



**MINUTES  
OF THE  
ORDINARY MEETING OF THE COUNCIL  
HELD ON  
TUESDAY 15 SEPTEMBER 2015  
AT 6.30PM IN THE COUNCIL CHAMBERS  
MELVILLE CIVIC CENTRE**

**DISCLAIMER**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

## **CONTENTS PAGE**

	<b>Item Description</b>	<b>Page Number</b>
<b>LATE ITEM TECHNICAL SERVICES</b>		
<b>T15/3667</b>	Special Meeting of Electors Perth Freight Link	11
<b>URBAN PLANNING</b>		
<b>P15/3653</b>	Proposed Public Access Easement Over 41A McCallum Crescent, Ardross	25
<b>ITEM FROM GOVERNANCE COMMITTEE</b>		
<b>M15/5437</b>	City of Melville Chief Executive Officer Performance Review	37
<b>URBAN PLANNING</b>		
<b>P15/3655</b>	Two Storey Single House (With Undercroft) at Lot 1 (No. 7) Dunvegan Road, Applecross	42
<b>P15/3657</b>	Review of Council Policy 064: Telecommunications Facilities and Communications Equipment	51
<b>P15/3658</b>	Review of Council Policy 056: Planning Process and Decision Making	59
<b>TECHNICAL SERVICES</b>		
<b>T15/3660</b>	Groves Avenue, Attadale – Residents Only Parking Bay Request	68
<b>COMMUNITY DEVELOPMENT</b>		
Nil		
<b>MANAGEMENT SERVICES</b>		
<b>M15/5000</b>	Common Seal Register	75
<b>CORPORATE SERVICES</b>		
<b>C15/6000</b>	Investment Statements for July 2015	78
<b>C15/6001</b>	Schedule of Accounts Paid for July 2015	85
<b>C15/6002</b>	Statements of Financial Activity for July 2015	89
<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		
<b>17.1</b>	Murdoch Police Station	95



**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, 15 SEPTEMBER 2015.**

**1. OFFICIAL OPENING**

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

**Affirmation of Civic Duty and Responsibility**

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

**2. PRESENT**

His Worship the Mayor R Aubrey

**COUNCILLORS**

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

**WARD**

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

**3. IN ATTENDANCE**

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

At the commencement of the meeting there were 42 members of the public and no members from the Press in the Public Gallery.

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

Cr Barton – Bicton/Attadale Ward

**4.2 APPROVED LEAVE OF ABSENCE**

Cr Schuster – Applecross/Mount Pleasant Ward

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

Nil.

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

Nil.

**6. QUESTION TIME****Questions Taken on Notice – Ordinary Meeting of the Council 18 August 2015****6.1 Mr M McLerie, Booragoon**

At the Ordinary Meeting of the Council held on 18 August 2015, questions submitted by Mr M McLerie were taken on notice. A response has been provided to Mr McLerie from the Governance and Compliance Program Manager and the information included in the response is provided below.

Question 1

*What is Council's response to the following statements?*

- a. *Had the adjoining landowner not lodged a complaint with the Building Commission Bellagio would likely have constructed a wall that did not comply with the building permit, including not being structurally certified and encroaching onto adjoining land.*

Question 1a response: The adjoining landowner is not identified. No response can be provided.

- b. *It is the function, and duty, of the City to enforce compliance with building permits to preventing such situations as outlined above.*

Question 1b response: The City takes action where non-compliance requires action or intervention.

- c. *The 5 February 2015 retrospective building approval certificate the City issued to Bellagio did not have certified structural engineering drawings; it is reasonable to expect that the City should have been able to make an assessment of the application and undertaken further due diligence to clarify the validity of the purported structural certification.*

Question 1c response: The application was certified by a private building surveyor practitioner, not by the City, and on that basis the permit was approved by the City.

- d. *Structurally inadequate buildings and incidental structures pose a threat to public safety.  
The Act and the City's building approval processes are designed to minimize such risks. In this instance it appears those processes failed.*

**QUESTION TIME (Continued)****Questions Taken on Notice – Ordinary Meeting of the Council 18 August 2015****6.1 Mr M McLerie, Booragoon (Continued)**

Question 1d response: The responsibility rests with the private certifier and the, registered builder, not the City.

Question 2

*Since the Act was brought into force:*

- a. *How many complaints has the City received from adversely affected adjoining land owners, or other concerned individuals, relating to a builder or owner builder's failure to comply with the Act, e.g. including any issue dealt with in Part 6 of the Act.*

Question 2a response: The City deals with complaint driven compliance matters, on a property or case by case basis. There is no single data base to give complaint numbers. To research a variety of complaints is not an appropriate use of the City's resources.

- b. *Of those complaints received how many were investigated.*

Question 2b response: See above response for Q2a

- c. *Of those investigated how many related to a builder or an owner builder; not complying with a building permit, including the approved plans; and a breach of the Act, specifically Part 6.*

Question 2c response: See above response for Q2a.

- d. *Of those investigated how many resulted in: written requests to comply; notices of proposed building orders; a building order being made.*

Question 2d response: See above response for Q2a.

- e. *How many adversely affected adjoining landowners independently pursued building complaints via the Building Commission in lieu of the City taking action pursuant to the Act.*

Question 2e response: Any statistics on this question should be sourced from the Building Commission.

Question 3

*Why did the City refuse to act on the adjoining landowners October 2013 and subsequent complaints?*

Question 3 response: It is unclear which property relates to this question.

---

**QUESTION TIME (Continued)****Questions Taken on Notice – Ordinary Meeting of the Council 18 August 2015****6.1 Mr M McLerie, Booragoon (Continued)**Question 4

*Why has the City's CEO not responded to requests from the affected adjoining land owner to meet in relation to the City's failure to perform its Permit Authority function?*

Question 4 response: It is unclear who is being referred to as the adjoining owner.

Question 5

*Why is the Mayor refusing requests from the affected adjoining landowner to meet to review the details of concerns in relation to the City's failure to adequately perform the Permit Authority function more generally?*

Question 5 response: See above response for Q4 and in addition, this question would be a matter for another agency.

Question 6

*Why is the City not taking further action in relation to other breaches of the Act identified in the complaint?*

Question 6 response: For the City to act on a compliance matter there needs to be evidence of a breach.

Question 7

*What is the City doing to capture lessons learnt from this specific incident and implement corrective action to improve its processes and performance?*

Question 7 response: The City continually reviews processes, work flows, performance measures to meet community expectations and standards, and carry out its functions for the benefit of the community.

**QUESTION TIME (Continued)****6.2 Ms T Smirke, Palmyra**Question 1

*Main Roads has already come out and questioned in the media, Dean Nalder over his comments back in May about “the other route” (aka Tunnel) stating “as far as they were concerned Stage 1 along Stock Road and Leach Highway was a done deal” so why is the City spending ratepayers money on advertising the tunnel?*

Response

The Chief Executive Officer responded by advising that the City’s \$50,000 is for the Roe 8 Alignment.

Question 2

*Again if Option 1 (wiping out my home) was the route the government and Main Roads decided to take for stage 2 –*

- a) *Will the City of Melville withdraw its support for the Perth Freight Link?*
- b) *What action will the City take to protect us from losing our homes and community?*

Response

The Mayor responded as follows:

- a) The City has not made a determination on stage 2. The City is very focused on stage 1 to Stock Road and moving westerly from Stock Road around the City of Melville and avoiding any loss of property on Stock Road and Leach Highway.
- b) That will be a decision that will come before the Council at some stage, It is not permissible to preempt a Local Government decision. The Council will have to determine that matter when the issue arises. However, that appears to be the worst case scenario and the Council would be fighting for its residents.

Question 3

*In reference to Trish Phelan’s letter in the Melville Times, (I assume she is talking about us). How does she come to the conclusion that we, Damon and myself, have put our homes at risk by notifying every single media outlet in WA about our situation and the Perth Freight Link? If we hadn’t then the route would have gone ahead and be starting early 2016. How do I know this, Main Roads told us on 23/4/2015 and no a tunnel was not an option at that time either!*

Response

The Mayor responded by saying that he was aware that the Minister was looking at another option before that date. Cr Phelan may wish to respond and take the question on notice.

**QUESTION TIME (Continued)****6.3 Ms E MacKenzie, Palmyra**

*Regarding the donation of \$50,000 made in support of the Perth Freight Link by the Melville City Council:*

Question 1

*What date did public consultation/communication take place between the electors, rate payers and residents of the district with the Melville City Council prior to this controversial decision?*

Response

The Chief Executive Officer responded by saying that the City of Melville is not spending \$50,000 on the Perth Freight Link. The amount of \$50,000 if spent, will be for the Roe 8 alignment.

