspects including transition principles, governance structure, transition approach and program level planning and templates. The Plan has been developed as a document that will be further refined as the transition process develops. The overall transition timeframe is as follows:



**M14/5382 – LOCAL GOVERNMENT REFORM TRANSITION PLAN (REC)
(ATTACHMENT)**

The Transition Principles were outlined to Elected Members for comment in the Elected Members Bulletin of the 13 June 2014.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external engagement has been carried out.

II. OTHER AGENCIES / CONSULTANTS

Development of this Framework was undertaken with Ernst & Young. The workshops were conducted with City of Fremantle and City of Kwinana.

STATUTORY AND LEGAL IMPLICATIONS

No direct statutory or legal implications arising from this report.

FINANCIAL IMPLICATIONS

The external cost of the development of this Framework was shared between the City of Melville, City of Kwinana and City of Fremantle. Given the overall financial costs and risks of the reform transition process this preparation is considered essential. The costs for the training are being included in the grant funding received from the Department of Local Government towards reform.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The local government reform process is complex process, with an extreme level of risk. Proper governance structures are essential to mitigate the associated risk.

POLICY IMPLICATIONS

There are no direct policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options are presented as part of this report.

**M14/5382 – LOCAL GOVERNMENT REFORM TRANSITION PLAN (REC)
(ATTACHMENT)****CONCLUSION**

The City of Melville Local Government Reform Transition Plan is essential to formalise the principles, structure and process that will be deployed once a formal decision is advised.

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5382) NOTING

*That the Financial Management, Audit, Risk and Compliance Committee recommend to the Council that;
The Council recognise the effort of the Chief Executive Officer and staff in taking proactive steps in preparation for local government reform.*

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

CARRIED UNANIMOUSLY ENBLOC (13/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

The report P14/3532 - Three Storey Multiple Dwelling Development with Undercroft Car Park at Lot 898 (No. 18B) Tweeddale Road, Applecross has been withdrawn from the Agenda and will be reviewed and re-presented to a future meeting of the council.

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

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2014-368
 Property : Lot 880 (44) & Lot 881 (44A) Duncraig Road, Applecross
 Proposal : Two Storey Dwelling with Undercroft Garage
 Applicant : Urbane Projects Pty Ltd
 Owner : J Jones
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a two storey dwelling with undercroft on Lots 880 (44) and 881 (44A) Duncraig Road, Applecross.
- The proposed development requires assessment against the Design Principles of the Residential Design Codes of Western Australia (R-Codes), and where relevant, Council Policy, in respect of building height, setbacks, fencing, overshadowing and retaining.
- In accordance with CPS5 and the R-Codes, the application was advertised via a sign on site, a press notice and letters to the adjoining property owners. Two submissions have been received outlining concerns in relation to bulk, overshadowing and privacy.
- It is considered that the development is acceptable when assessed against the relevant design principles of the R-Codes.
- The approval of the proposed development requires an Absolute Majority decision of Council due to the proposed building height.
- It is recommended that approval be granted subject to conditions.



P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area - River Foreshore Precinct
R-Code	: R12.5
Use Type	: Residential
Use Class	: 'P'- Permitted Use

Site Details

Lot Area	: 1,363m ² : Lot 880 (681m ²) & Lot 881 (682m ²)
Street Tree(s)	: Yes, retained
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

[3533 Site and Elevation Plans 44 Duncraig Road Applecross](#)

DETAIL

Planning approval is sought for the construction of a two storey dwelling with undercroft at 44 & 44A Duncraig Road, Applecross.

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

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	9m (concealed/flat roof)	9.9m	Requires assessment against R-Codes Design Principles and the amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Front Fencing*	Visually permeable above 1.2m height	Portion of fence solid to 1.9m height.	Condition recommended requiring compliance with Deemed-to-Comply provisions	Manager Statutory Planning (MSP)
	1.8m maximum height	2.2m		
Gatehouse	2m maximum width	2.7m	Requires assessment using Design Principles	MSP
	3m maximum height	3.8m		
Boundary Setbacks	Northwest (Patio) - 6m	4m	Requires assessment using Design Principles	MSP
	Northeast (Patio) -1.6m	0.75m		
	Southwest Upper Floor (Bed 4) - 4.8m	4.2m		
Overshadowing	25%	36%	Requires assessment using Design Principles	MSP
Visual Privacy*	Living areas raised more than 0.5m, setback 6m from the boundary	Bar window setback 5.1m from the southwest boundary	Condition recommended requiring compliance with Deemed-to-Comply provisions	MSP
Site Works (Retaining Wall)	Cut and fill behind front setback within 1m of boundary, not more than 0.6m above natural ground level	Fill to 1.6m (southwest boundary) Fill to 1.3m (northeast boundary)	Requires assessment using Design Principles	MSP

*The above matters have been assessed against the relevant Design Principles and are not considered satisfied, therefore conditions of approval are recommended requiring compliance with the relevant Deemed-to-Comply provisions of the R-Codes. No additional commentary in relation to these matters is therefore provided within this report.

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	Due to the length of the wall adjacent to the submitter's property they request a greater setback to reduce the visual bulk.	Object	The submitter's dwelling has no major openings which face the subject property, furthermore, the portion of the dwelling abutting the submitter's property is considered to be well articulated through the use of openings, screens and setbacks. Together these features combine to mitigate any adverse building bulk impacts that might otherwise result.	Not uphold
	The overshadowing resulting from the proposed development could affect the submitter's hot water system, as well as up to half of the submitter's front and rear yard.	Object	The proposed development has been designed taking the submitter's property into account. Whilst limited additional overshadowing will occur within the submitter's primary outdoor living area, the submitter's hot water system will remain unaffected.	

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
2.	The fixed louvres and pergola will cause a claustrophobic atmosphere for the submitter's bedroom windows and reduce access to natural light.	Object	Amended plans have been provided which delete the fixed louvres.	Uphold
	The proposed dining room windows will impact the privacy of the submitter's bedrooms.	Object	Amended plans have been provided which detail obscure glazing to the dining room windows.	Uphold
	The retaining wall along the boundary should be reduced in height or moved toward the rear of the block.	Object	The subject retaining wall is forward of the submitter's garage and abutting the access leg. There is also dense vegetation along the access leg.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of Council's policies with the exception of the building height specified in CP-066: Height of Buildings, and the front fencing and gatehouse requirements of CP-078 Residential Development.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT*Building Height*

As outlined above, the maximum height of the proposed development is 9.9m. This height is considered to satisfy Design Principle 5.1.6 P6 of the R-Codes and the amenity provisions of Clause 7.8 of CPS5 for the following reasons:

- The subject site has a substantial ground level change across the site (approximately 4.2m) and more than 50% of this level change occurs between the verge and the front setback of the proposed dwelling.
- The portion of the dwelling which exceeds 9m in height relates only to the top corner of Master Bed 2 and represents an area of 4.3m² of the front elevation.
- The dwelling is setback 8m from the front boundary. This means that the over height building portion is also setback 8m from the street, a distance that serves to ensure that the over height portion will not have an adverse impact upon the streetscape.
- The over height portion does not result in any significant additional overshadowing on to the adjoining property's primary outdoor living areas or major openings.
- No objections have been raised in relation to the proposed height.

Boundary Setbacks

As outlined above, the proposed setbacks to the rear patio, the patio over the pool and to Bed 4 all require assessment against Design Principle 5.1.3 P3.1 of the R-Codes. These are considered to comply for the following reasons:

- The rear patio area and the patio over the pool are open sided structures which by their nature will have limited bulk impact, will not impede solar access and will not compromise privacy for occupiers of the adjoining properties.

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

- The setback to the proposed Bed 4 relates to a 5.8m length of wall only. This length of wall provides relief from the other two sections of wall adjacent to the southwest boundary, and assists in ensuring building bulk impacts are avoided. The overshadowing from this portion of wall does not compromise the outdoor living areas or major openings of the adjoining property. In addition, the window of Bed 4 is proposed to be screened.

Overshadowing

The proposed development requires consideration against Design Principle 5.4.2 P2.1 and P2. of the R-Codes in relation to the overshadowing of 42 Duncraig Road. The proposed development is considered to comply with these criteria for the following reasons:

- The majority of the overshadowing resulting from the proposed development falls upon the roof of the adjoining dwelling and shed, and does not extend to include the area occupied by a roof mounted hot water system.
- It is acknowledged that the northern elevation of the adjoining dwelling will be completely shadowed by the proposed dwelling, however due to the difference in ground level between the two properties; this elevation would also be overshadowed by the construction of a single storey house on the subject site. Furthermore, none of the windows along the northern elevation are major openings.
- An area of the front setback of the adjoining dwelling will be overshadowed by the proposed development; however this is not the primary outdoor living area on the property and its overshadowing can be tolerated on that basis.
- The primary outdoor living area on the adjoining property is to the rear of the dwelling. A shed is located along the northern boundary of the adjoining property which is sited in an elevated position relative to the natural ground level of the remainder of the rear yard. This shed itself casts a significant shadow within the primary outdoor living area of the property, contributing to the overshadowing of this area. The additional shadow cast by the proposed development constitutes an additional triangular area of 6m², with the remainder (and majority) of the rear outdoor living area remaining unshadowed.

Site Works and Retaining Walls

The proposed development requires consideration against Design Principle 5.3.7 P7.1 and P7.2 & 5.3.8 P8 of the R-Codes in relation to the site works and retaining. The proposed development is considered to comply with these criteria for the following reasons:

- The proposed fill and associated retaining which exceed 0.6m in height is located adjacent to an access leg to the north and a shed to the south, neither of which are active or habitable.
- The lot to the north also has dense vegetation screening the portion of the retaining wall which exceeds 0.6m.
- The proposed dwelling has been designed to reflect the topography of the subject site, and includes various internal level changes.

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)*Gatehouse*

The proposed development requires consideration against Council Policy CP078: Residential Development Policy Clause 4 and R-Codes Clause 5.2.4 P4 with regard to the proposed gatehouse. The gatehouse is visually permeable and of relatively low profile, and is accordingly considered to enhance the streetscape by providing a clearly identifiable entrance feature.

CONCLUSION

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3533)
ABSOLUTE MAJORITY APPROVAL**

At 6.43pm Cr Schuster moved, seconded Cr Robartson;

That the application for a Two Storey Single Dwelling with Undercroft at Lot 880 (44) and Lot 881 (44A) Duncraig Road, Applecross be approved by Absolute Majority decision of the Council subject to the following condition:

- 1. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**
- 2. Prior to the initial occupation of the development, all unused crossovers shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.**
- 3. The new concrete or brick paved vehicle crossovers are to be constructed prior to the initial occupation of the development in accordance with the City's's specification to the satisfaction of the Manager Statutory Planning.**
- 4. All stormwater generated on site is to be retained on site.**
- 5. Prior to the commencement of the development, the street tree/s within the verge are to be protected through the installation of a Tree Protection Zone (TPZ) which is to remain in place until the completion of the development. Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:**

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

- A free-standing mesh fence (or similar material) erected around each street tree with a minimum height of 1.2m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - No persons, vehicles or machinery are to enter the TPZ.
 - No stockpiling of building materials, debris, or soil is to occur within the TPZ.
 - No fuel, oil dumps, chemicals or contaminated water is to be disposed of, or stored within the TPZ.
 - No signage or other fixtures are to be attached to the tree.
 - All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.
6. Prior to the initial occupation of the development, details of the proposed privacy screen along the southwest elevation are to be provided to illustrate compliance with C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be installed and retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
7. Prior to the initial occupation of the development, the window opening to the Bar along the northwest elevation shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.

P14/3533 – TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 880 (NO. 44) & LOT 881 (NO. 44A) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

ADVICE NOTE

The two lots may require amalgamation prior to construction.