Question 2

*What policies/procedures in accordance with the local government legislation are in place to ensure a partisan decision of this kind does not occur in the future?*

Response

The Chief Executive Officer responded by saying that people are elected to make decisions. Decisions are then made. There was a notice of motion that was voted on and passed by the Council, and it's impossible to go to the community with every decision made in the council arena.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 [ORDINARY MEETING OF THE COUNCIL – 18 AUGUST 2015](#)  
[Minutes 18 August 2015](#)****COUNCIL RESOLUTION**

At 6.46pm Cr Willis moved, seconded Cr Reynolds –

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 18 August 2015, be confirmed as a true and accurate record.**

At 6.46pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (10/0)**

**8.2 [NOTES OF AGENDA BRIEFING FORUM – 1 SEPTEMBER 2015](#)  
[Notes 1 September 2015](#)****COUNCIL RESOLUTION**

At 6.46pm Cr Aubrey moved, seconded Cr Foxtton –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 1 September 2015, be received.**

At 6.46pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (10/0)**

**8.3 [SPECIAL MEETING OF ELECTORS – 17 AUGUST 2015](#)  
[Minutes SME 17 August 2015](#)****COUNCIL RESOLUTION**

At 6.46pm Cr Aubrey moved, seconded Cr Foxtton –

**That the Minutes of the Special Meeting of Electors held on Monday, 17 August 2015, be confirmed as a true and accurate record.**

At 6.46pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (10/0)**

**8. CONFIRMATION OF MINUTES (CONTINUED)****8.4 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE  
COMMITTEE – 20 AUGUST 2015****COUNCIL RESOLUTION**

At 6.46pm Cr Macphail moved, seconded Cr Willis

**That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Thursday, 20 August 2015 be noted.**

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

**CARRIED UNANIMOUSLY (10/0)**

**NB:**

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

**8.5 GOVERNANCE COMMITTEE – 2 SEPTEMBER 2015****COUNCIL RESOLUTION**

At 6.46pm Cr Foxtan moved, seconded Cr Phelan –

**That the Minutes of the Governance Committee Meeting held on Wednesday, 2 September 2015 be noted.**

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

**CARRIED UNANIMOUSLY (10/0)**

**NB:**

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

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

Nil.

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

Item T15/3667 – Special Meeting of Electors – Perth Freight Link  
Mayor Russell Aubrey

**10. DEPUTATIONS**

Item T15/3667 – Special Meeting of Electors – Perth Freight Link  
Ms J Watson, Ms K Dravnieks and Mr R Short

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

At 6.48pm Cr Reynolds moved, seconded Cr Aubrey

**That the application for new leave of absence submitted by the Councillor Schuster on 15 September 2015 be granted.**

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

**CARRIED UNANIMOUSLY (10/0)**

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

Nil.

**13. PETITIONS**

At 6.49pm Cr Robartson moved, seconded Cr Willis

**That a petition from 104 electors to install a playspace on the currently idle land located behind the Farrington Shops on Peter Ellis Oval and a portion of the unused carpark be received.**

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

**CARRIED UNANIMOUSLY (10/0)**

At 6:50pm the Mayor requested that item T15/3667 be brought forward for discussion.

At 6.50pm, Mayor Aubrey having declared an Interest in item T15/3667 – Special Meeting of Electors – Perth Freight Link, vacated the Chair and left the meeting.

At 6.50pm Deputy Mayor, Cr Foxton assumed the Chair.

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

Disclosure of Interest

Item No.	T15/3667
Member	Mayor R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality adversely affected by commitment in Mayor's Election Profile for total support of the Bypass for Melville
Request	To leave the meeting
Decision of Council	Not Applicable

Ward	: All
Category	: Strategic
Subject Index	: Perth Freight Link – Roe 8
Customer Index	: Main Roads WA
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: T15/3645 – Perth Freight Link Preferred Route Alignment 21 October 2015
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: John Christie Director Technical Services

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)****KEY ISSUES / SUMMARY**

- The City received a request for a Special Meeting of Electors on 21 July 2015 in relation to: *Roe 8 and the Perth Freight Link and the impacts to City of Melville residents.*
- A Special Meeting of Electors was held on 17 August 2015 and the following was moved and carried by the Electors:  
  
*“This Special Electors meeting requests Melville Council to withdraw its support for Roe 8 and the Perth Freight Link until it undertakes a new, open and transparent community consultation on the PFL with residents and ratepayers to establish their views.”*
- The Special Meeting of Electors did not result in the presentation of any additional information that the Council has not previously considered when reaching its resolved position at the Ordinary Meeting of Council on 21 July 2015.
- It is therefore recommended that the Council;
  - Notes the motion carried by the majority of Electors at the Special Meeting of Electors held on 17 August 2015.
  - Reaffirms its support for the extension of Roe Highway between the Kwinana Freeway and Stock Road in accordance with the plans adopted by Main Roads Western Australia.
  - Reaffirms its support for the extension of Roe Highway west of Stock Road to Stirling Highway, utilising the alignment of the Fremantle Eastern Bypass with all, or part of the route tunnelled to minimise the impact on the community.

**BACKGROUND**

The City received a request for a Special Meeting of Electors on 21 July 2015 in relation to: *Roe 8 and the Perth Freight Link and the impacts to City of Melville residents.*

A Special Meeting of Electors was held on 17 August 2015 in the Main Hall at the Civic Centre, 10 Almondbury Road Booragoon.

The following motion was supported by the Electors of the City of Melville at the Special Meeting of Electors:

*“This Special Electors meeting requests Melville Council to withdraw its support for Roe 8 and the Perth Freight Link until it undertakes a new, open and transparent community consultation on the PFL with residents and ratepayers to establish their views.”*

*Moved by Judyth Watson of Palmyra*

*Seconded by Kim Dravnieks of Kardinya”*

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)****DETAIL**

At the Ordinary Council meeting on 21 July 2015, the Council resolved the following:

*“At 7.01pm Cr Phelan moved, seconded Cr Aubrey –*

*That the Council:-*

- 1. Reconfirm its support for the extension of Roe Highway between the Kwinana Freeway and Stock Road in accordance with the plans adopted by Main Roads Western Australia to finalise the Perth Freight Link.*

*At 8.58pm the Deputy Mayor submitted the motion, which was declared*

*CARRIED (8/3)*

*At 7.01pm Cr Phelan moved, seconded Cr Aubrey –*

- 2. Request the Chief Executive Officer to write to Main Roads Western Australia requesting they approach the construction of the Roe Highway extension for that section within the Beeliar Regional Park, in such a way as to minimise any potential adverse environmental impacts on the Park, by ensuring the maximum protection of the flora and fauna, the wetlands and the amenity of the area, together with maintaining and enhancing public accessibility of this regionally important asset.*

*At 8.59pm the Deputy Mayor submitted the motion, which was declared*

*CARRIED (9/2)*

*At 7.01pm Cr Phelan moved, seconded Cr Aubrey –*

- 3. Reiterate its support for the extending the Roe Highway, west of Stock Road to Stirling Highway, utilising the alignment of the Fremantle Eastern Bypass for the Perth Freight Link.*

*At 9.00pm the Deputy Mayor submitted the motion, which was declared*

*CARRIED (7/4)*

*At 7.01pm Cr Phelan moved, seconded Cr Aubrey –*

- 4. Request the Chief Executive Officer to write to the State Government advising that in order to minimise the potential impact of utilising the Fremantle Eastern Bypass alignment for the Perth Freight Link, all or part of the route between Clontarf Hill and Stirling Highway be tunnelled.*

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

*CARRIED (7/4)”*

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

The Special Meeting of Electors did not result in the presentation of any additional information that the Council has not previously considered when reaching its resolved position at the Ordinary Meeting of Council on 21 July 2015. As such, it is recommended that the motion be noted and the resolved position of the Council remains unchanged.

Nevertheless, it is considered appropriate to address a number of the concerns raised by the Electors at the meeting of 17 August 2015.

**Electors Stated – One of the most unique, pristine, bio-diverse treasures in the metropolitan area will be destroyed**

The extension of Roe Highway from Kwinana Freeway to Stock Road will be constructed on land already partly cleared for the overhead power lines to minimise the environmental footprint. The alignment was selected to meet the strict environmental conditions and regulations determined by the Environmental Protection Authority.

The preferred alignment was identified as part of a comprehensive stakeholder consultation process and as a result of comprehensive environmental studies undertaken between 2009 and 2011. The stakeholder engagement process included nine community workshops and public forums and three online forums where the community assisted in identifying the preferred alignment.

The bushland area along the preferred alignment is already partly cleared and the bushland is substantially fragmented with a number of invasive weed species present. It is acknowledged that some areas of the bushland are of a high quality; however the fragmentation along the preferred alignment is considerable and this has reduced the biodiversity values of the area.

The photos below give an indication of the quality of the wetlands and bushland along the preferred route.



**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**



As part of the Environmental Protection Authority approvals, Main Roads WA will be undertaking a wetland restoration programme at North Lake and will be implementing a bushland restoration programme at Horse Paddock Swamp improving the natural environment and the biodiversity values of the area.

**Electors Stated – Diesel particulates and exhaust emissions will increase and cause health issues**

It is acknowledged that in association with the growth of Metropolitan Perth, the increase in container movements and the growth of the Inner Harbour, there will ultimately be an increase in heavy vehicles on the suburban road network. This will ultimately result in an increase in exhaust emissions from the additional vehicles on the road. While the Perth Freight Link will not result in a reduction of air pollution per-se, it will result in less additional pollution as a result of improved traffic flow.

Heavy vehicles and in particular, heavy diesel vehicles produce significant amounts of fine particulate matter in exhaust fumes, which is at its worst, when the vehicle accelerates from a standing start. The stop-start nature of the current route and the 14 sets of traffic lights, (some of which are at the commencement of steep inclines) results in more particulate matter being generated than would occur if the heavy vehicles were travelling at a constant speed. The Perth Freight Link will ensure a steady flow of freight at a constant speed, thus resulting in less air pollution than the existing route on an individual vehicle basis.

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

Main Roads WA have conducted air quality assessments using an internationally accepted air dispersion model that considered the construction impacts and heavy vehicle movements on the extended Roe Highway between Kwinana Freeway and Stock Road to 2031. The modelling indicated that exhaust emissions would be well below the background levels already present in the local atmosphere and below the National Environmental Protection Measure (NEPM) ambient air quality criteria.

It is estimated that the extension of Roe Highway and the Perth Freight Link will, as a result of a free flowing freight route without the stop-start nature of the current route and deliver savings of approximately 450,000 tonnes of CO2 by 2031.

**Electors Stated – The need for more freight on rail**

The City of Melville supports the aspirational target to move 30% of containers by rail. Fremantle Port is currently the best performing Port in Australia with regard to container movements by rail as detailed in the table below:

<b>Financial Year 2013/2014</b>	<b>Total Rail</b>
Brisbane	5.0%
Sydney	13.7%
Melbourne	13.9%
Fremantle	14.2%

It is important to note that current restrictions placed on Fremantle Port for rail access make this 30% target challenging for the future, particularly when considering the future growth in containers and that 97% of freight movements are in the metropolitan area.

The State Government remains committed to a long term target of 30% of containers on rail and the City understands that the State Government will continue to make the appropriate investment in both rail and road freight networks. It is however important to recognise that a single mode of freight movement servicing the Port is not practical.

**Electors Stated – The City is irresponsible for claiming the Perth Freight Link is the answer to road safety**

The crash rates involving heavy vehicles on Leach Highway is more than double the metropolitan average. The crash rate at the intersection of the Kwinana Freeway and Roe Highway involving heavy vehicles is a staggering 31%, six times higher than the metropolitan average. However the recent widening of the Kwinana Freeway allowing improved traffic flow as a result of a dedicated lane and removing the merge hazard should result in an improvement in safety at this intersection.

Of those crashes involving heavy vehicles detailed above, 72% are rear-end crashes, caused by the stop-start nature of heavy vehicles having to negotiate 14 sets of traffic lights on the current route and the weaving of light vehicles attempting to avoid delays caused by the slow moving heavy vehicles on the current route.

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

The Transport Workers Union has recently announced that their members are exposed to a stressful working environment, caused by the stop-start nature of the existing route and that their safety is a real concern.

Leach Highway was never designed to be a dedicated freight route and the crash rates involving heavy vehicles is a serious issue. The City and the State Government would be irresponsible if it ignored these facts.

The construction of dedicated free flowing freight route to Fremantle Port will result in an estimated \$164m in safety benefits.

**Electors Stated – I thought we were building the outer harbour and the transport routes to the south and Latitude 32 road and rail**

The State Government recognises that the Outer Harbour in Cockburn Sound and future container handling facilities will be required when Fremantle Port reaches capacity. However the timing and future construction of an Outer Harbour will be market driven and will occur when there is significant enough volumes of trade to make it economically viable. It has been estimated that if a decision on an outer harbour was made today, it could take upward of 10 years before it would be operational.

Proponents of the “Outer Harbour only solution” appear to have ignored the environmental implications associated with the construction of that harbour and road infrastructure required to be put in place to service it.

It is estimated that given the significant environmental impacts on the marine ecosystems within Cockburn Sound, it would take at least a three years to obtain environmental approvals. One of the most significant environmental impacts would be on the sea grass within the Sound. Previous studies have shown that the sea grass remains under pressure, with sea grass health being a major concern.

Cockburn Sound is home to the largest Snapper spawning ground outside of Shark Bay and sea grass is an essential habitat and supports numerous food chains, including being a nursery ground for many prawn and fish species. The marine ecosystems within Cockburn Sound remain under pressure and the construction of an outer harbour; along with the dredging to deepen the Sound to accommodate large container ships will place additional strain on this fragile environment.

While the construction of the outer harbour may appear to some, as the alternative solution to the Perth Freight Link, it is clear that the planning and approvals processes will be stringent and there will be significant environmental impacts and community opposition if and when the project is progressed.

There are also significant environmental implications associated with the proposed upgrading of roads, such as Rowley Road and Anketell Road, which would be required to provide access to a future outer harbour. The upgrading of these roads would potentially result in significant clearing of bushland to the west of Tonkin Highway and Thomas Road.

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

The future extension of Rowley Road will have significant environmental impacts on Mount Brown between Rockingham Road through to the coast and the connection to the outer harbour. While the upgrade of Anketell Road west of the Kwinana Freeway will potentially impact the Spectacles Wetland area and will result in similar environmental concerns being raised.

Container trade is growing at approximately 5.5% per annum, which will see the Port of Fremantle process in excess of 1.4 million containers within the next 10 years. Therefore, for the next 10 years heavy vehicles will remain the dominant mode for transporting freight in the metropolitan area. This ultimately means that there will be a doubling of the volumes of trucks accessing Leach Highway and High Street if the Perth Freight Link is abandoned and we await the construction of a future outer harbour in Cockburn Sound. Given the serious road safety issues on the current route, abandonment is clearly not an option as far as the City of Melville is concerned.

In reality, should growth continue as predicted, both the Perth Freight Link and the Outer Harbour are required; it is not simply, one or the other.

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

This report is being presented to Council as a direct result of the Special Meeting of Electors held 17 August 2015.

**II. OTHER AGENCIES / CONSULTANTS**

There has been extensive consultation with Main Roads WA and the Port of Fremantle in preparation for the Special Meeting of Electors held 17 August 2015.

Main Roads WA had two representatives at the Electors meeting.

**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995 states as follows:

*“5.33. Decisions made at electors’ meetings*

- (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
  - (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose, whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)****FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

This report has demonstrated that the proposed Perth Freight Link will have a significant positive impact on the risks associated with road safety.

It is evident that the proposed Perth Freight Link solution in association with increased movement of freight by rail from the current 14% to the 30% target will result in improved environmental outcomes than the present arrangements.

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could resolve to support the motion from the Special Meeting of Electors and withdraw its support for Roe 8 and the Perth Freight Link until it undertakes a new, open and transparent community consultation on the Perth Freight Link with all City of Melville residents and ratepayers to establish their views.

However, this would be in contradiction to the previously resolved position of the Council and would require a rescission motion, signed by five Elected Members to be presented to the Council for consideration.

It is important to note that the extension of Roe Highway to Stock Road and the Perth Freight Link is a State Government infrastructure project and the withdrawal of support will not necessarily prevent the project from progressing.

**CONCLUSION**

Following broad community support, the City has advocated for a number of years for the extension of Roe Highway and the southern connection to Murdoch Drive. This project when complete will reduce congestion and improve travel times, improve road safety, remove 2,000 trucks per day from Leach Highway, reduce pollution, and improve the amenity for thousands of residents in the City of Melville.

Given that no new information was presented by the Electors at the Special Meeting of Electors held 17 August 2017 and that the Council has considered all relevant information previously, it is recommended that the Council continues to support the extension of Roe Highway and the extension west of Stock Road to the Port of Fremantle, utilising the Fremantle Eastern Bypass alignment with part of, or the entire route, tunnelled to minimise the impact on the community.

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

From 6.50pm to 7.35pm a Deputation was heard from Ms J Watson, Ms K Dravnieks and Mr R Short relating to the Special Meeting of Electors – Perth Freight Link.

From 7.35pm to 7.50pm a presentation was given by Mr John Christie, Director Technical Services relating to the Special Meeting of Electors – Perth Freight Link.

**At 7.56pm R Davis left the meeting and returned at 7.57pm.**

**At 8.07pm Cr Pazolli left the meeting and returned at 8.07pm.**

**At 8.28pm Cr Robartson left the meeting and returned at 8.30pm.**

**At 8.35pm Cr Macphail left the meeting and returned at 8.37pm.**

**RECOMMENDED MOTION (AS AMENDED)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3667)****APPROVAL**

At 8.11pm Cr Phelan moved, seconded Cr Aubrey –

**That the Council:**

- 1. Notes the motion carried by the majority of Electors at the Special Meeting of Electors held on 17 August 2015.**
- 2. Reaffirms its support for the extension of Roe Highway between the Kwinana Freeway and Stock Road in accordance with the plans adopted by Main Roads Western Australia.**
- 3. Reaffirms its support for the extension of Roe Highway west of Stock Road to Stirling Highway, utilising the alignment of the Fremantle Eastern Bypass with all, or part of the route tunnelled to minimise the impact on the Community.**

Amendment 1

At 8.19pm Cr Pazolli moved, seconded Cr Taylor-Rees

That an item 4 be added to the recommendation as follows:

- 4. Requests the Chief Executive Officer to undertake a new, open and transparent community consultation on the impact of the proposed Perth Freight Link project on residents and ratepayers of the City of Melville.**

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

**LOST (3/6)**

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

Vote Result Summary	
Yes	3
No	6

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

Amendment 2

At 8.48pm Cr Willis moved, seconded Cr Reynolds

That an item 4 be added to the recommendation as follows:

- 4. Requests the Minister for Transport and Main Roads Western Australia to undertake a comprehensive consultation process with residents, Elected Members and officers of the City of Melville should the Perth Freight Route directly affect the City**

At 9.10pm the Deputy Mayor submitted the amendment, which was declared

**CARRIED UNANIMOUSLY (9/0)**

Vote Result Summary	
Yes	9
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

**MOTION**

**That the Council:**

- Notes the motion carried by the majority of Electors at the Special Meeting of Electors held on 17 August 2015.**

At 9.09pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (9/0)**

Vote Result Summary	
Yes	9
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

- Reaffirms its support for the extension of Roe Highway between the Kwinana Freeway and Stock Road in accordance with the plans adopted by Main Roads Western Australia.**

At 9.14pm the Deputy Mayor submitted the motion, which was declared

**CARRIED (7/2)**

Vote Result Summary	
Yes	7
No	2

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

**LATE ITEM - T15/3667 – SPECIAL MEETING OF ELECTORS – PERTH FREIGHT LINK  
(REC)**

- 3. Reaffirms its support for the extension of Roe Highway west of Stock Road to Stirling Highway, utilising the alignment of the Fremantle Eastern Bypass with all, or part of the route tunnelled to minimise the impact on the Community.**

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

**CARRIED (6/3)**

Vote Result Summary	
Yes	6
No	3

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

- 4. Requests the Minister for Transport and Main Roads Western Australia undertake a comprehensive consultation process with residents, Elected Members and officers of the City of Melville should the Perth Freight Route directly affect the City**

At 9.18pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (9/0)**

Vote Result Summary	
Yes	9
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes

At 9.19pm the meeting was adjourned for a comfort break.

At 9.25pm the meeting resumed and Mayor Aubrey assumed the Chair.

At 9.26pm the Mayor requested that item P15/3653 be brought forward for discussion.

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

Ward : Applecross/Mt Pleasant  
 Category : Strategic  
 Application Number : Related to DA-2015-663  
 Property : Baden Powell Reserve, 41a McCallum Crescent, Ardross  
 Proposal : Creation of a Public Access Easement over an Existing Laneway to Baden Powell Reserve  
 Applicant : City of Melville  
 Owner : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : N/A  
 Responsible Officer : Gavin Ponton  
 Manager Strategic Urban Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

**KEY ISSUES / SUMMARY**

- The City owns No. 41a McCallum Crescent, Ardross in freehold title. The site is commonly known as Baden Powell Reserve and currently accommodates the Waylen Bay Scouts and Applecross Guides.
- One of the requirements of the Riseley Activity Centre Structure Plan (RACSP) is to encourage vehicles to access new development sites from side streets or rear laneways where this is possible in order to improve streetscapes, retain street trees and encourage pedestrian activity. The RACSP encourages access to new developments abutting Canning Highway from the rear.
- A development application has been received for No. 8 Willcock Street. The application will be determined by the Metro Central Joint Development Assessment Panel (JDAP). The application proposes vehicular access via the rear laneway on Baden Powell Reserve consistent with the Structure Plan and as suggested by the City's officers.
- It is proposed that a public access easement be created over the existing laneway leading to the site, which would allow any member of the public to use the land for access purposes.
- The proposal was publicly advertised and three objections were received and one late submission was received providing comments.
- This report has been referred to the Council for a decision on whether or not the easement should be granted over the vehicle accessway leading to Baden Powell Reserve.
- There are two options for the Council to consider:
  - 1 - Support the public access easement
  - 2 - Do not support the public access easement



---

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)****BACKGROUND**

The City owns No. 41a McCallum Crescent, Ardross in freehold title. The site is commonly known as Baden Powell Reserve and currently accommodates the Waylen Bay Scouts and Applecross Guides.

The Riseley Centre Structure Plan was adopted by the Council on 17 June 2014. The Structure Plan set out a clear vision and town planning requirements for the future development in the Riseley Centre. The goal is to create a vibrant and sustainable centre that will be a great place to live, work, socialise and shop.

One of the requirements of the Structure Plan is to encourage vehicles to access new development sites from side streets or rear laneways where this is practical in order to improve streetscapes, retain street trees and encourage pedestrian activity. The RACSP encourages access to new developments abutting Canning Highway from the rear.

Baden Powell Reserve is not within the Structure Plan area, but directly abuts it. A portion of Baden Powell Reserve at the rear of the subject site which forms an existing vehicle accessway has potential to provide vehicular access to lots within the structure plan area. This is the major issue discussed in this report.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R25/40
Use Type	: Public Access Easement (Easement in Gross)
Use Class	: Public Access Easement (Easement in Gross)

**Site Details**

Lot Area	: 4,797m <sup>2</sup>
Street Tree(s)	: N/A
Street Furniture (drainage pits etc)	: N/A
Site Details	: N/A

**DETAIL**

A development application was received for Lot 327, No. 8 Willcock Street on 13 June 2015. The application will be determined by the JDAP in accordance with relevant regulations. The application proposes to develop 27 multiple dwellings and three office tenancies on the site with all vehicular access proposed to be from the rear laneway on Baden Powell Reserve as required by the Structure Plan and as suggested by the City's officers.

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

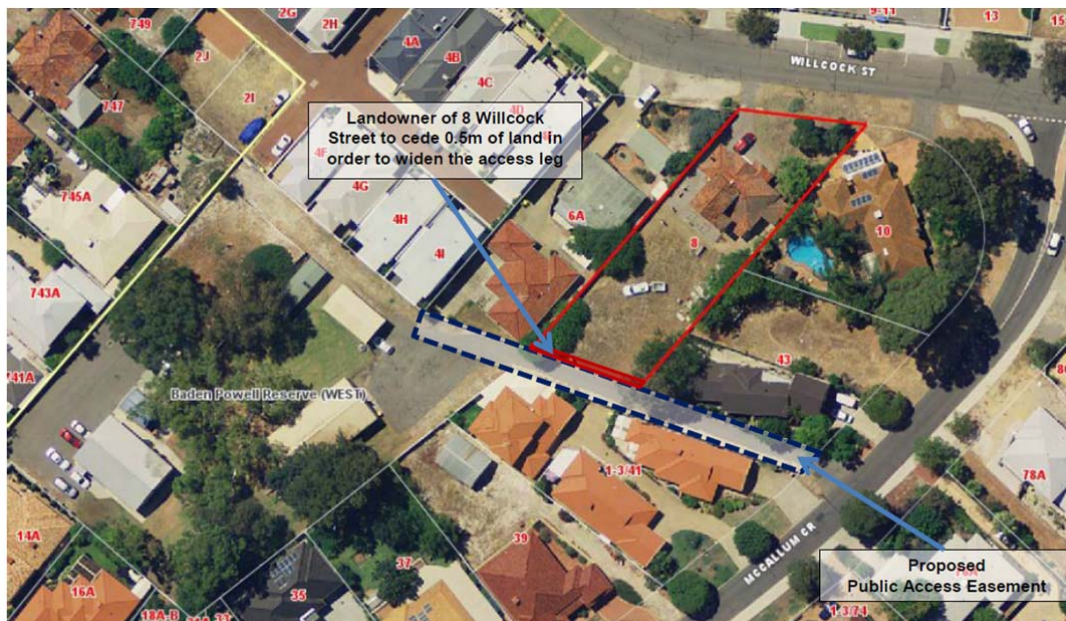
The initial plans for 8 Willcock Street were referred to the City's Design Advisory Committee, which identified a number of issues. The City's officers also identified issues with some of the details proposed. The applicant has therefore been requested to redesign and resubmit amended plans. Amended plans have not yet been received and will be processed in accordance with the standard DAP process.

The laneway leading to Baden Powell Reserve provides vehicular access for the Scouts and other user groups. The laneway is not considered to be suitable for development and will likely always be required for vehicular traffic.

The laneway therefore presents an opportunity to allow adjoining lots to also use it for pedestrian and vehicular traffic. It is currently 5.0 metres wide and adjoining landowners could be required to cede 0.5 metre of land if/when adjoining lots redevelop or subdivide to achieve a minimum width of 6.0 metres in accordance with Western Australian Planning Commission (WAPC) policy. Landowners would only be required to cede land if they redevelop or subdivide their land. There would be no requirement to cede land if they do not redevelop or subdivide their property.

Rather than just providing access for existing user groups and adjoining lots, it is proposed to create a new public access easement over a portion of the laneway as shown on the map below.

The public access easement would not affect any private land not owned by the City. The easement would allow any members of the public to use the access leg either for vehicle or pedestrian access. The easement also would not affect the rest of Baden Powell Reserve or the use of the site by the Scouts or the Guides.



---

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM  
CRESCENT, ARDROSS (REC)**

The developer of 8 Willcock Street would be required to pay for all of the costs for establishing the public access easement as well as ceding 0.5 metre of land along the rear frontage of the lot to the City in order to widen the laneway as per WAPC requirements.