At 6.43pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

P14/3536 – RETROSPECTIVE PLANNING APPLICATION FOR THE CONSTRUCTION OF AN UNAUTHORISED PATIO AT LOT 93 (NO. 101) RISELEY STREET, ARDROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA 2014-849
 Property : Lot 93 (No. 101) Riseley Street, Ardross
 Proposal : Retrospective planning application for the construction of an unauthorised patio
 Applicant : N Bridger
 Owner : M Spiers
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P14/3536 – RETROSPECTIVE PLANNING APPLICATION FOR THE CONSTRUCTION OF AN UNAUTHORISED PATIO AT LOT 93 (NO. 101) RISELEY STREET, ARDROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for a patio located to the rear of the existing single house at 101 Riseley Street, Ardross.
- The subject patio does not have an adverse impact upon the amenity of the surrounding area or adjoining properties and satisfies all of the requirements of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council Policy.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective approval for the retention of the patio be granted.



BACKGROUND

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R25/R40
Use Type	: Residential
Use Class	: 'P' - permitted

P14/3536 – RETROSPECTIVE PLANNING APPLICATION FOR THE CONSTRUCTION OF AN UNAUTHORISED PATIO AT LOT 93 (NO. 101) RISELEY STREET, ARDROSS (AMREC) (CONFIDENTIAL ATTACHMENT)

Site Details

Lot Area : 976m²
 Street Tree(s) : Yes, all retained
 Street Furniture (drainage pits etc) : None applicable
 Site Details : Refer to aerial photo above
[3536 Elevation And Specification 101 Riseley Street Ardross](#)

DETAIL

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

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary setback - North	1.5m	1m	Requires assessment using Design Principles	Absolute Majority decision of Council

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The application was not required to be the subject of public consultation pursuant to Part 4 of the R-Codes. Notwithstanding, a letter confirming there is no objection raised has been received from the owners of the adjoining property to the north.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

**P14/3536 – RETROSPECTIVE PLANNING APPLICATION FOR THE CONSTRUCTION OF AN UNAUTHORISED PATIO AT LOT 93 (NO. 101) RISELEY STREET, ARDROSS
(AMREC) (CONFIDENTIAL ATTACHMENT)**

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications with this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

As outlined above, the subject patio requires assessment against the relevant Design Principle of the R-Codes in relation to its setback from the northern boundary.

Design Principle 5.1.3 of the R-Codes is considered to be satisfied as the patio is an open sided structure constructed at ground level, with a height ranging between 2.9 – 3.9m. The structure does not have an adverse visual impact, nor is there any resultant adverse impact on residential amenity levels, and its retention is supported on that basis.

CONCLUSION

The retention of the patio is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies, are not compromised. As such it is recommended that the application be approved via an Absolute Majority decision.

**P14/3536 – RETROSPECTIVE PLANNING APPLICATION FOR THE CONSTRUCTION OF AN UNAUTHORISED PATIO AT LOT 93 (NO. 101) RISELEY STREET, ARDROSS
(AMREC) (CONFIDENTIAL ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3536)
ABSOLUTE MAJORITY APPROVAL**

At 6.45pm Cr Schuster moved, seconded Cr Pazolli;

That the Council approve the retrospective application for the construction of an unauthorised patio at Lot 93 (No.101) Riseley Street, Ardross subject to the following condition:

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

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

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

At 6.46pm His Worship the Mayor having declared an interest in the item P14/3520 Request for Advertising of Canning Bridge Structure Plan, left the meeting.

In his absence the Deputy Mayor, Cr Reynolds, assumed the Chair as Presiding Member.

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P14/3520
Member	Mayor R Aubrey
Type of Interest	Financial Interest
Nature of Interest	Property owner within the Structure Plan
Request	Leave
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3520
Member	Cr R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Father owns property in the Structure Plan
Request	Not Applicable
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3520
Member	Cr J Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Daughter has a property in Forbes Rd Applecross
Request	Not Applicable
Decision of Council	Not Applicable

Ward	: All
Category	: Strategic
Application Number	: N/A
Property	: N/A
Proposal	: Request for endorsement of the Canning Bridge Structure Plan for Public Advertising
Applicant	: N/A
Owner	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P10/3159 Canning Bridge Precinct Vision – Ordinary Meeting of Council. 19 October 2010
Responsible Officer	: Martin Spencer Senior Strategic Urban Planner

DEFINITION

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

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Canning Bridge Structure Plan has been prepared following extensive engagement with the community.
- The Structure Plan provides for the implementation of the Canning Bridge Precinct Vision which was endorsed by City of South Perth, City of Melville and the Western Australian Planning Commission (WAPC) in 2011.
- The Structure Plan distinguishes six quarters within the precinct and provides Design Guidelines for each of the quarters as well as for the whole precinct.
- The City of Melville is mostly impacted by quarters 1 and 2.
- The Structure Plan is focussed on transit oriented development recognising the important role of public transport, walking and cycling to, from and within this location.
- The unique location of the Activity Centre is recognised in the Structure Plan and Design Guidelines.
- The working group requests permission to advertise the structure plan for a period of 42 days to seek public comment.
- At the completion of advertising a report on submissions will be prepared and presented to the Council.
- A final structure plan will be prepared after consideration of submissions and presented to the Council to consider for endorsement.
- The final structure plan will be required to be presented to the Western Australian Planning Commission for endorsement.

BACKGROUND

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

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

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

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

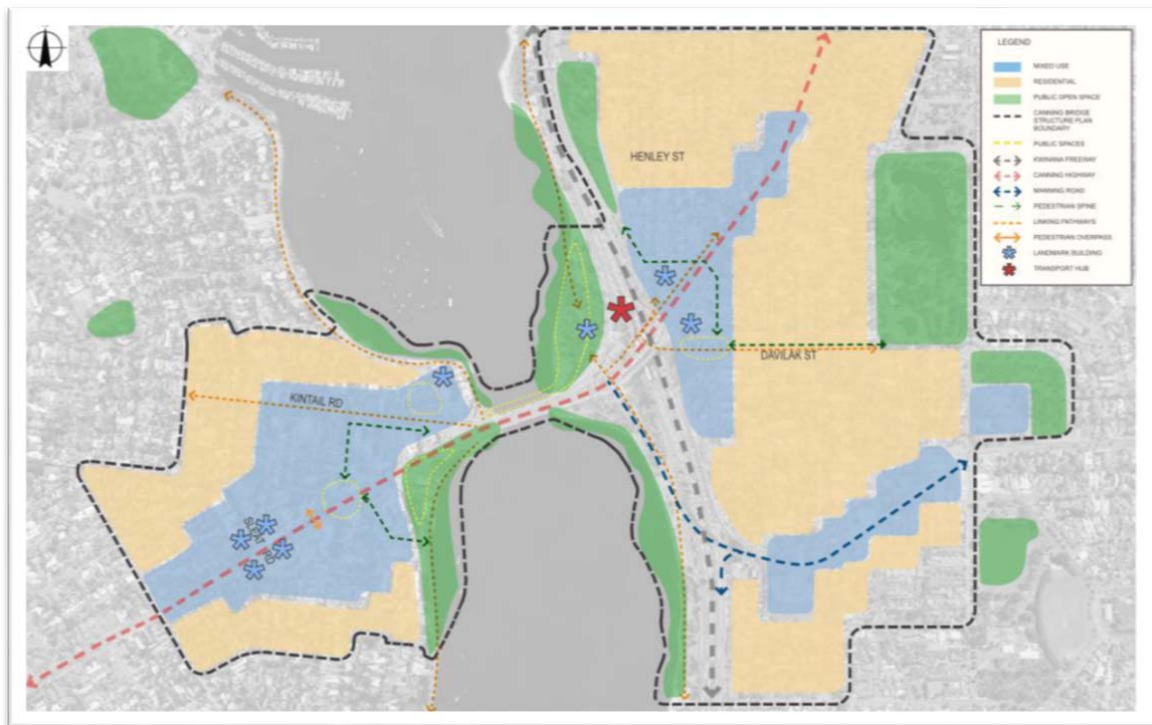
This structure plan builds on the Canning Bridge Precinct Vision and provides the framework for the vision to be implemented. The Vision for Canning Bridge is:

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

Scheme Provisions

Not applicable.

Site Details



DETAIL

The Canning Bridge Structure Plan is presented in two parts. Part One is the statutory section which includes the structure plan map, statutory provisions and requirements. Part Two is used as a reference guide providing background, design basis and intent, to support the implementation of Part One.

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

It should be emphasised that the Structure Plan does overlap two Local Government Authorities and does emphasise a continuing cooperation between the Councils for development in this Activity Centre. The individual Local Planning Schemes still relate to the areas within each Local Government boundary, however they are guided by the structure plan over the whole area.

[3520 Volume 1 Part 1 Final Draft](#)
[3520 Part 2 Explanatory Section Final Draft](#)

The Canning Bridge Structure Plan (CBSP) Objectives are to:

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

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

Consultation

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

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)****Place activation**

- G 2 The local character, function and strength of each unique 'Quarter' will be built upon in the implementation of the CBSP. Local events, such as markets and concerts, will be encouraged and enabled and the CBSP area will be known as a place to work, live and visit.
- G 3 Quarter 6 will be a vibrant hub for passengers moving freely and safely between transport types and enjoying the adjacent parklands and river front. The journey to and from the Quarter will be comfortable and memorable.

Built Form

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

Innovation

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

Accessibility

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

Sustainability

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

Crime Prevention

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

Environment

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

Staging and implementation

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

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

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

The design guidelines seek to achieve the following outcomes:

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

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

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

[3520 Part 1 Design Guideline Final Draft](#)

The Canning Bridge Structure Plan area has been split into six quarters. Within these quarters there are five zones. Not all zones are present in each quarter. The five zones are

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

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

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

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

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

STAKEHOLDER ENGAGEMENT

Advertising required:	Minimum 21 days (advertising for 42 days is suggested)
Reason:	To obtain public comment on the proposed activity centre structure plan including design requirements.

The Canning Bridge Activity Centre Structure Plan is to be advertised through an advertorial in local paper, press releases, email to those who have been involved previously, letters to those in study area, Facebook, Have Your Say – We Are Listening webpage and notices in libraries and Civic Centre.

An information day will also be held to explain the Structure Plan and Design Requirements.

I. COMMUNITY

There has been considerable engagement with the community as part of the development of the Canning Bridge Activity Centre Structure Plan. Three workshops were held with residents, owners and stakeholders from both City of Melville and City of South Perth. Surveys were conducted at key locations and with key groups in order to engage with those groups who were under represented at workshops specifically younger couples, young people, visitors and workers.

Advertising of this Activity Centre Structure Plan is required in accordance with the provisions of the State Planning Policy 4.2: Activity Centres for Perth and Peel for a minimum period of 21 days, however it is proposed to advertise this Structure Plan for 42 days.

II. OTHER AGENCIES / CONSULTANTS

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

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

All these Authorities and Departments will be advised of the advertising process and be requested to make further comment.

STATUTORY AND LEGAL IMPLICATIONS

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

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

The provisions, standards and requirements specified under Part One of the Structure Plan if and when adopted would have the same force and effect as if they were a provision, standard or requirement of the Scheme.

In the event of inconsistencies between the Scheme or the Residential Design Codes and the structure plan, the Scheme or the Residential Design Codes prevail unless the Structure Plan specifically varies the relevant requirements.

FINANCIAL IMPLICATIONS

There are no financial implications at this stage of the project. However, it is recommended that the City consider upgrading streetscapes, footpaths and cycling network in and around the centre in future years. Investment in activity centres by the City is likely to stimulate new private development.

Developer Contributions are being considered to assist in providing funding for local infrastructure in the project area.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk, or environmental management implications with this application for advertisement of the scheme.

POLICY IMPLICATIONS

The provisions, standards and requirements specified under Part One of the Structure Plan if and when adopted would have the same force and effect as if they were a provision, standard or requirement of the Scheme.

In the event of inconsistencies between the Scheme or the Residential Design Codes and the structure plan, the Scheme or the Residential Design Codes prevail unless the structure plan specifically varies the relevant requirements.

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could decide not to progress to advertising the Structure Plan and place the project on hold. This would undermine confidence in the process through further delays and may adversely impact on future development in the area. The implications would be to either encourage development in the area at a standard below what the City is trying to achieve in order for investors to realise the value of their investment or worse to encourage planning blight as developers hold their investment until such time as the vision is implemented.

CONCLUSION

The Canning Bridge Activity Centre Structure Plan provides a framework for the implementation of the Canning Bridge Precinct Vision. The Plan will give the opportunities for an increase in housing, commercial and civic opportunities in the structure plan area to assist the Cities of Melville and South Perth to meet the requirements of Directions 2031 and beyond. The public engagement process used to achieve the development of this Structure Plan has been extensive.

It is recommended that Council endorse the formal advertising of the Structure Plan to provide opportunity for individual comment and input to finalising the document.

**P14/3520 - REQUEST FOR ADVERTISING OF CANNING BRIDGE STRUCTURE PLAN
(REC) (ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3520) APPROVAL

At 6.46pm Cr Schuster moved, seconded Cr Pazolli -

That the Council Resolves that:

1. **The Canning Bridge Activity Centre Structure Plan and Design Guidelines be endorsed for advertising for a period of 42 days;**
2. **At completion of the advertising period a summary of submissions received be presented to the Council;**
3. **Submissions be considered in finalising the Canning Bridge Structure Plan to be presented to the Council for final endorsement prior to forwarding to the Western Australian Planning Commission.**

At 6.55pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

Vote Result Summary	
Yes	12
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
A/Mayor Cr Reynolds	Yes

At 6.56pm His Worship the Mayor returned to the meeting. The Deputy Mayor, Cr Reynolds, vacated the Chair as Presiding Member.

P14/3541 – REVIEW OF COUNCIL POLICY CP-087: NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Review of CP-087: Non-Residential Development
 Applicant : Not Applicable
 Owner : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P13/3397 – Final Adoption of Non-Residential Development Policy – Ordinary Meeting of Council 18 June 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P14/3541 – REVIEW OF COUNCIL POLICY CP-087: NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies and undertake regular policy reviews.
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- CP-087 was originally adopted by the Council at the Ordinary Meeting held 18 June 2013.
- Since this time, the City has routinely applied the policy in the assessment of non-residential developments.
- In the application of the policy over the last 12 months, it has been determined that two modifications are required to overcome some issues that have surfaced.
- Firstly, an additional clause is proposed to be added to the policy to prevent shopfront windows from being permanently covered by signage, fixtures or blank walls. This would ensure street surveillance and activation.
- Secondly, it is proposed to add a further clause to the policy which explains the assessment of landscaping required pursuant to Part 4 of CPS5 for mixed use developments.
- It is recommended that the Council resolve to adopt the revised policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

BACKGROUND

Council Policy 087: Non-Residential Development was adopted by Council at the Ordinary Meeting of Council on 18 June 2013. The objectives of this policy state:

- *To promote high quality architectural form to maintain and enhance the visual character of the City.*
- *To ensure new buildings are designed to be of human scale to facilitate effective movement and interaction between building and street.*
- *To ensure building frontages at the street level assist in the creation of safe built environments through use of internal and external lighting, encouraging visual interest and ensuring passive surveillance.*
- *To ensure that all buildings make a positive contribution to the streetscape, assisting in the maintenance and creation of safe, secure and attractive places.*

DETAIL

Since adoption, the policy has been applied in dealing with all non-residential development proposals. Overall the policy provisions have proved to be working well, although two minor changes are now proposed to address matters that have arisen recently. These are as follows:

P14/3541 – REVIEW OF COUNCIL POLICY CP-087: NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)*Shopfronts*

A number of examples exist of development whereby the shop front windows of shop premises have been covered with business signage, shop fixtures or even new walls. This is generally to enable the maximisation of the sales floor area or to provide privacy.

Such development can be problematic in the sense that the resultant changes to the appearance and functionality of such premises can be considered to be of detriment to visual and streetscape amenity, and diminish the vibrancy of centres.

In view of this, an additional clause has been added (Clause 3.4) to ensure that all Shop and Showroom uses have areas set aside for displays or have windows which have a view across the sales floor area. The clause also states that the installation of shop fittings and fixtures on the inside of shopfront windows will not be supported.

Mixed Use Development Landscaping

Part 4 of CPS5 prescribes non-residential landscaping requirements. In addition, the R-Codes prescribe additional landscaping requirements for residential developments. Where a mixed use development is proposed, both of these requirements apply.

In general, the above is not an issue, however it has been noted that for mixed use developments which only propose a very small non-residential component, that the application of the CPS5 requirement across the entire site can be onerous.

On this basis, Clause 6.3 has been added to the policy to state that for mixed use development, the CPS5 landscaping requirement is to be calculated based upon the proportion of the development which is for non-residential purposes only. The clause further states that landscaping associated with the residential portion of the development is to be assessed as per the R-Codes requirements.

[3541 CP-087 Non Residential Development Policy](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

Clause 9.6(b)(ii) of CPS5 requires the Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affect the interests of the WAPC. The proposed modifications do not have regional significance; therefore the WAPC need not be consulted.

P14/3541 – REVIEW OF COUNCIL POLICY CP-087: NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

There are no financial implications for the City as a result of this policy review..

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with this policy review.

POLICY IMPLICATIONS

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

CONCLUSION

The proposed changes to the existing Council policy are considered minor and are to address some issues that have occurred in the application of the policy since its adoption by the Council over 12 months ago. It is recommended that the Council adopt the revised policy for the purposes of public consultation.

P14/3541 – REVIEW OF COUNCIL POLICY CP-087: NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3541) APPROVAL****That the Council:**

- 1 Resolve that pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the revised Council Policy 087: Non-Residential Development for the purposes of public consultation for a period of no less than 21 calendar days.**
- 2 Resolves that, where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 087: Non-Residential Development be approved by the Chief Executive Officer.**

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

Ward : Bull Creek/Leeming
 Category : Operational
 Application Number : N/A
 Property : Lots 707, 957, 958, 964, 966, 967 & 969 (Reserve 24826) on Deposited Plan 55528
 Proposal : Concurrence with dedication of Lots 957 & 958 on DP 55528 as public road
 Closure of road reserves for part of Leeming Road, Leeming, and part of Dundee Street, Leeming, described as Lot 707 on DP55528
 Adjustments to southern boundary of John Connell Reserve, described as Lot 969 (Reserve 24826) on Deposited Plan 55528
 Applicant : Main Roads Western Australia
 Owner : Crown
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Responsible Officer : Gavin Ponton
 Manager Strategic Planning

AUTHORITY / DISCRETION

DEFINITION

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

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Main Roads Western Australia (MRWA) is finalising land dealings on the Roe 7 project, the subject of Deposited Plan 55528. Three separate land issues require the City's attention.
- The first issue is dedication of Lots 957 and 958 as Roe Highway. These lots already form the basis of the Highway and the Council's concurrence is a formality only. MRWA will progress the dedication and indemnify the City against all costs and charges.
- A second issue is the closure of redundant sections of Dundee Street and Leeming Road. Sections of dedicated road that cross Roe Highway, but have never been formed or used for traffic and closure will not affect the status quo. Closure of the portion of road reserve shown as Lot 707 will enable amalgamation with another lot (Lot 966), which will then be created as a conservation reserve at a later date.
- None of the above formalities will have any effect on the appearance of the area, or the movement of traffic over Dundee Street, Leeming Road or Roe Highway.
- A third issue is minor adjustments to the boundary of John Connell Reserve. This boundary needs to be adjusted to accommodate a recently constructed dual use path which was affected in part by the steep topography.
- MRWA has requested the City's agreement to the creation of nearby conservation reserves which would be managed by the City of Melville. With the need for land tenure clarity being important during the local government reform period, the City has elected not to progress the idea of new reserves. If needs be, the issue may be revisited in future.

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)



BACKGROUND

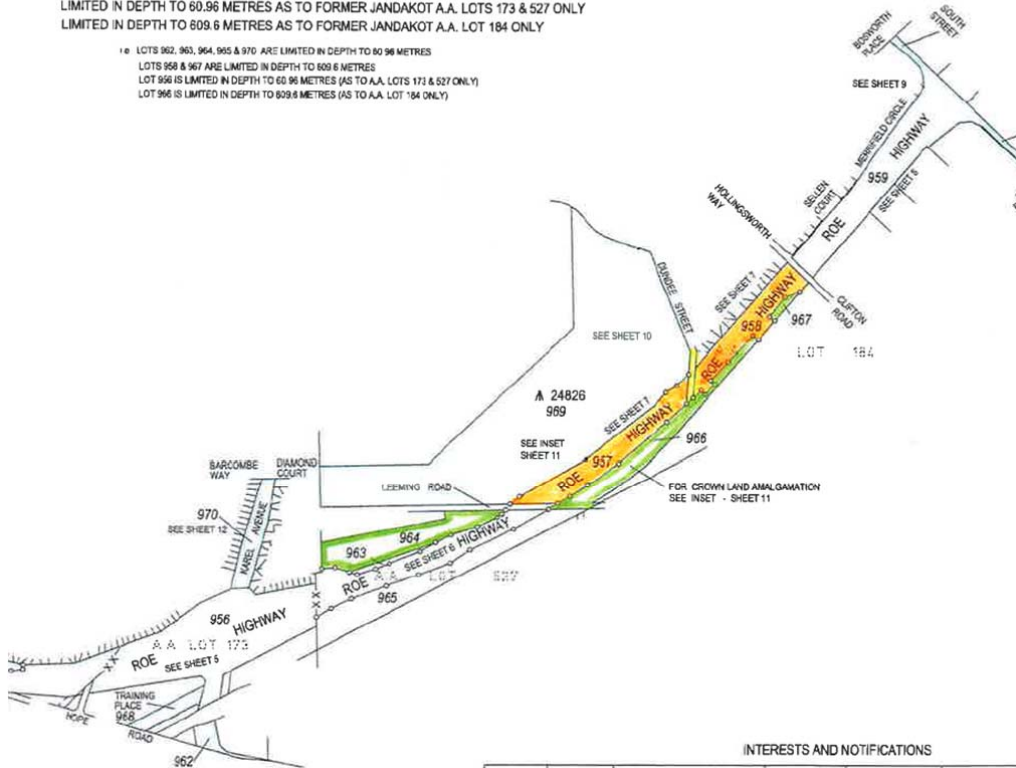
Main Roads WA has requested the City's aid in resolving some of the outstanding land dealings associated with Stage 7 of Roe Highway, which has been open to traffic since 2006.

The land dealings are simple formalities which will not affect the physical appearance of the subject land, or hinder the movement of traffic in any way.

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

LIMITED IN DEPTH TO 60.96 METRES AS TO FORMER JANDAKOT A.A. LOTS 173 & 527 ONLY
LIMITED IN DEPTH TO 609.6 METRES AS TO FORMER JANDAKOT A.A. LOT 184 ONLY

- 1.0 LOTS 962, 963, 964, 965 & 970 ARE LIMITED IN DEPTH TO 60.96 METRES
- LOTS 958 & 967 ARE LIMITED IN DEPTH TO 609.6 METRES
- LOT 956 IS LIMITED IN DEPTH TO 60.96 METRES (AS TO A.A. LOTS 173 & 527 ONLY)
- LOT 966 IS LIMITED IN DEPTH TO 609.6 METRES (AS TO A.A. LOT 184 ONLY)



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO
①	EASEMENT		DOC A 307793	LOT 962	CRAS GAS FRANG (OF AUSTRALIA)

<p>SCALE: 1:10000 @ A2</p> <p>ALL DISTANCES ARE IN METRES</p> <p>100 0 100 200 300 400</p>	<p>DATE</p> <p>TYPE OF VALIDATION</p> <p>FILE</p>	<p>IN ORDER FOR DEALINGS</p> <p>SUBJECT TO</p> <p>DATE</p>
	<p>APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION</p> <p>EXEMPT</p>	<p>FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER</p> <p>APPROVED</p>

Deposited Plan 55528

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning	:	Reserve - Primary Regional Roads, Reserve – Parks and Recreation
CPS 5 Zoning	:	Not applicable
R-Code	:	Not applicable
Use Type	:	Not applicable
Use Class	:	Not applicable

Site Details

Lot Areas Item 1	:	Roe Hwy Dedication Lot 957: 51,795m ² Lot 958: 44,292m ²
Lot Area Item 2	:	Part-closure Dundee Street and Leeming Road Lot 707: 13,319m ²
Land Areas Item 3	:	To be excised from Reserve 24846 (John Connell Reserve) 2,692m ² Crown Land areas to be added to Reserve 24846 (John Connell Reserve) 76m ² and 1,317m ²
Retention of Existing Vegetation	:	All existing vegetation to be retained
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Not applicable

[3546 Roe7 Letter MRWA](#)
[3546 Roe7 Submissions](#)
[3546 Roe7 Late Submission](#)

DETAIL

CPS5 and Policy Requirements

Not applicable

Item 1: Dedication of Lots 957 and 958 as Roe Highway

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)



As the aerial photograph makes clear, the subject lots are already being used for the purpose of Roe Highway. The lots occur within the Metropolitan Region Scheme Reserve (Primary Regional Roads) and their dedication will not require physical changes of any kind.