The potential benefits for the proposed easement are considered to include:

- Facilitates redevelopment of the activity centre as provided for in the City's Local Planning Strategy
- Aligns with the requirements of the Riseley Centre Structure Plan to have vehicular access from secondary street or laneway where this is possible
- Provides for better urban design outcomes for the development of 8 Willcock Street, which has a relatively narrow 24 metre frontage to the street. Providing access from the rear would mean there would be no crossover or driveway facing Willcock Street and would allow the development to present better to the street
- Provides for better streetscape outcomes as it would allow for the installation of a future footpath, new on-street car parking bays and street trees (there are no street trees currently outside the property)
- Triggers the ability for the City to require the developer to cede 0.5 metre of land in order to widen and improve the laneway
- Allows for public access to Baden Powell Reserve

This matter has been referred to the Council for a decision on whether or not the easement should be granted over the freehold land.

**STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Refer to table below
Support/Object:	Three objections and one comment

The proposed easement was advertised to the adjoining landowners and occupiers and was separately communicated to the Waylen Bay Scouts who occupy the Reserve for a period of 14 calendar days. In response, the City received three submissions (with one submission signed by three parties) and one late submission providing comments from the Scouts.

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

Issue	Summary of Submission	Support / Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Traffic	<p>The increase in traffic along the laneway in conjunction with the existing access and parking arrangements along McCallum Crescent will have an impact upon safety.</p> <p>The laneway is narrow and dangerous for pedestrians when a car is traversing the lane. This is particularly the case at night as there is no street-lighting in the lane, when youth activities take place.</p>	<p>Objection</p> <p>Comment</p>	<p>Laneways usually operate as shared spaces with a mix of cars and pedestrians. Directing traffic on to laneways is reasonably common in inner city areas. It is considered that the laneway and McCallum Crescent are capable of safely accommodating the expected traffic.</p> <p>The laneway can be upgraded by the applicant to improve pedestrian safety as part of the development application process.</p> <p>The Traffic Impact Statement which accompanies all substantial developments will address safety and trip generation rates.</p>	Not Uphold / Condition
	The laneway is in poor condition for the volume of traffic that already uses it each day.	Objection	The laneway could be upgraded either by the City or by a developer of a property adjoining the laneway via condition of planning approval.	Not Uphold / Condition
	Will the Council bear the cost of damage to the fence if it is damaged by traffic using the laneway?	Objection	The City would not bear the cost of any damage. This would be a private matter between the landowner and the person who does the damage, as per the existing situation.	Not Uphold
	The laneway should be widened to make it safer for children.	Comment	Agreed. The City can require developers to cede 0.5m of land if/when they develop their property.	Condition

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

Visitor Parking	Concerned that visitors to the development will use parking allocated to the Scouts	Comment	The application will need to comply with on-site visitor parking requirements as per the R-Codes and the City's Parking Policy. The main pedestrian access to the site will be via Willcock St. It is expected that other visitors would therefore utilise the on-street parking available on Willcock Street rather than the parking used by the Scouts.	Condition
Development of 8 Willcock Street	The issue of the laneway and the development should be assessed together.	Objection	Although linked, these are separate matters. The City first needs to decide whether the easement is suitable. Should the easement not be supported, the application for 8 Willcock Street will be required to be redesigned to have access via Willcock Street only.	Not Uphold
	Request that a dilapidation report be undertaken on the neighbouring properties prior to the proposed development being undertaken.	Comment	This is a matter assessed at the time of a Building Licence and is not a matter for the City to consider at this time.	Not Uphold
	Will the proposed development provide sufficient parking for visitors?	Objection	Please refer to the comment above.	Not Uphold
Amenity	While rear access to the properties along Willcock Street would be preferable to improve streetscape, retain street trees and encourage pedestrian activity, it will destroy the amenity of McCallum Crescent, particularly for the adjoining residential property to the west in terms of noise and light spill.	Objection	The laneway is already used for vehicular access and possible noise and light impacts already exist. The amount of traffic using the laneway may increase, however light emissions can be mitigated through solid fencing. Vehicles will be travelling at low speeds reducing noise impacts.	Not Uphold

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

<p>Future Use of the Reserve</p>	<p>The Reserve should be kept as a community facility and play area.</p> <p>Concerned that the proposed upgrade foretells the future development of the reserve and that the plans for this area are not transparent.</p> <p>The proposed access way will result in a decrease in the value of the reserve, financially and in terms of amenity.</p>	<p>Objection</p>	<p>The future of Baden Powell Reserve would be a decision for the Council at some point in the future. The proposed easement would not impact upon the value, current or future use of the site.</p>	<p>Not Uphold</p>
----------------------------------	--	------------------	--	-------------------

**I. COMMUNITY**

Adjoining landowners and the community in the area are opposed to the proposed easement. The major issues from the community's perspective are:

- Potential traffic issues in the laneway
- Potential traffic and parking issues on McCallum Crescent
- The potential impact on adjoining residents
- The potential impacts on the future of Baden Powell Reserve
- The 'precedent' this may create to allow other sites adjoining Baden Powell Reserve to also propose rear access via easements over the site

**II. OTHER AGENCIES / CONSULTANTS**

There was no requirement to engage with other external agencies or parties.

**STATUTORY AND LEGAL IMPLICATIONS**

The proposed public access easement would be an "easement in gross" in favour of the State of Western Australia (not any particular landowner) as per Sections 195 and 196 of the *Land Administration Act 1997*. This type of easement allows any member of the public to use the land for access purposes.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this matter.

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

A strategic issue for the Council to consider is the future use and development of Baden Powell Reserve. The site is on the list of Strategic Landholdings approved by the Council in August 2013

It is considered that the proposed public access easement would not unduly affect the land in a strategic sense given it is currently used and is likely to continue to be required for vehicle access. The Council may however wish to further consider the strategic impacts before making a decision.

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

**POLICY IMPLICATIONS**

There are no policy implications.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are two options for the Council to consider, which are summarised below:

**Option 1 – Create a Public Access Easement over the Laneway**

Option 1 would allow adjoining landowners and members of the public to use the public access easement for vehicular or pedestrian access. The public access easement would be arranged and paid for by the owner of 8 Willcock Street.



---

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

The benefits of Option 1 are that it:

1. Is based on sound planning and urban design principles
2. Aligns with the requirements of the Riseley Centre Structure Plan to have vehicular access from secondary street or laneway where this is possible
3. Provides for better urban design outcomes for the development of adjoining lots
4. Provides for better streetscape outcomes on Willcock Street as it would allow for the installation of a future footpath, new on-street car parking bays and street trees
5. Triggers the ability for the City to require the developer to cede 0.5 metre of land in order to widen and improve the laneway
6. Allows for public pedestrian access to Baden Powell Reserve
7. It would be achieved at no cost to the City.

It is acknowledged that the easement may result in additional traffic using the laneway. However, it is considered that the laneway is capable of safely accommodating this traffic. Directing traffic on to laneways is reasonably common in inner city areas. A local example is the laneway between C15 café at 15 Riseley Street and the office building at 14 Kearns Crescent, which accommodates traffic appropriately and is also 5.0 metres wide. It is also considered that McCallum Crescent could handle any additional traffic.

**Option 2 – Do Not Create a Public Access Easement over the Laneway**

Option 2 would maintain the status quo and mean that landowners and the general public cannot use the laneway for access in a legal sense.

The benefits of Option 2 are that:

1. It would maintain the status quo
2. It recognises the concerns of adjoining landowners and local residents
3. There are no costs for the City.

The plans for 8 Willcock Street would need to be amended to provide for access via Willcock Street if Option 2 were to be supported.

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)****CONCLUSION**

The existing laneway leading to Baden Powell Reserve currently provides vehicular access for the users of the community facilities on the Reserve. It is proposed to create a new public access easement which would allow adjoining landowners and members of the public to use the laneway either for vehicle or pedestrian access.

It is not considered that the proposed easement would not adversely affect the rest of Baden Powell Reserve or the use of the site by the Scouts or the Guides. It is also not considered that the easement would unduly impact on the future use or development of Baden Powell Reserve, which would be a future decision for the Council.

Whilst the concerns of local residents are acknowledged, it is considered that the laneway and McCallum Crescent are capable of safely accommodating the expected traffic. Directing traffic on to laneways is reasonably common in inner city areas. A local example is the laneway between C15 café at 15 Riseley Street and the office building at 14 Kearns Crescent, which accommodates traffic appropriately and is also 5.0 metres wide. The expected traffic is not considered to unduly impact on adjoining properties.

It is recommended that the Council support the proposed public access easement over the existing laneway in accordance with Sections 195 and 196 of the *Land Administration Act 1997*.

**OFFICER RECOMMENDATION (3653)****APPROVAL**

**That the Council supports the granting of the proposed public access easement over the vehicular access way leading to Baden Powell Reserve behind 6 and 8 Willcock Street Ardross in accordance with Sections 195 and 196 of the *Land Administration Act 1997*.**

**COUNCIL RESOLUTION (3653)****APPROVAL****Reject and Replace Motion**

At 9.28pm Cr Willis moved, seconded Cr Phelan –

**That the Council not support the granting of the proposed public access easement over the vehicular access way leading to Baden Powell Reserve behind 6 and 8 Willcock Street Ardross in accordance with Sections 195 and 196 of the *Land Administration Act 1997*.**

At 9.39pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

**P15/3653 – PROPOSED PUBLIC ACCESS EASEMENT OVER 41A MCCALLUM CRESCENT, ARDROSS (REC)**

Vote Result Summary	
Yes	10
No	0

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

Reasons for Reject and Replace Motion

Cr Willis provided the following reasons for the Reject and Replace Motion.