There are no driveways or other access points to Roe Highway on Lots 957 and 958. No landowners would be affected in any way. There were no objections to the proposed dedication from interested parties.

Dedication of these lots as road is considered appropriate. The matter before Council is simply a formality of concurrence under the Section 56 of the *Land Administration Act 1997*. The City's concurrence will enable MRWA to progress the road dedication at its own expense and risk, and complete the upgrade as scheduled.

Item 2: Closure of redundant local roads (Dundee Street and Leeming Road)

The affected portions of Dundee Street and Leeming Road were surveyed and dedicated as part of the residential subdivision of the area long before the creation of Roe Highway. No part of the relevant section has ever been formed as road or used for such purpose.

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

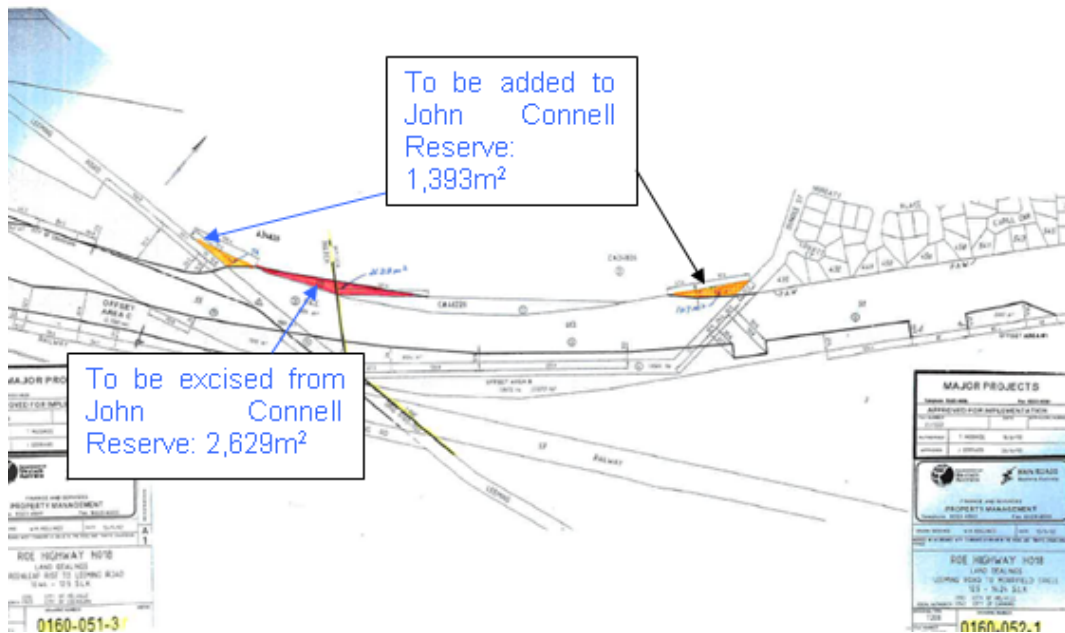
Officers have publicly advertised the intended closure. Six written comments were received. One comment from Telstra suggested the possible presence of infrastructure which would have to be relocated, but MRWA have liaised with Telstra in more detail and determined that the infrastructure would not be affected.

In the event that any relocation of infrastructure assets was required MRWA would be responsible for it. Council's role is simply to resolve to close the roads in accordance with s 58 of the *Land Administration Act 1997*.

Item 3: Amendments to John Connell Reserve

Adjustments to the southern boundary of John Connell Reserve (Reserve 24826 on Deposited Plan 55528) will accommodate a recently constructed dual-use path which, owing to steep topography, has been partly constructed on John Connell Reserve instead of within the Roe Highway Road Reserve.

Two areas marked in orange on the figure below will be added to John Connell reserve, with the area marked in red to be excised.



P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

The area of land proposed to be excised is steeply sloping, somewhat degraded parkland that is considered to have limited environmental significance. Shifting the boundary will ensure that the dual-use path is entirely within the road reserve, which is under the care, control and management of MRWA. The amended boundary will also ensure the City is free of any liability associated with the path.

The areas of land proposed to be included in John Connell Reserve is land which is considered to be degraded and in similar condition to the surrounding parkland.

It is not likely that the boundary change will increase the maintenance burden on the City. It is considered likely that the burden will be slightly reduced and the City will be freed from liability and upkeep associated with the dual-use path.

The proposal was publicly advertised for 35 days along with the above road dedication. No written comments regarding the boundary adjustment were received from the public.

The Council's role is simply to determine its support for the minor boundary changes.

STAKEHOLDER ENGAGEMENT

Section 56 of the *Land Administration Act 1997* sets out the road dedication process undertaken by the Minister which includes consultation and communication with residents and property owners. As initiators of the dedication, Main Roads WA are responsible for consultation and communication and have indemnified the City against all claims.

Section 58 of the *Land Administration Act 1997* sets out the road closure process to be undertaken by the City. Further details are provided in Table C of the *Crown Land Administration and Registration Practice Manual*. Under these the City is obliged to advertise the intended road closure and contact public utility providers for comment.

A public notice regarding the road closure was circulated in the Melville times for 35 days. A detailed notice was also made available on the City's website. Six public utility providers have commented, but no written comments were received from the community.

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Consultation required under s 58 <i>Land Administration Act 1997</i>
Support/Object:	All in support

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

I. COMMUNITY

Item 1 (the road dedication) does not require community engagement by Council as MRWA are responsible for the dedication process. Items 2 (the closure of redundant roads) and 3 (boundary adjustments to John Connell Reserve) were advertised in the Melville Times for a period of not less than 35 days.

No written comment was received from the community.

II. OTHER AGENCIES / CONSULTANTS

All items are being undertaken at the request of MRWA, which has liaised with officers extensively. For reasons of proximity, the City of Cockburn was contacted for comment. Service providers and the Department of Environment Regulation were also directly invited to comment as per standard practice.

Required: Yes.
Reason: Formal consultation required under s 58 *Land Administration Act 1997*
Support/Object: All in support

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Western Power	Western Power response to formal request for comment on road closure	Support	None required	Uphold
Telstra	Telstra response to formal request for comment on road closure. Support on condition that any affected assets be relocated	Support	MRWA have confirmed with Telstra that there is no infrastructure in affected area	Uphold
Water Corporation of Western Australia	Water Corporation response to formal request for comment on road closure	Support	None required	Uphold
Department of Environment and Regulation	Department of Environment and Regulation response to formal request for comment on road closure	Support	None required	Uphold

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

City of Cockburn	City of Cockburn response to formal request for comment on road closure	Support	None required	Uphold
Department of Mines and Petroleum	Department of Mines and Petroleum response to formal request for comment on road closure	Support	None required	Uphold

STATUTORY AND LEGAL IMPLICATIONS

The dedication of roads is dealt with by Section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*. Road closures are dealt with under Section 58 of the *Land Administration Act 1997*. Another potentially applicable Act includes the *Main Roads Act 1930*.

FINANCIAL IMPLICATIONS

MRWA has indemnified the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of the *Land Administration Act 1997*) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request. There are no additional direct financial implications relating to the dedication of Roe Highway as the road is under the care, control and management of MRWA.

Main Roads WA has advised that the City will be reimbursed for all expenses.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications associated with the dedication of Lots 958 and 959 or the closure of the area shown as Lot 707, which would only formalise Main Roads' current management of Roe Highway.

The proposals do not contemplate physical changes of any kind to Roe Highway and the environmental impacts of the dedication are therefore likely to be low.

It is not likely that the John Connell Reserve boundary changes will increase the maintenance burden on the City. If anything, the burden will be slightly reduced and the City will be freed from liability and upkeep associated with the dual-use path.

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

Risk Statement	Level of Risk	Risk Mitigation Strategy
Service providers elect not to support dedication or closure	Minor consequences which are unlikely, resulting in a Low level of risk.	Upfront consultation with all affected property owners, especially owners abutting land
Minister elects not to support dedication	Minor consequences which are unlikely, resulting in a Low level of risk.	Continued liaison with Main Roads WA.

POLICY IMPLICATIONS

Dedication would allow the application of MRWA policy relating to regional roads to Roe Highway.

The road closure would clear up a legal anomaly and make possible the eventual provision of Crown Reserve environmental offsets required for Roe Highway.

Amendments proposed for the southern boundary of John Connell Reserve would formalise the alignment of the recently constructed dual-use pathway in the Roe Highway road reserve and would result in the City not being responsible for the upkeep of the path.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

If Lot 958 and 959 are not dedicated as public roads there could be questions in relation to the general public using the road, as well as maintenance and liability issues for MRWA.

If the area of redundant road shown as Lot 707 is not closed then Lot 966 would not be able to be created as a Crown Reserve for conservation purposes in the future. It would also technically be possible for a road to be constructed through Lot 966, which is highly undesirable.

If the southern boundary of John Connell Reserve is not adjusted, the City could become liable for the maintenance of a section of dual-use path.

CONCLUSION

The land dealings are formalities with no practical consequences for the City. The City's co-operation will enable MRWA to formalise the land management arrangements that are appropriate for Roe Highway.

P14/3546 - MINOR ADJUSTMENTS TO JOHN CONNELL RESERVE BOUNDARY, ROAD DEDICATION CONCURRENCE AND REDUNDANT ROAD CLOSURES IN THE ROE 7 AREA (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3546) APPROVAL

That the Council:

- 1. Concurs with the dedication of Lots 957 and 958 on Deposited Plan 55528 as a public road in accordance with section 56 of the *Land Administration Act 1997*.**
- 2. Resolves to close the portion of road reserve shown as Lot 707 on Sheet 11 of Deposited Plan 55528 in accordance with section 58 of the *Land Administration Act 1997*.**
- 3. Agrees to the boundary changes proposed for Reserve 24862 as shown on Sheet 10 of Deposited Plan 55528.**
- 4. Requests the Chief Executive Officer to advise Main Roads Western Australia and the Minister for Lands in accordance with 1 – 3 above.**

At 7.00pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)**

Ward : Bull Creek/Leeming
 Category : Operational
 Subject Index : Traffic Management
 Customer Index :
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kimberly Brosztl
 Manager Engineering Design

AUTHORITY / DISCRETION

DEFINITION

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

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)****KEY ISSUES/SUMMARY**

- The City received a petition containing signatures of seven City of Melville residents and 111 non City of Melville residents (City of Cockburn) on 19 July 2013, requesting to “*Create an opening between Fern Leaf Court and Bainton Road to give an alternative traffic flow along Bainton Road to Terry Road and onto Karel Avenue.*” They also requested the installation of a ‘Keep Clear’ marking on Karel Avenue at the intersection with Dimond Court, the reduction of the speed limit 50km/h and the installation of traffic signals or a roundabout.
- The City of Cockburn had also received the petition from the residents and wrote to the City of Melville supporting the request by the petitioners to create an opening between Fern Leaf Court and Bainton Road.
- The first four requests from the petitioners regarding the intersection of Karel Avenue and Dimond Court are under the authority of the City of Cockburn and have therefore been investigated and reviewed by that Local Government.
- Despite being classified as a District Distributer B, the current traffic volume on Karel Avenue suggests that Karel Avenue is functioning as a Primary Distributor Road and that the extensive development in the Jandakot area has greatly contributed to traffic growth on Karel Avenue.
- The master-plan of Jandakot Airport Development shows that Karel Avenue is to be upgraded to a dual carriage way as part of the continuing development. Also as part of the proposed Roe Highway extension, Main Roads WA is planning to upgrade Karel Avenue and the bridge over Roe Highway.
- When local residents were surveyed, 85% of the responses received did not support the idea of opening Fern Leaf Court to Bainton Road, and only 15% supported the proposal.
- It is recommended that the Council requests the Chief Executive Officer to notify the Lead Petitioner and the City of Cockburn in writing of that the City does not support creating an opening between Bainton Road and Fern Leaf Court and note that City Officers will continue to work with Main Roads WA to ensure that Karel Avenue will be upgraded to a divided dual carriageway as part of the proposed Roe Highway extension project.

BACKGROUND

Karel Avenue is classified as a District Distributor Road B in the Metropolitan Road Hierarchy adopted by Main Roads WA and caters for traffic volume of up to 8,000 vehicles per day. Karel Avenue extends between Leach Highway and Berrigan Drive.

Karel Avenue, up to approximately 80m south of Farrington Road, is a dual carriageway. After that, it gradually narrows down to a divided single carriageway to match the existing road width. Dimond Court is located approximately 180m south of Farrington Road. Karel Avenue is a single carriageway where it intersects with Dimond Court.

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)**

The latest traffic survey conducted on Karel Avenue 80m south of Farrington Road, show a total traffic volume of 16,477 vehicles per day. The survey recorded the 85th percentile traffic speed for the south bound traffic to be 68km/h and 58km/h for the north bound traffic.

Dimond Court is classified as an Access Road in the Metropolitan Road Hierarchy adopted by Main Roads WA and caters for traffic volume of up to 3,000 vehicles per day. The latest traffic survey on Dimond Court shows a total traffic volume of 1,192 vehicles per day. The crash record at the intersection has been obtained from Main Roads WA and shows that there has been only one crash recorded at the intersection in the past five years.

The Petition

The City of Melville and the City of Cockburn received a petition containing signatures of seven City of Melville residents and 111 non City of Melville residents (City of Cockburn) on 19 July 2013, which read;

“We the undersigned, request that the Cities of Cockburn and Melville consider the following aspects of the intersection of Dimond Court and Karel Avenue in Leeming:

- *At current peak hours it is very difficult and dangerous for the residents of 87 homes in Dimond, Fern Leaf, Fremont, Chartwell, Athel Court and members of the Bowling Club, Football Club and Practice Golf Club to enter Karel Avenue from Dimond Court.*
- *It is estimated that traffic volume in Karel Avenue will quadruple with the opening of Fiona Stanley Hospital in 2014 because that is the only direct access to the South Kwinana Freeway. The Karel/Dimond intersection will become more dangerous.*
- *Further development is Jandakot (including a rumoured Ikea Superstore) will exacerbate the problem.*
- *We note the nearby corner of Farrington and Karel was only equipped with traffic lights after a fatal collision. We do not want that to happen at Karel/Dimond.*
- *As an indication of the immensity of the current problem, Main Roads employs a ‘stop-go’ man at the Karel/Berrigan roundabout each afternoon to manually control volume.”*

The Petitioners requested the following points to be addressed to allow residents from Dimond Court to enter Karel Avenue safely:

- *“Immediate installation of a KEEP CLEAR zone.*
- *Reduction of speed limit to 50kph in Karel Avenue from Roe Highway to Farrington Street, so that when an opening appears it is easier to enter the flow.*
- *Installation of traffic lights to coincide with Fiona Stanley opening.*
- *Alternatively, installation roundabout using the verge land on the western side of Karel opposite of Dimond Court.*

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)**

- *Create an opening between Fern Leaf Court and Bainton Road to give an alternative traffic flow along Bainton Road to Terry Road and onto Karel Avenue. Residents of the Fern Leaf sector and the Bainton area both hemmed in by only one exit. In the event of an emergency (fire, etc) that is a real negative.”*

A plan indicating the location of the requested opening and the alternative access to Karel Avenue forms an attachment to this report.

[3545 – Location of Requested Road Opening and Alternative Access](#)**DETAIL**

The first four requests from the petitioners are under the authority of the City of Cockburn and have therefore been investigated and reviewed by that Council. ‘Keep Clear’ zones and speed limits are under the authority of Main Roads WA and Dimond Court and Karel Avenue do not meet their criteria for installation. The installation of traffic signals cannot be justified due to the low volumes of traffic on the side road. Also, a roundabout would not be appropriate due to the high difference in traffic volume between Dimond Court and Karel Avenue.

The petitioners’ request to provide an opening between Fern Leaf Court and Bainton Road to get an alternative access to Karel Avenue via Terry Road was supported by the City of Cockburn. Karel Avenue at the intersection with Terry Road is a divided dual carriage way with dedicated right turn lane into Terry Road, but with no dedicated left-turn lane into Terry Road. Karel Avenue at the intersection with Dimond Court is a divided single carriage way with dedicated right and left lanes into Dimond Court.

As Bainton Road and the section requested to be opened is in the City of Melville, agreement would need to be given to the City of Cockburn for the project to go ahead.

Opening Fern Leaf Court to Bainton Road could increase the right and left turn traffic from Karel Avenue into Terry Road. As there is no dedicated left turn lane for traffic from Karel Avenue into Terry Road, and with the potential increase of left turn traffic, there could be increases in the number of rear-end crashes on Karel Avenue at the intersection with Terry Road. Traffic volumes would also increase on Bainton Road as well as Terry Road.

The traffic volume on Karel Avenue exceeds the capacity of that of the District Distributor Road “B” category. The traffic volume recorded on Karel Avenue south of Farrington Road is the volume expected on a Primary Distributor Road. With the continuous development in the Jandakot area, traffic volume on Karel Avenue is expected to increase even further. In order to ease congestion and improve traffic access to Dimond Court, Karel Avenue from Farrington Road to Roe Highway needs to be upgraded to a divided dual carriage way with a dedicated left and right turn lane at all intersections, so that traffic from intersecting roads can access Karel Avenue safely and with minimum delay.

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)**

Regardless of the petition received, the current traffic volume on Karel Avenue and the inevitable increase of future traffic volume on Karel Avenue due to the extensive development that is happening in the Jandakot area are considered to be enough to warrant the duplication of Karel Avenue.

The master-plan of Jandakot Airport development shows that Karel Avenue is to be upgraded to a dual carriageway as development progresses. Also, as part of the proposed Roe Highway extension, Main Roads WA is planning to upgrade Karel Avenue and the bridge over Roe Highway. Extensive liaison with the City of Cockburn and Main Roads WA is needed to ensure the upgrade of Karel Avenue to a dual carriage way is part of the proposed works. The current Karel Avenue road reserve is adequate to accommodate road duplication and improvements without the need for land resumption and land acquisition.

As the upgrade of Karel Avenue to dual carriageway is needed and a more effective option, it would be better to focus efforts on ensuring that project goes ahead than creating an opening on Bainton Road which would not solve the congestion issues but rather create further issues at Terry Road.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

On April 2014, letters were sent to residents in the area bound by Dimond Court, Bainton Road, Karel Avenue and Blain Court. The letter, which forms part of the attachment to this report, seeks comments from residents regarding the request which was received in the form of the petition, of opening Fern Leaf Court to Bainton Road to give an alternative access to Karel Avenue to residents in the area bound by Fern Leaf Court, Dimond Court and Karel Avenue.

[3545 Community Consultation](#)

Thirty nine responses were received from residents, 85% of the responses received did not support the idea of opening Fern Leaf Court to Bainton Road, and only 15% supported the proposal. A summary of responses and comments received is attached and forms part of this report.

[3545 Survey Results](#)**II. OTHER AGENCIES/CONSULTANTS**

A letter was received from the City of Cockburn supporting the request from the residents in opening Fern Leaf Court to Bainton Road.

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)**

FINANCIAL IMPLICATIONS

The proposal put forward by the petitioners for the Council to “create an opening between Fern Leaf Court and Bainton Road” is estimated to cost approximately \$200,000.

STATUTORY AND LEGAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Opening Bainton Road to traffic from Fern Leaf Court, would increase the traffic volume of Bainton Road and on Terry Road. Due to a lack of a dedicated left turn lane from Karel Avenue into Terry Road, it is likely that rear end collisions could increase due to the increase in left turning traffic from Karel Avenue into Terry Road.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The current road configuration remains unchanged.	High	Extensive liaison with City of Cockburn, Main Roads WA and the State Government to ensure the upgrade of Karel Avenue occurs as part of the proposed Roe Highway extension.
Risky behaviour due to delay in entering into Karel Avenue whilst waiting for congestion and upgrade to be resolved.	High	Local Authority (City of Cockburn) to approach and liaise with Main Roads WA to investigate and undertake a remedial action.
Increase in congestion and crashes if Karel Avenue is not upgraded.	High	Local Authority (City of Cockburn) to plan for upgrading Karel Avenue.

POLICY IMPLICATIONS

Stakeholder Policy - Where appropriate, involve and consult with the community and key stakeholders such as Main Roads WA on determining levels of service required for easing congestion and delays.

**T14/3545 – INTERSECTION OF KAREL AVENUE AND DIMOND COURT, LEEMING –
OPENING BETWEEN FERN LEAF COURT AND BAINTON ROAD (REC)
(ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

- The 'Do Nothing' option will allow the situation to escalate the frustration of motorists from the surrounding roads that could lead to 'risky' behaviours.
- Work with the City of Cockburn and Main Roads WA to investigate the traffic congestion on Karel Avenue between Farrington Road and Roe Highway.

CONCLUSION

Opening Fern Leaf Court to Bainton Road as requested by the petitioners, is not supported because:

- 85% of local residents are opposed to opening the road.
- Traffic would increase on Bainton Road and Terry Road.
- Increased traffic at the intersection of Terry Road and Karel Avenue has the potential to increase crashes at the intersection.
- There are plans to upgrade Karel Avenue to a divided dual carriageway with the proposed extension of Roe Highway which would improve the situation for residents exiting at the Dimond Court/Karel Avenue intersection.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3545) APPROVAL

At 7.02 pm Cr Robartson moved, seconded Cr Taylor - Rees

That the Council:

- 1. Requests the Chief Executive Officer to notify the Lead Petitioner and the City of Cockburn in writing that the City does not support creating an opening between Bainton Road and Fern Leaf Court.**
- 2. Note that City Officers will continue to work with Main Roads WA to ensure that Karel Avenue will be upgraded to a divided dual carriageway as part of the proposed Roe Highway extension project.**

Amendment

At 7.02pm Cr Willis moved, seconded Cr Barton

That the words 'the lead petitioner' be deleted and replaced with the words 'all petitioners and those that were surveyed'

At 7.19pm the Mayor submitted the amendment, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

Substantive Motion

That the Council:

- 1. Requests the Chief Executive Officer to notify all Petitioners and those that were surveyed and the City of Cockburn in writing that the City does not support creating an opening between Bainton Road and Fern Leaf Court.**
- 2. Note that City Officers will continue to work with Main Roads WA to ensure that Karel Avenue will be upgraded to a divided dual carriageway as part of the proposed Roe Highway extension project.**

At 7.28pm the Mayor submitted the substantive motion as amended, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

M14/5000 – COMMON SEAL REGISTER (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Program : Not applicable
 Funding : Not applicable
 Responsible Officer : Jeff Clark – Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 25 July 2014 up to and including 21 August 2014 and recommends that the information be noted.