1. Baden Powell Reserve is freehold owned by the City of Melville and leased to the Scouts so any addition traffic especially by a proposed 27 unit development with 3 office tenancies does not add value to the reserve
2. The proposed development has not been sighted by council and how the 3 offices will be sited and function. JDAP will decide on the proposed development
3. Normally an office facility will require customer parking which I guess will be from Willcock Street.
4. Access from a major development would normally have access to road, in this case Willcock Street.
5. A suggested one way traffic flow is not practical as it will not be policed and would significantly affect the reserve
6. The proposed widening of 0.5m does not compensate the council for effectively change a freehold access way to a public road
7. Speed of traffic in the access way is likely to be an issue. If a speed hump is used that can create another problem if your bedroom is nearby.
8. The Public Access being 5.0m in width acts as a buffer zone with the Riseley Centre Structure Plan. Permitting access to the lane will reduce the buffer in effect to be the western fence
9. The Willcock Street frontage can still be landscaped at the front even with a driveway access to the 27 units and 3 office tenancies considering this is a 4,797m<sup>2</sup> block.
10. With higher density housing planned in the area Baden Powell Reserve will play an important function for passive recreation where local parks play an important role in the community and cars are not wanted.

**14. ITEM FROM THE GOVERNANCE COMMITTEE MEETING HELD ON 2 SEPTEMBER 2015**

The following item from the Governance Committee of 2 September 2015 requires consideration by the Council.

**M15/5437 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Personnel file
Customer Index	: Personnel file
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M15/5425 – City of Melville – Chief Executive Officer Performance Review – Governance Committee 6 May 2015 M15/5425 – Ordinary Meeting of Council – 12 May 2015 – Chief Executive Officer Performance Review
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Dean McAuliffe Employee Service Coordinator

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M15/5437 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Governance Committee has been determined through Council to be the reviewers of the Chief Executive Officer (CEO) performance.
- The Governance Committee discuss the CEO performance, future expectations and performance criteria, performance development and review the salary package, for recommendation to the Council. For the 2014/2015 year the performance review process, excluding the determination of performance criteria for 2015/2016, was finalised on 12 May 2015.
- At the Council meeting on the 12 May 2015 the Council resolution 5425 (10) *notes that the Governance Committee will address the Performance Criteria and Key Performance Indicators as agreed with the Chief Executive Officer to be used in 2015/2016, at a Governance Committee meeting to be held in June 2015.*
- The Performance Review Consultant has developed the proposed CEO Performance Management criteria, as detailed in the confidential attachment, in consultation with His Worship the Mayor and the Chief Executive Officer.
- The timing of the Governance Committee meeting was later than anticipated due to delays in finalising the document and obtaining a suitable date.

**BACKGROUND**

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. The last performance review was finalised in May 2015 in accordance with the Council resolution (5425).

At the Council meeting on the 12 May 2015 the Council resolution 5425 (10) *notes that the Governance Committee will address the Performance Criteria and Key Performance Indicators as agreed with the Chief Executive Officer to be used in 2015/2016, at a Governance Committee meeting to be held in June 2015.*

A Performance Review Consultant, Ms Helen Hardcastle from Learning Horizons, was engaged by the City of Melville to facilitate the discussions between Council and the Chief Executive Officer during the Performance and Remuneration Review process. The role of the Performance Review Consultant was to assist in discussions between Elected Members, His Worship the Mayor and the CEO in all aspects of the performance and development discussion and future performance criteria.

**M15/5437 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****DETAIL**

The proposed Chief Executive Officer Performance Criteria and Key Performance Indicators to be used in 2015/2016 was distributed to Elected Members on Friday, 28 August 2015 under confidential cover. This document has been developed by the Performance Review Consultant, Ms Helen Hardcastle from Learning Horizons, in consultation with His Worship the Mayor and the Chief Executive Officer, for the consideration of the Governance Committee.

Due to delays in finalising the document and obtaining a suitable date the Consultant was available, the completion of the Council resolution 5425 (10) has occurred later than the anticipated date of June 2015 in the resolution.

**STAKEHOLDER ENGAGEMENT****1. COMMUNITY**

Not applicable.

**2. OTHER AGENCIES/CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

The fee for the Performance Review Consultant has been included in the 2015/2016 Operational Budget.

**M15/5437 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	<b>Low</b>	Defined process that includes this stage and associated Council resolution 5425

**POLICY IMPLICATIONS**

Not applicable

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as the requirement for a performance review are mandatory.

**CONCLUSION**

The purpose of the Governance Committee Meeting is to consider the proposed Chief Executive Officer Performance Criteria and Key Performance Indicators to be used in 2015/2016. These criteria are to be agreed with the Chief Executive Officer. The proposed criteria have been developed by the Performance Review Consultant in consultation with His Worship the Mayor and the Chief Executive Officer.

The determination of contract performance criteria is an important opportunity for the Council and the Chief Executive Officer to clarify expectations and desired outcomes to be achieved.

The amended Chief Executive Officer Performance Criteria was distributed to Elected Members on Friday 4 September 2015 under confidential cover.

**M15/5437 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (5437)      APPROVAL**

At 7.36pm Cr Phelan moved, seconded Cr Schuster –

The mover and seconder agreed to incorporate amendments to the Key Performance Indicators into the motion.

**That the Governance Committee recommends to the Council:**

**That the Chief Executive Officer Performance Criteria and Key Performance Indicators to be used in 2015/2016 are those detailed in the confidential attachment entitled “Chief Executive Officer Performance Criteria” as amended.**

At 7.37pm the Presiding Member submitted the motion, which was declared

**CARRIED UNANIMOUSLY (7/0)**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5437)      APPROVAL**

At 9.41pm Cr Foxtan moved, seconded Cr Robartson –

**That the Council:**

**Resolves that the Chief Executive Officer Performance Criteria and Key Performance Indicators to be used in 2015/2016 are those detailed in the confidential attachment entitled “Chief Executive Officer Performance Criteria”.**

At 9.41pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

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

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

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7) DUNVEGAN ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2015-551  
 Property : Lot 1 (No. 7) Dunvegan Road, Applecross  
 Proposal : Two storey dwelling with undercroft.  
 Applicant : Building Lines Approval Pty Ltd  
 Owner : Mrs S P Packer  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : N/A  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for the construction of a two storey dwelling (with undercroft) at 7 Dunvegan Road, Applecross
- The proposed development requires assessment under the design principles of the Residential Design Codes (R-Codes) in respect to boundary walls, and against the amenity provisions of Clause 7.8 of the Community Planning Scheme No. 5 (CPS5) in respect of building height.
- In accordance with CPS5 and the R-Codes, the application was the subject of public consultation. Eleven submissions were received, one in support and ten in opposition. The objections cite concerns in respect of building bulk, overshadowing, design and vehicle access.
- Having assessed the details of the proposed development on that basis, it is considered that the development can be accommodated without any adverse impact upon the amenity of the streetscape and adjoining neighbours.
- As the development proposes an exercise of judgement with regard to building height, an Absolute Majority decision of the Council is required.
- It is recommended that approval be granted subject to conditions.



**BACKGROUND**

Planning approval was granted in 2005 (DA-2005-348) for the construction of a two storey dwelling with undercroft on the subject property. The design of the house had both pitched and flat roof elements.

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7) DUNVEGAN ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

The construction of the dwelling commenced and the undercroft and ground floor were constructed however building on the property stopped in 2009 and the development has remained incomplete since this time.

**Scheme Provisions**

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

**Site Details**

Lot Area : 406m<sup>2</sup>  
 Street Tree(s) : Yes, retained  
 Street Furniture (drainage pits etc) : None applicable  
 Site Details : See aerial photo above.

**DETAIL**

Planning approval is sought for the construction of a two storey dwelling with undercroft at 7 Dunvegan Road, Applecross.

It is proposed that the development will use the existing ground floor of the half constructed dwelling, with modifications proposed to its internal configuration. The second storey proposed is a different design than the previous planning approval. The second storey significantly reduces the overall height of the development from what was previously approved. Due to the slope on the land there is a minor portion of the roof that is over height which requires assessment against Clause 7.8 of CPS5.

The proposed development requires assessment under the Design Principles of the R-Codes and against the amenity provisions of Clause 7.8 of CPS5 in respect of the matters outlined below.