M14/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	ECM Reference
946	The City of Melville and The Minister for Transport	For the Deep Water Point Boat Ramp Study - Recreational Boating Facilities Scheme Funding Agreement for Planning Project	3332966
947	The City of Melville and Lot 2 Hutchings Way, Kardinya	Withdrawal of Caveat to permit refinance	3333679
954	The City of Melville and Sanquesta Pty Ltd	Revised Deed of Agreement - Leeming Shopping Centre 51 Farrington Road Leeming	3364608
955	The City of Melville and Sanquesta Pty Ltd	Withdrawal of Caveat Application - Leeming Shopping Centre 51 Farrington Road Leeming	3362004

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M14/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

Section 2.5(2) of the Local Government Act 1995 states:

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

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

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

(a) *the mayor or president; and*

(b) *the chief executive officer or a senior employee authorised by the chief executive officer,*

each of whom is to sign the document to attest that the common seal was so affixed.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members' information.

OFFICER RECOMMENDATION (5000)**NOTING**

That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 25 July 2014 up to and including 21 August 2014, be noted.

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

**M14/5376 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

Ward	: All
Category	: Strategic
Subject Index	: Delegated Authority
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M14/5369 - Review of City of Melville Delegated Authority Manual – Ordinary Meeting of Council 17 June 2014
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

**M14/5376 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

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

BACKGROUND

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

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have previously reviewed delegations DA-006 to DA-105; however, delegations DA-106 to DA-114 were not reviewed as they had only been adopted in September 2013. This report requests the Council to undertake a review of the reviewed delegations DA-106 to DA-114 as submitted by Officers.

DETAIL

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

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

Delegations Reviewed

Delegations DA-106 to DA-114 have been reviewed by the relevant officers and no changes have been recommended.

**M14/5376 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

**M14/5376 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

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

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

- Any powers or duties which can be delegated to the Chief Executive Officer in accordance with s.5.42 and s.5.43, can be delegated to a Committee comprising Council members and employees [s.5.17(1)(b)]. Further, the Chief Executive Officer may delegate to any employee any of these powers or duties (other than the power of delegation) [s.5.44(1)]
- Any powers or duties that are necessary or convenient for the proper management of the City of Melville's property or related to an event in which the City of Melville is involved, can be delegated to the following types of Committee:
 - (i) comprised of council members, employees and other persons
 - (ii) comprised of council members and other persons
 - (iii) comprised of employees and other persons [s.5.17(1)(c)]
- Registers must be kept of all delegations made to Committees, the Chief Executive Officer and employees, and such delegations are to be reviewed at least once every financial year. [s.5.18, s.5.46(1) & (2)]

**M14/5376 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

- The Chief Executive Officer and any other employee who has been delegated a power or duty under The Act is required to keep a written record of:
 - (i) how and when the power was exercised or the duty discharged
 - (ii) the persons or classes of persons directly affected (other than Council or Committee members, or employees) by the use of the delegation [s.5.46(3) and Reg. 19].

FINANCIAL IMPLICATIONS

There are no financial applications associated with this report.

STRATEGIC, ENVIRONMENT AND RISK MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

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

**M14/5376 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

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

CONCLUSION

It is important to note that the provision of delegations to officers enables a quick response to many matters that are primarily administrative. The responses are made in a manner that is consistent with Council policies. In addition whilst many decisions may be procedural, circumstances may make a decision contentious and therefore it may be referred onto the Council for a formal decision despite the enabling delegation.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5376)**ABSOLUTE MAJORITY**

At 7.29pm Cr Robartson moved, seconded Cr Willis

That the Council by Absolute Majority Decision adopt the following Delegations:

[5376 DA-106 - Authority to Appoint Authorised Persons under the Cat Act 2011](#)

[5376 DA-107 - Authority to Notify a Person of Decision in Relation to Breeding of Cats](#)

[5376 DA-108 - Authority to Recover Costs of Having Cat Destroyed under the Cat Act 2011](#)

[5376 DA-109 - Authority to Require an Applicant to Give Documents or Information Relating to Cat Registration](#)

[5376 DA-110 - Authority to Cancel the Registration of a Cat](#)

[5376 DA-111 - Authority to Refuse an Application to Breed Cats if the Applicant has received an Infringement in the Previous 12 Months](#)

[5376 DA-112 - Authority to Grant, Renew or Refuse an Approval to Breed Application](#)

[5376 DA-113 - Authority to Issue a Cat Control Notice Under the Cat Act 2011](#)

[5376 DA-114 - Authority to Approve in Writing an Operator of a Cat Management Facility](#)

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

Ward	: All
Category	: Operational
Subject Index	: Audits - External
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item C12/5246 Appointment of External Member of Financial Management, Audit, Risk and Compliance Committee - Ordinary Meeting of Council of 16 October 2012
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)**KEY ISSUES / SUMMARY**

- The Financial Management, Audit, Risk and Compliance Committee has a provision in its Charter for an external member to be appointed.
- Mr Richard Woodgate was appointed in 2009 and has served two terms of two years and is completing his term in 2014. Mr Woodgate was approached and agreed to serve another term of two years from October 2014 to October 2016.
- This report seeks the Council approval for a further two year appointment as the external member to the Financial Management, Audit, Risk and Compliance Committee to conclude in October 2016.

BACKGROUND

At the Council meeting on the 19 September 2006 a Council resolution was passed by absolute majority decision that established the Financial Management, Audit, Risk and Compliance Committee as per the approved Committee Charter. The Council also approved the payment of an honorarium of up to \$2,500 per annum to be paid quarterly in arrears to the independent member of the Financial Management, Audit, Risk and Compliance Committee.

The Charter for the Committee outlines the following requirements relating to membership.

“3. Membership

- *In accordance with Section 7.1A (2) of the Local Government Act 1995 members of the Committee will be appointed by absolute majority decision of the Council;*
- *The Committee will comprise at least four persons of which at least three are to be Elected Members of the City of Melville and one other member who will be an independent person;*
- *Independent members will have no association with the Council either as a member, an officer or closely associated person;*
- *Where possible the majority of members shall have experience in business and/or financial and management reporting and risk management;*

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

- *The independent member shall be selected on the basis of their skills and experience in the financial and/or risk management environment;*
- *The CEO and designated City of Melville employees, whilst not permitted to be members of this Committee, will when requested be required to attend meetings of the Committee to provide advice and guidance to the committee;*
- *Membership of the Committee will be reviewed after every Local Government Election.*

4. Meetings

- *The Chairperson will call and conduct meetings of the Committee in accordance with the City of Melville's Standing Orders and the Local Government Act 1995 and Regulations;*
- *The Committee will meet at least four times per annum, with the timing of each meeting coinciding with the conduct of particular aspects of the City of Melville's audit, risk management and financial reporting cycle;*
- *An agenda, and written reports on the business to be conducted at the meeting, will be prepared and distributed to Committee members at least 72 hours prior to the meeting;*
- *Minutes of the Committee meeting proceedings and recommendations will be taken and submitted to Council for decision ;*
- *The External and Internal auditors will be invited to attend at least one meeting per calendar year, but may be invited at any time to address the Committee on any issues the Committee believes necessary."*

DETAIL

As per the Financial Management, Audit, Risk and Compliance Committee (FMARCC) Charter membership is to be reviewed every two years. The current external member to the Committee, Mr Richard Woodgate, was appointed to the FMARCC through the Council's absolute majority decision in February 2009. His appointment followed an external recruitment process and the appointment was for 2009 and 2010.

On 16 October 2012 the Council endorsed recommendation 5246 as follows:

"That by Absolute Majority decision, the Council appoint Mr Richard Woodgate to the position of external member for the Financial Management, Audit, Risk and Compliance Committee for 2013 and 2014, receiving an honorarium of \$2,500 per annum, to be paid quarterly in arrears."

Mr Woodgate has over 30 years domestic experience, and over 10 years international experience in the public sector auditing and accounting, with senior responsibility for the management of auditing and accounting projects in Australia and overseas. Mr Woodgate has confirmed that he is willing to remain in the external member position for a further two years.

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

The FMARCC has an important role, as outlined in the Committee Charter, with specific responsibilities that include:

- **“Financial reporting**
 - *Overseeing compliance with statutory responsibilities relating to financial disclosure;*
 - *Reviewing the adequacy of financial management reporting;*
 - *Ensuring that Elected Members are provided with financial and non-financial information that is of high quality and relevant to the judgements to be made by them;*
 - *Reviewing the draft annual financial report and all publicly published financial statements, focusing on:*
 - *significant changes in accounting policies;*
 - *significant adjustments to the financial report arising from the audit process;*
 - *compliance with accounting standards and other reporting requirements.*
- **Accounting Policies**
 - *Reviewing any changes to accounting standards and policies and their impact on financial statements.*
- **Internal Controls, Risk and Insurance Profile**
 - *Reviewing the City of Melville’s enterprise risk management framework;*
 - *Reviewing and assess the City of Melville’s approach to the management of risks to ensure that risks are appropriately managed and where economical and practicable to do so, residual risks are appropriately insured;*
 - *Ensuring that opportunities to better manage risks are identified and if feasible, implemented;*
 - *Ensuring business continuity and disaster recovery plans are in place and causing such plans to be tested on a periodic basis;*
 - *Ensuring that controls are established and maintained in order to safeguard the City of Melville’s financial and physical resources;*
 - *Reviewing and assessing management programs and policies in relation to internal controls over the financial and reporting systems including delegations of authority.*
- **Audit**
 - *Providing guidance and assistance to the Council in relation to:*
 - *The process for the selection and appointment of external auditor;*
 - *Recommending to the Council the person to be appointed as auditor;*
 - *Develop and recommend to the Council a written agreement for the appointment of the auditor including conditions;*

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

- *Reviewing the annual audit plan with the external and internal auditors to consider its scope and effectiveness;*
 - *Reviewing the information and recommendations provided by external and internal auditors including the responses of management;*
 - *Reviewing any unresolved issues between management and the external and internal auditors and actions planned to obtain resolution;*
 - *Reviewing the performance of any contracted external and internal auditors.*
- **Compliance**
 - *Ensuring that the procedures established to monitor compliance with statutory requirements, regulations and contractual obligations are appropriate;*
 - *Reviewing the annual Statutory Compliance Audit Return and make recommendations to the Council on acceptance and any actions identified as a result of the Return.”*

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community stakeholder engagement is required.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The Financial Management, Audit, Risk and Compliance Committee operates within the *Local Government Act 1995* Section 7.1A and Regulation requirements that relate to Audit Committees.

FINANCIAL IMPLICATIONS

Funds have been provided in the 2014-2015 budget for payment of the honorarium.

If the City was to readvertise, additional recruitment costs such as advertising, interview panel members' time and administration costs estimated to be \$8,600 would be incurred.

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Non-Appointment of the current external member for a further two years.	Low consequences which are likely, resulting in a Low level of risk	To appoint the current External Member

POLICY IMPLICATIONS

There is no policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative is to undertake a recruitment process that would incur costs estimated to be \$8,600 as noted in the Financial Implications section of this report.

CONCLUSION

Mr Woodgate, the current external member on the FMARCC, has a substantial level of expertise and has successfully assisted the Committee since 2009 to perform its role as outlined in the Charter. It is with the endorsement of the Financial Management, Audit, Risk and Compliance Committee Presiding Member, Cr Macphail that it is recommended that Mr Woodgate be appointed for a further two years.

M14/5383 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5383)
ABSOLUTE MAJORITY**

At 7.30pm Cr Schuster moved, seconded Cr Macphail

That the Council by Absolute Majority decision, appoint Mr Richard Woodgate to the position of external member for the Financial Management, Audit, Risk and Compliance Committee from October 2014 to October 2016, receiving an honorarium of \$2,500 per annum, to be paid quarterly in arrears.

At 7.34pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

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

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the preliminary investment statements for the period ending 31 July 2014 for the Council's information and noting. The Annual Financial Statements for year ending 2013/2014 are still being finalised and the specific allocation of funds between the Municipal and Reserve accounts will be available at the end of August 2014.