**[3655 Site And Elevation Plans Dunvegan Road](#)**

**CPS5 and Policy Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	9m (flat/skillion)	9.19m maximum	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**R-Code Requirements**

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Western Setback	First Floor - 2.6m	First Floor - 2m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with Clause 4.2 of CPS5 and Part 4 of the R-Codes  
 Support/Object: 11 submissions, 1 in support and 10 in objection

Note: Since consultation, amended plans have been received which reduce the maximum height from 9.5m to 9.19m.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Building Height	Concerns were expressed regarding the height of the development and the potential impact on adjoining properties by way of overshadowing and building bulk.	Objection	Following the close of advertising amended plans were submitted which reduced the maximum height of the proposed development from 9.5m to 9.19m. The portion of the dwelling which now exceeds the height is minor and will not result in a significant building bulk impact. Furthermore, the proposal satisfies the deemed-to-comply requirements of the R-Codes in relation to overshadowing.	Not Uphold

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

2.	The design of the building does not fit in with its residential context and it will impact upon the streetscape.	Objection	The City does not exercise specific control over the actual aesthetic design and/or external appearance of a residential building such as this.	Not Uphold
3.	What vehicle usage is proposed and how will it be provided for?	Objection	The development is for a single house on a single lot. Traffic generation consistent with a single house is expected, and this can be readily accommodated by existing local roads.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of Council's policies.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

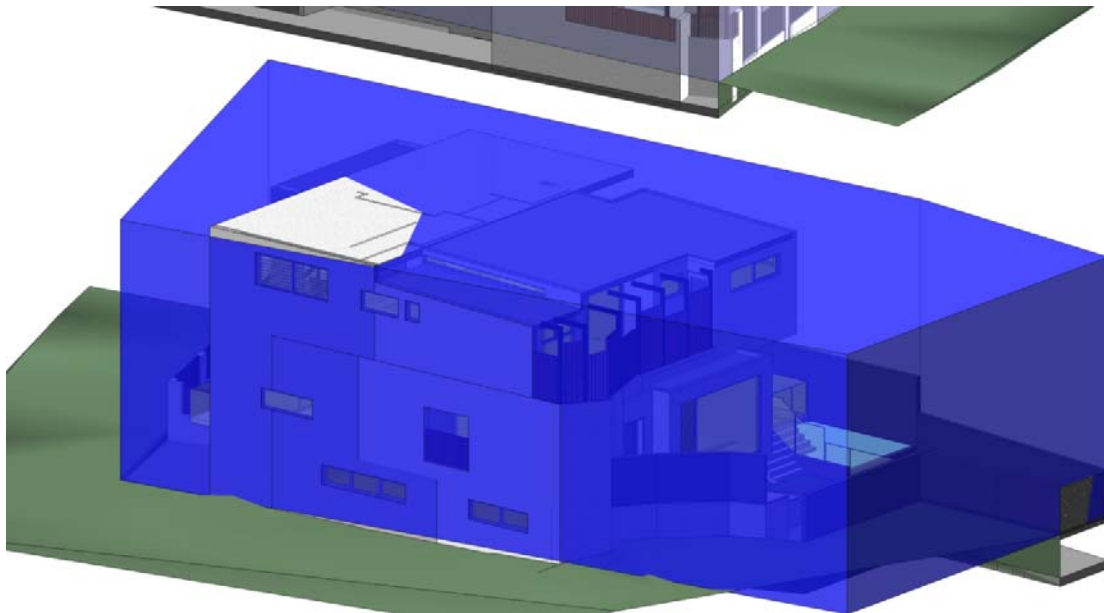
If the Council refuses to grant approval, or, if any conditions of planning approval are imposed that are considered to be unreasonable, the applicant can apply to have the decision of the Council reviewed by the SAT.

**COMMENT**

*Building height*

As stated, the proposed includes a small portion of the building with a maximum height of 9.19m in lieu of 9.0m. In view of this, the proposal has been assessed against Design Principle 5.1.6 P6 of the R-Codes, as well as the amenity provisions of Clause 7.8 of CPS5, and is recommended for approval as:

- The existing half completed house is being utilised as part of the proposed development, therefore, the under croft and ground floor levels are pre-determined.
- The proposed height of 9.19m is significantly lower than the maximum height that was previously approved in 2005. Previously, the western elevation had a maximum wall height of 9.8m and there was a pitched roof element which had a maximum height of 10.5m. Consequently, the building bulk impact of the development has been reduced.
- The area of the proposed development which exceeds 9m is minor as shown in Figure 1 below.



*Figure 1: The proposed development within a 9 m building height box. As illustrated, the white corner shows the extent of the building which exceeds 9m in height.*

- The area which exceeds 9m is restricted to the front portion of the dwelling in the north western corner only. The remainder of the development is height compliant.

---

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

- The corner of the dwelling which protrudes above 9m is separated from the adjoining dwelling to the west by a 4m wide access leg.
- The proposal satisfies the deemed to comply with the requirements of the R-Codes in relation to overshadowing.
- The proposal will not prejudice any views of significance as the adjoining property to the west already has a lower ground level.  
The front elevation has significant articulation and major openings which will interact with the street. The 0.19m additional height will not be noticeable within the streetscape, particularly as the natural slope of the locality delivers a streetscape that is characterised by a stepping of the properties located within it.

*Lot Boundary Setbacks*

The proposed western setback to the first floor level has been considered against the Design Principle P3.1 of the R-Codes and considered acceptable for the following reasons:

- The western elevation does not have any major openings which prevents any overlooking into the neighbouring property.
- The development complies with overshadowing and will not prejudice the neighbouring property's access to winter sun.
- The wall abuts an access leg which has a minimum width of 4m. This provides sufficient separation to the neighbouring property.
- The wall includes several minor openings which provide articulation and break up the built form as viewed from the neighbouring property.

**CONCLUSION**

The details of this application are considered to satisfy the objectives of CPS5, the R-Codes and Council planning policies. It is considered that the proposed development can be accommodated without detriment to residential or visual amenity, and represents an improved outcome to the partially constructed dwelling that was initially approved. For these reasons, the proposal is recommended for conditional planning approval subject to an Absolute Majority decision.

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3655)  
ABSOLUTE MAJORITY APPROVAL**

At 9.41pm Cr Pazolli moved, seconded Cr Foxton –

**That the Council by Absolute Majority decision approves the planning application for the construction of a two storey single house (with undercroft) at Lot 1 (No. 7) Dunvegan Road, Applecross subject to the following conditions:**

- 1. All stormwater generated on site is to be retained on site.**
- 2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of the street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.**
- 3. Prior to the initial occupation of the development, the surface finish of the boundary walls are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.**
- 4. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:**
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.**
  - If an approved crossover, front fence, footpath, and road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.**
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.**
  - The following actions shall not be undertaken within any TPZ:**
    - Storage of materials, equipment fuel, oil dumps or chemicals**
    - Servicing and refuelling of equipment and vehicles**
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)**
    - Open-cut trenching or excavation works (whether or not for laying of services)**
    - Changes to the natural ground level of the verge**
    - Location of any temporary buildings including portable toilets**
    - The unauthorised entry by any person, vehicle or machinery**

**P15/3655 - TWO STOREY SINGLE HOUSE (WITH UNDERCROFT) AT LOT 1 (NO. 7)  
DUNVEGAN ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

- **No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.**

**Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.**

- 5. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.**
- 6. Prior to the initial occupation of the development, the major openings and outdoor living areas raised greater than 0.5m above natural ground level are to have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes.**
- 7. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.**
- 8. Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of Council Policy 0.78: Residential Development to the satisfaction of the Manager Statutory Planning.**

At 9.40pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

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

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of Council Policy 064: Telecommunications Facilities and Communications Equipment
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	:	P11/3225 – Final Adoption of Urban Planning Policies (Stage 3 Review) - Ordinary Meeting of Council 19 July 2011 P14/3475 – Review of Council Policy - Ordinary Meeting of Council 18 March 2014 17.1 Amendments to Council Policy CP-064 (Telecommunications Facilities and Communications Equipment) – Ordinary Meeting of Council 16 June 2015
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- A motion without notice was presented to, and unanimously agreed to, at the Ordinary Meeting of Council held 16 June 2015 in relation to amendments to Council Policy 064: Telecommunications Facilities and Communications Equipment.
- In summary, the amendments included a requirement for Elected Members to be advised of all notifications in relation to low impact telecommunications facilities and for the City to advise telecommunications companies of the need to consult with surrounding landowners and occupiers where low impact facilities are sought.
- The changes voted by the Council have been made to the Policy and the Policy has been the subject of public consultation for a period of 21 days in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).
- One submission has been received which outlines concerns that adjacent landowners of Melville Plaza Shopping Centre have not in the past been advised of low impact installations that have taken place there. In addition, the respondent supports the use of Point Walter Reserve as a location for a future telecommunications tower in order to address the coverage problems experienced by Attadale residents.
- Following review of the draft policy, further amendments are proposed, in order to provide clarification around the notification requirements in relation to low impact facilities and also in relation to the changes made to the Communications Facilities section of the Policy.
- As further amendments are proposed, it is recommended that the Council adopt the revisions for the purposes of a second round of public consultation in accordance with Clause 9.6 of CPS5.

**BACKGROUND**

Council Policy 064: Telecommunications Facilities and Communications Equipment was last reviewed by the Council at the Ordinary Meeting held 18 March 2014.