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (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

Preliminary summary details of investments held as at 31 July 2014 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2014	
SUMMARY BY FUND	
	AMOUNT
	\$
MUNICIPAL	\$ 17,344,137
RESERVE	\$ 78,576,357
TRUST	\$ 390,234
CITIZEN RELIEF	\$ 204,517
	\$ 96,515,246
SUMMARY BY INVESTMENT TYPE	
	AMOUNT
	\$
11AM	\$ 7,603,142
TERM DEPOSIT	\$ 85,631,459
BOND	\$ 2,000,000
CDO	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 96,515,246
SUMMARY BY CREDIT RATING	
	AMOUNT
	\$
AA	\$ 4,500,000
AA-	\$ 58,417,306
A+	\$ 13,800,000
A	\$ 3,900,000
A-	\$ 14,617,295
BBB+	\$ -
NR	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 96,515,246

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)

The following statements detail the investments held by the City for the period ending 31 July 2014.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$1,336	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$7,000,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$601,698	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	On call
					\$7,603,142	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$5,117,295	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$2,100,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$15,923,380	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$13,800,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$7,400,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$15,090,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$2,500,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$7,200,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,600,000	Various
					\$85,631,459	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.76%	AA	\$2,000,000	20-Dec-15
					\$2,000,000	
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.24%	NR	\$1,050,000	20-Jun-15
-Face Value					\$1,050,000	
-Written Down (Book) Value (30 June 2009)					\$9,874	
-Estimated Market Value					\$299,880	
					\$1,050,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
TOTAL FUNDS INVESTED					\$96,515,246	
CREDIT RISK COMPARISON						
CREDIT RISK		AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments	
AA		\$4,500,000	5%	80%		
AA-		\$58,417,306	61%	80%		
A+		\$13,800,000	14%	50%		
A		\$3,900,000	4%	50%		
A-		\$14,617,295	15%	50%		
BBB+		\$0	0%	20%		
NR		\$1,050,000	1%			Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE		\$230,645	0%	0.1%		Council Decision
TOTAL		96,515,246	100%			

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)

DIVERSIFICATION RISK							
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	13,800,000	14.30%	14.30%	15%	
BANKWEST (11AM)	11AM	AA-	1,336	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	5,117,295	5.30%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	5.30%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	2,100,000	2.18%	2.18%	15%	
CITIBANK (TERM)	TERM	AA-	15,923,380	16.50%	16.50%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.07%	2.07%	20%	
ING BANK (TERM)	TERM	A-	7,400,000	7.67%	7.67%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	4.04%	4.04%	15%	
NAB (TERM)	TERM	AA-	15,090,784	15.64%	15.64%	20%	
RABODIRECT (TERM)	TERM	AA	2,500,000	2.59%	2.59%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	7,200,000	7.46%	7.46%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	-	0.00%	0.00%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	601,698	0.62%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	7,000,000	7.25%		20%	
WESTPAC (TERM)	TERM	AA-	12,600,000	13.05%	20.93%	20%	
MANAGED ACES CLASS 1A PARKES	CDO		1,050,000	1.09%	1.09%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.24%	0.24%		
			96,515,246	100%	100%		

MATURITY COMPARISON				
TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	17,503,726	100%	100%	
	17,503,726	100%		
RESERVE FUNDS				
< 1 year	76,576,357	97%	100%	
< 2 years	2,000,000	3%	80%	Purchased Prior To Policy
< 3 years	-	0%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	78,576,357	100%		

The City's sole remaining Collateralised Debt Obligation (CDO) (MAS Parkes 1A), which has a final maturity date of 20 June 2015, has suffered an erosion of credit support and therefore underlying principal of 41.9%. It continues to pay interest at the reduced principal rate.

The sole remaining value of this CDO as at 31 July 2014 was:

- Face Value	\$ 1,050,000
- Written Down (Book) Value (30 June 2009)	\$ 9,874
- Estimated Market Value (31 July 2014)	\$ 299,880

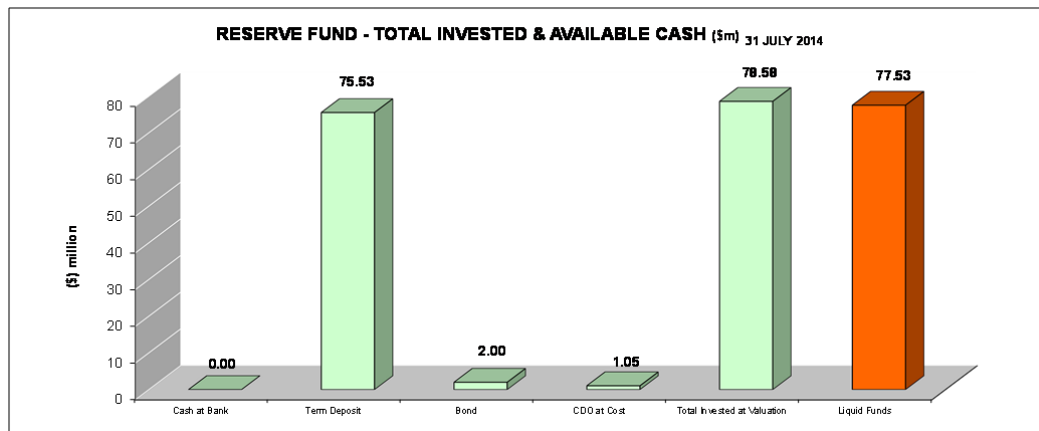
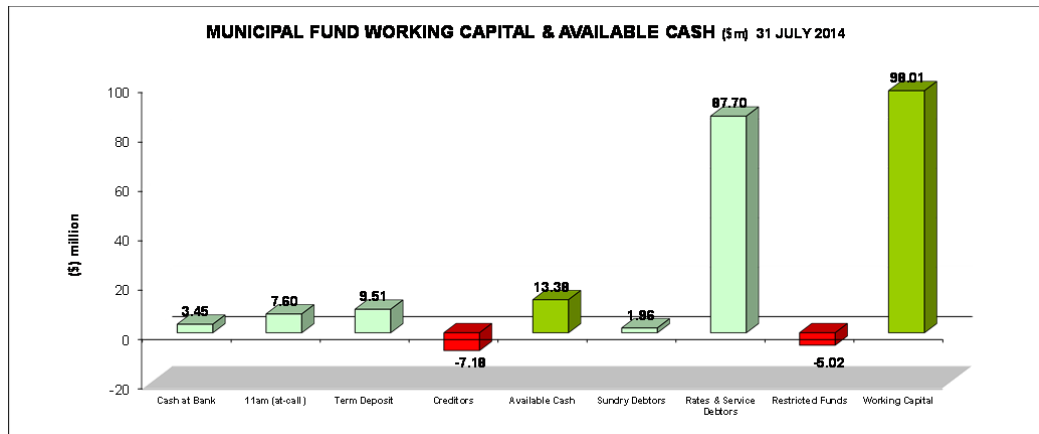
The City has earned approximately \$5.12 million from CDO investments since 1 July 2007 and continues to earn interest from one remaining CDO, albeit at a reduced rate as highlighted above.

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)

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

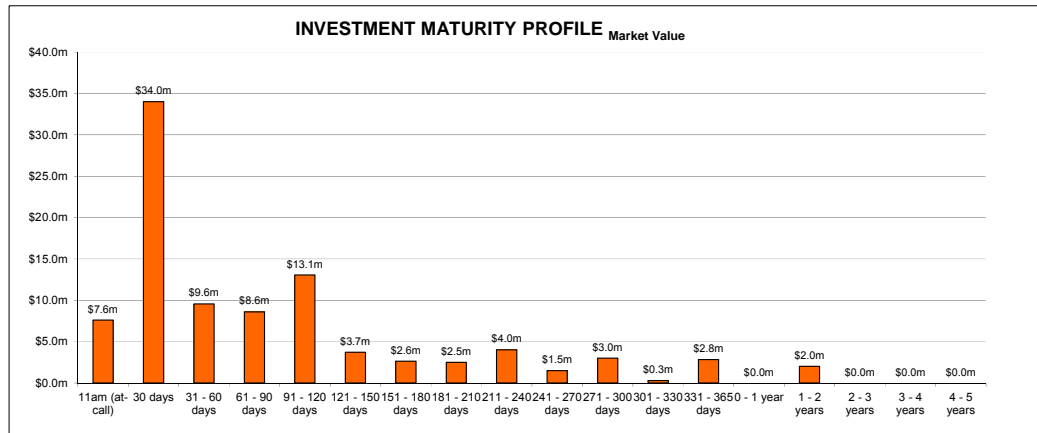
Net Funds Held

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 2014.



C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 31 July 2014.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)

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

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

Piper Alderman has prepared the City of Melville's final Proof of Debt claim which was lodged with the liquidators in February 2014. No accurate estimates of the distribution amounts that will eventually be made to the City can be made at this time.

FINANCIAL IMPLICATIONS

For the period ending 31 July 2014:

- Investment earnings on Municipal and Trust Funds were \$88,328 against a budget of \$122,500 representing a \$34,172 negative variance.
- Investment earnings on Reserve accounts were \$208,333 against a budget of \$208,333 representing no variance.

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

The risk of capital loss associated with \$1.05 million of the City's last legacy CDO investment is extreme. The risk of capital loss with the balance of the City's investment portfolio is low. The interest rate risk is high due to the short-term nature of the City's investments and the inability, due to legislative restrictions, to lock into longer dated investments which attract higher interest rates and help reduce exposure to reductions in interest rates.

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

C14/6000 - INVESTMENT STATEMENTS FOR JULY 2014 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

Future investment earnings are expected to continue to remain lower than previous years due to interest rates continuing to be low and the legislative restrictions that have been implemented by the State Government limiting term deposits to a maximum term of 12 months, resulting in the City being able to invest in term deposits with the higher interest rates that are available on longer term investments.

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

That the Investment Report for the month of July 2014 be noted.

At 7.34pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2014 (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of July 2014 and recommends that the Schedule of Accounts be noted.

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2014 (REC) (ATTACHMENT)

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for the month of July 2014 ([6001 July 2014](#)), including Payment Registers numbers, Cheques 417 to 419 and Electronic Funds Transfers batches 340 to 342 was distributed to the Elected Members of Council on 29 August 2014.

Payments in excess of \$25,000 for the month of July 2014 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Australia Post Perth	E040022	Mail charges for May	\$30,176.94
Hydroquip Pumps	E039985	Irrigation pumps at Melville Recreation Centre, Trevor Gribble Reserve and Laurie Withers Reserve	\$26,169.00
Infor Global Solutions	E039928	Pathway software licensing	\$159,385.25
JMG Air Conditioning & Electrical Services	E040092	Maintenance to air conditioners	\$38,159.01
MMM WA Pty Ltd	E040049	Installation of drainage at 125B Waddell Road	\$31,583.11
Swan River Trust	Chq 058870	Design and implementation of Brentwood Main Drain Living Stream	\$38,500.00
Synergy	E039974	Electricity charges	\$222,561.95
Technology One Ltd	E040145	Annual support and maintenance fee	\$87,707.37
TJS Cleaning Services Perth Pty Ltd	E040115	Cleaning of LeisureFit Booragoon and LeisureFit Melville for July	\$25,199.99
Water Corporation	Chq 058847	Progress payment re sale of land at Clive Street Mount Pleasant and water charges	\$529,634.00
Western Australian Local Government Association	E040039	Association membership fees and advertising fees	\$64,759.77

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2014 (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

That the Schedule of Accounts paid for the month of July 2014 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 July 2014](#) be noted.

At 7.35pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2014 (AMREC)
(ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The preliminary Statements of Financial Activity for the period ending 31 July 2014 and recommends that they be noted by the Council. • The Annual Financial Statements for year ending 2013/2014 is still being finalised and the overall position will be available by the end of August 2014. • Budget amendments for the period ending 31 July 2014 and recommends that they be adopted by Absolute Majority decision of the Council. • The variances for the month of July 2014 and recommends that they be noted by the Council.
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**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2014 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 July 2014 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

For the period ending 31 July 2014, net operating positive variances of \$2,832,204 and net capital positive variances of \$812,854 were recorded.

Variations

A summary of variances and comments are provided in attachment [6002H July 2014](#).

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 JULY 2014							
	July Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	132,441	540,436	132,441	(407,995)	-75%	6,495,230	6,513,579
Health	102,253	225,620	102,253	(123,367)	-55%	244,190	244,190
Recreation and Culture	1,062,743	910,274	1,062,743	152,470	17%	10,147,119	10,147,119
Transport	1,082,713	1,335,866	1,082,713	(253,153)	-19%	4,231,564	4,248,120
	9,816,604	10,395,110	9,816,604	(578,506)	-6%	37,998,637	38,033,542
Expenses							
Governance	(900,126)	(2,551,761)	(900,126)	1,651,635	-65%	(16,642,685)	(16,542,685)
Law, Order, Public Safety	(251,433)	(330,200)	(251,433)	78,767	-24%	(4,105,440)	(4,103,940)
Education & Welfare	(370,806)	(460,321)	(370,806)	89,514	-19%	(5,637,590)	(5,664,977)
Community Amenities	(1,649,935)	(1,967,573)	(1,649,935)	317,638	-16%	(21,193,172)	(21,613,671)
Recreation and Culture	(1,824,605)	(2,562,878)	(1,824,605)	738,273	-29%	(29,964,882)	(30,114,801)
Transport	(805,965)	(910,001)	(805,965)	104,036	-11%	(11,348,408)	(11,361,985)
Other Property and Services	(588,281)	(1,023,879)	(588,281)	435,598	-43%	(8,524,746)	(8,658,765)
	(6,646,019)	(10,120,966)	(6,646,019)	3,474,947	-34%	(103,021,227)	(103,665,128)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	(10,465)	0	(10,465)	(10,465)	100%	-	-
Depreciation on Assets	1,214,250	1,214,250	1,214,250	-	0%	14,256,544	14,256,544
Plant Capital Charge	23,984	23,984	23,984	-	0%	287,811	287,811
Movement in Deferred Rates	5,336	-	5,336	5,336	100%	-	-
	1,233,106	1,238,235	1,233,106	(5,129)	0%	14,544,355	14,544,355
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(21,635)	(471,667)	(21,635)	450,032	-95%	(1,593,524)	(1,957,697)
Purchase of Plant & Equipment	(969)	(391,896)	(969)	390,927	-100%	(4,702,747)	(8,016,944)
Purchase of Infrastructure Assets	(16,390)	(207,683)	(16,390)	191,293	-92%	(16,125,081)	(20,655,240)

Revenue

\$76.805m in Rates was raised to 31 July 2014. This is compared with a year to date budget of \$76.735, resulting in a positive variance of \$70K (+0.09%)

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2014 (AMREC)
(ATTACHMENTS)**

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for July 2014

Budget Amendments

Details of Budget Amendments requested for the month of July 2014 are shown in attachment [6002J July 2014](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$90,483,494 were collected over the course of the month. Rates collection progress for the month of July was 14.5% above target. As at 31 July 2014, 27.5% of 2014/2015 rates had been collected. This is 7.9% higher than collected for the same time last year.

Total sundry debtor balances increased by \$531,326 over the course of the month. The 90+ day's debtor balance increased by \$1,198.

Granting of concession or writing off debts owed to the City

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

No debts were written off under delegated authority in the month of July 2014.

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

DESCRIPTION	LINK
Rate Setting Statement July 2014	6002A July 2014
Statement of Financial Activity – July 2014	6002B July 2014
Representation of Net Working Capital – July 2014	6002E July 2014
Reconciliation of Net Working Capital – July 2014	6002F July 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – July 2014	6002H July 2014
Details of Budget Amendments requested – July 2014	6002J July 2014
Summary of Rates Debtors – July 2014	6002L July 2014
Graph Showing Rates Collections – July 2014	6002M July 2014
Summary of General Debtors aged 90 Days Old or Greater – July 2014	6002N July 2014

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2014 (AMREC)
(ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2014 (AMREC)
(ATTACHMENTS)**

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

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

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

The variance adopted by the Council is 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H July 2014](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 July 2014.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2014 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 7.35pm Cr Schuster moved, seconded Cr Willis –

That the Council:

- Note the Preliminary Rate Setting Statement and Statements of Financial Activity for the month ending 31 July 2014 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement July 2014	6002A July 2014
Statement of Financial Activity – July 2014	6002B July 2014
Representation of Net Working Capital – July 2014	6002E July 2014
Reconciliation of Net Working Capital – July 2014	6002F July 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – July 2014	6002H July 2014
Details of Budget Amendments requested – July 2014	6002J July 2014
Summary of Rates Debtors – July 2014	6002L July 2014
Graph Showing Rates Collections – July 2014	6002M July 2014
Summary of General Debtors aged 90 Days Old or Greater – July 2014	6002N July 2014

- By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for July 2014, as detailed in attachment [6002J July 2014](#).**

At 7.35pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

Vote Result Summary	
Yes	13
No	0

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 Amendment of Draft Policy No. CP-056 Planning Process and Decision**

The Mayor invited Cr Pazolli to speak on the motion that he had presented regarding the Amendment of Draft Policy No. CP-056 Planning Process and Decision

COUNCIL RESOLUTION

At 7.37pm Cr Pazolli moved, seconded Cr Robartson-

That in the instance of any review of CP-056 the following issues be considered for inclusion:

- 1. That Clause 1.7.5 of the Draft Policy No CP-056; Planning Process and Decision Making considered at the June 2014 Ordinary Meeting of Council (Item 14/3507) be amended to include the following words at the beginning of Clause 1.7.5:**

“all applications that do not satisfy the deemed-to-comply requirements of Part 5 of the Residential Design Codes (Multi-Unit Housing Codes) or, other applications.;

Clause 1.7.5 shall then become: “All applications that do not satisfy the deemed-to-comply requirements of Part 5 of the Residential Design Codes (Multi-Unit Housing Codes) or, other applications which involve a departure from the prescriptive development requirements, which in the opinion of the delegated officer, are likely to adversely affect the amenity of adjoining or surrounding property owners or occupiers, are to be advertised in accordance with:...”

- 2. That the following sub – clause be added as Clause 3.5.2(a)(iii) Matters to be considered by the DAU:**
“(iii) All applications that do not satisfy the deemed-to-comply requirements of Part 5 of the Residential Design Codes (Multi-Unit Housing Codes).”

15.1 Amendment of Draft Policy No. CP-056 Planning Process and Decision (Continued)

At 7.55pm the Mayor submitted the substantive motion as amended, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

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

Reasons for Motion

Cr Pazolli provided the following reasons in support of the motion –

The purpose of this amendment to the proposed policy CP-056 is to ensure that all Development Applications that require the application of discretion under the design principles of Part 5 of the Residential Design Codes (also known as the Multi-Unit Housing Codes (MUHC)) are advertised to surrounding neighbours and are brought before the Development Assessment Unit for determination and not determined under the delegated authority of the Planning Officers.

There have been two recent instances of 18 apartments, 3 storey developments being approved under delegated authority by Planning Officers without the knowledge of neighbours or the opportunity for neighbours to object to the development application or the opportunity for Councillors to express their concerns or support for the DA.

15.1 Amendment of Draft Policy No. CP-056 Planning Process and Decision (Continued)

The first amendment ensures that all MUHC applications that do not meet the deemed-to-comply requirements will be required to be advertised to surrounding neighbours, irrespective of whether the planning officers assess that the DA satisfies the Design Principles discretion of the MUHC.

The second amendment ensures that all MUHC applications not meeting the deemed-to-comply requirements of the Residential Design Codes are processed through the DAU process. This ensures that Councillors are informed of these applications and have the opportunity to use the call-up provisions of the DAU process to have the DA brought before the full Council for a decision.

15.2 Consideration of a Financial Contribution to the Restoration of the (former) Headmaster's Residence at Applecross Primary School

Disclosure of Interest

Item No.	15.2
Member	Cr J Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Grand - Daughter attends Applecross Primary
Request	Not Applicable
Decision of Council	Not Applicable

The Mayor invited Cr Schuster to speak on the motion that he had presented regarding the Consideration of a Financial Contribution to the Restoration of the (former) Headmaster's Residence at Applecross Primary School

COUNCIL RESOLUTION

At 7.57pm Cr Schuster moved, seconded Cr Willis -

That the following motion lay on the table until October 2014

That the Council requests the Chief Executive Officer to give consideration, in the mid year budget review for 2014/2015, to providing funding of \$5,000 to the restoration project being managed by the Applecross Primary School for its former Headmaster's residence. If such funding is approved then it is only to be paid to the project after all necessary approvals (including from the City if necessary and the Heritage Council of Western Australia) have been received.

At 8.01pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

15.2 Consideration of a Financial Contribution to the Restoration of the (former) Headmaster's Residence at Applecross Primary SchoolReasons for Motion

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

1. The Applecross Primary School (“the School”) Headmaster’s residence was constructed, with the school’s first classroom as a result of community advocacy to the Education Department in 1913 (from 1905 to 1913 the school convened in a community hall). It is a timber framed and clad building and is part of Heritage Listing AP 06 on the City’s Local Government Heritage Inventory (also included in listing AP 06 are the bell tower, pavilion and initial school building);
2. The school buildings (including the residence) are also classified by the National Trust of Western Australia; the buildings are on the Heritage Council’s Register of Heritage Places in Western Australia (Place 01542); and are listed on the Register of the National Estate (Place ID 13835) by the Australian Heritage Council. Hence they are among the most important built form in the City’s heritage assets;
3. I have been thinking for some time about how the Council could best preserve some of the earliest European residential architecture, much of which has of course now been demolished and most of what remains is in private ownership on valuable land. This school residence is of course on public land hence has the opportunity to be preserved (as indeed it has been for 100 years already);
4. The school community, led by the school Principal, has set up a Building fund and managing committee. Their first project is to renovate and restore the Headmaster’s Residence. They need to raise \$100,000 to complete the restoration to the appropriate standard. The fund has Deductible Gift Recipient Status from the Australian Taxation Office and to date has raised approximately \$50,000 from the community and the project’s fund raising activities (including a \$15,000 commitment from the Education Department);
5. The project is also supported by the school community which is finding ways to introduce the heritage elements of the buildings into school and community programs so that the building is used and hence preserved as well as can be. The current intention is for the work to commence in the October school holidays (asbestos removal) and then progress over summer 2014/15;
6. The City is rightly proud of its activities to protect, preserve and enhance its built heritage, particularly those assets held in public hands. In this case the heritage asset is held in public hands by the State Government and a local school community is raising the money to complete the work –I would make the case to the Council that a modest contribution of \$5,000 from the mid year budget review will both show the Council’s support for built heritage and also support a local community undertaking a significant heritage project; and,
7. If funded my proposal would be that the City commits the funding but does not pay it to the project until it sees evidence that all necessary approvals have been obtained.

16. EN BLOC ITEMS

At 8.01pm Cr Schuster moved, seconded Cr Willis –

That the recommendations for items, M14/5382, P14/3541, P14/3546, M14/5000, C14/6000 and C14/6001 be carried En Bloc.

At 8.01pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

17.1 Scheme Amendment

At 8.02pm His Worship the Mayor vacated the Chair and at 8.02pm The Deputy Mayor assumed the Chair.

At 8.03pm Cr Robartson moved, seconded Cr Schuster –

That the motion without notice be received.

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

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

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

COUNCIL RESOLUTION

At 8.06pm His Worship the Mayor moved, seconded Cr Schuster -

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

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

CARRIED (12/1)

Reason for Motion

His Worship the Mayor provided the following reason in support of the motion –

The implementation of Multiple Dwellings in medium to low density areas, coded R40 and below, has the potential to have a detrimental amenity impact in some localities.

Vote Result Summary	
Yes	12
No	1

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

18. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 8.43pm.