The objectives of the policy state:

*The main purpose of this Policy is to provide additional guidance for members of the public and applicants against which applications for telecommunications and communications development will be assessed by the City of Melville.*

*It is recognised that there is a need for telecommunications and communications infrastructure and equipment to be located within the City, as such installations contribute to the State and national network of communications infrastructure, the existence of which supports residents and businesses of the City in their need to access quality and reliable telecommunications systems and facilities.*

*Whilst the City recognises the need to respond in a positive and responsible way to applications for telecommunications development, the adverse impacts that such development proposals can have must be managed to ensure that the visual character of the City is not undermined. The management of these potentially adverse impacts is therefore the overriding aim of this Policy.*

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)**

*The Policy should be read in conjunction with the Western Australian Planning Commission (WAPC) Statement of Planning Policy 5.2 "Telecommunications Infrastructure", and the "Guidelines for the Location, Siting and Design of Telecommunications Infrastructure" (March 2004). Collectively, these three documents provide a comprehensive policy framework against which all applications for telecommunications development within the City of Melville will be measured and assessed.*

At the Ordinary Meeting of the Council on 16 June 2015, a notice of motion was presented in relation to the existing policy. In response to this notice of motion, the Council resolved as follows:

*That the Council amends Policy CP-064 [Telecommunications Facilities and Communications Equipment] by adding the following statements:*

- 1. Under the sub title "Policy Scope", at the end of the second paragraph, delete the full stop after 1997 and add the words " , except in this latter case in respect to informing Elected Members of notifications from telecommunications providers, and requesting the telecommunications providers to advise affected adjoining and adjacent landowners and occupiers of the intended facility."; and,*
- 2. Under the sub title "Advertising Requirements" after the words "--- telecommunications towers" in the first line of Clause 12, add the words in brackets "[including applications exempt from requiring planning approval]"; and*
- 3. Under the sub title "Advertising Requirements" renumber the existing paragraph in Section 10 as "(a)", and add an additional paragraph "(b)" as follows "When a notification is received for an exempt facility under the Commonwealth law the City shall request the relevant telecommunications provider to advise adjoining landowners and occupiers of their intended installation, using the provisions of Council Policy CP-056 [Planning Process and Decision Making], Clauses 1.7.7 and 1.7.8 as a guide in respect to the people to be contacted.*
- 4. Under sub title "Communications Facilities" Point 7 an additional point stating with measures such as surface mounting, concealment, colour coordination, camouflage and landscaping in relation to telecommunication's, equipment and cables.*

Amendments were undertaken to the Policy in accordance with the abovementioned Council resolution and the policy was then advertised via a press notice for a period of 21 calendar days in accordance with Clause 9.6 of CPS5. The outcome of this process is detailed under the "Stakeholder Engagement" section below.

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)****DETAIL**

Following review of the changes requested by the Council via the abovementioned Notice of Motion, a number of additional amendments and points of clarity are proposed as detailed in the track changed Policy Attachment and as explained below.

*Policy Scope*

This section of the policy has been amended to ensure that Elected Members are advised of all notifications from telecommunications providers as per the decision of the Council 16 June 2015. Where telecommunications providers are requested to advise affected landowners and occupiers of an intended or amended low impact telecommunications installation, such requests will only be made where the intended works will result in an increase to the physical presence of the facility, and hence have the potential to alter its visual impact.

This change is proposed as a result of a result notification that the City received in relation to an upgrade to an existing low impact facility, which was communicated to Elected Members via the Elected Members Bulletin on 24 July 2015. The proposed upgrade in this case will result in no physical works occurring on the property, only an increase in power as a result of a remote electronic upgrade. In instances such as this, notification to adjoining landowners and occupiers will deliver no benefit.

*Clause 7: Communications Facilities*

The policy has been updated to reflect the Notice of Motion, (refer final bullet point under Clause 7). It is noted however that as this Clause relates to Communications Equipment and not Telecommunications Facilities, the reference to 'telecommunications' should be removed.

*Clause 10(b): Advertising Requirements for Telecommunications Facilities*

This clause has been amended to be consistent with the updated Policy Scope section as outlined above, to only require that telecommunications providers consult with adjoining landowners and occupiers where there will actually be an increase in the physical presence of a facility.

*Clause 11: Advertising Requirements for Communications Equipment*

Council Policy 056: Planning Process and Decision Making has been adopted since the last substantial review of the subject policy. Accordingly, reference to this policy has been included in this clause.

As further changes to the policy are proposed, it is recommended that the revised policy be the subject of further public consultation in accordance with Clause 9.6 of CPS5.

[3657 CP 064 Telecommunications Facilities and Communications Equipment Versi on Following Close of Advertising](#)

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

One submission was received as a result of the public consultation undertaken. This submission is summarised below.

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	The policy is not being adhered to in respect of adjoining landowners being consulted in relation to the installation of low impact facilities on Melville Plaza Shopping Centre.	Objection	The policy provision relating to the notification of adjoining landowners was added to the policy at the 16 June 2015. This notification is not a mandatory requirement of the Telecommunications Operators, but rather a suggestion. Irrespective, the City has not received any notifications of new or modified low impact facilities at Melville Plaza since these changes were made.	Not Uphold
	The recent telecommunications installations at Melville Plaza do not comply with Clause 7 of the policy.	Objection	Clause 7 of the policy relates to Communications Equipment (installations used to transmit radio and television signals) rather than Telecommunications equipment which are covered by Clauses 1 – 3 of the policy.	Not Uphold

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)**

	<p>Supports the potential future installation of a telecommunications tower at Point Walter Reserve to enable current mobile coverage issues in Attadale to be addressed. Supports the requirement that future applications be supported by maps, images and locations of existing towers within City of Melville and surrounding suburbs.</p>	<p>Support</p>	<p>Such application requirements are already detailed within Clause 9 of the Policy.</p> <p>The Policy does not advocate locations where telecommunications towers are acceptable. All applications for such installations will be assessed on their merits taking into account the requirements in the Policy.</p>	<p>Not Uphold</p>
--	--	----------------	---	-------------------

**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 advised.

**STATUTORY AND LEGAL IMPLICATIONS**

The regular review of 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 the proposal aside for the advertising costs associated with the public consultation and adoption of the Policy.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P15/3657 - REVIEW OF COUNCIL POLICY 064: TELECOMMUNICATIONS FACILITIES AND COMMUNICATIONS EQUIPMENT (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could elect not to adopt the proposed changes and finally adopt the Policy which has been out for advertising. This is not recommended for the reasons outlined within the Comment section of this report.

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

**CONCLUSION**

The proposed changes will provide further clarity with respect to the notification requirements relating to low impact installations. The remainder of the proposed changes are considered minor.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3657) ADOPTION****That the Council:**

- 1 Resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the revised Council Policy 064: Telecommunications Facilities and Communications Equipment for the purposes of a second round of public consultation for a period of no less than 21 calendar days.**
- 2 Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 064: Telecommunications Facilities and Communications Equipment be approved by the Chief Executive Officer.**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (10/0)**

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Application Number	: Not applicable
Property	: Not applicable
Proposal	: Review of Council Policy 056: Planning Process and Decision Making
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	: P10/3178 – Second Stage Review of Urban Planning Policies - Special Meeting of Council 9 November 2010 P14/3228 – Review and Amalgamation of Four Existing Council Policies (CP-042: Development Approvals, CP-044: Development Advisory Unit, CP-054: Community Planning Scheme No. 5 and Advertising Procedures and CP-056: Planning Process and Decision Making) – Ordinary Meeting of Council 17 June 2014 P14/3560 – Review of Council Policy 056: Planning Process and Decision Making – Ordinary Meeting of Council 18 November 2014
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council on 18 November 2014, the Council resolved to adopt the revised policy CP-056: Planning Process and Decision Making for the purposes of public consultation.
- No submissions were received, consequently, the Chief Executive Officer authorised the final adoption of the policy.
- The policy has since this date been applied by City officers in the assessment, advertising and determination of planning applications.
- A number of amendments/additions to the policy have since been identified. These include:
  - Clarity associated with processes and decision making in circumstances where an adopted Structure Plan now exists.
  - The inclusion of the Development Assessment Panel (DAP) Elected Member call up process, which is currently not documented within the policy.
  - Changes to the Development Advisory Unit (DAU) call up process.
- It is recommended that the Council resolve to adopt the proposed changes for the purposes of public consultation in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)****BACKGROUND**

At the Ordinary Meeting of Council on 18 November 2014, the Council resolved to adopt the revised CP-056: Planning Process and Decision Making for the purposes of public consultation. No submissions were received, consequently, the Chief Executive Officer authorised the final adoption of the policy.

**DETAIL**

Since adoption, the policy provisions have been used in assessment, advertising and determination of planning applications. Since adoption however, a number of amendments/additions to the policy have been identified.

*Structure Plans*

Since the adoption of the policy, four separate Structure Plans have been endorsed by the Council and adopted for use in the City, these being the Melville City Centre Structure Plan, the Riseley Centre Structure Plan, the Canning Bridge Structure Plan and the Willagee Structure Plan.

The existing policy does not include specific reference to the assessment, advertising and determination of applications where they are assessed in accordance with the Structure Plans. As a result, reference to Structure Plans is proposed to be included within the following sections of the policy:

Clause 1.6: Assessment

Clause 1.7: Advertising

Clause 1.8: Informal notification of Planning Applications

*DAU Call up Process*

Clause 3.5.4 of the policy has been amended to remove the DAU call up process for applicants and submitters directly via the Chief Executive Officer, and route such requests via Elected Members. In that vein the changes to the policy include a requirement that in the case of all Elected Member DAU call up requests, consultation take place with the Director Urban Planning and/or the Manager Statutory Planning.

In essence, the process for dealing with call up requests will involve consideration by Elected Members. It is envisaged that the changes to the process will enable Elected Members to represent the interests of their constituents, both applicants and neighbours, in an informed and meaningful manner.

*DAP Call up Process*

Part 3.7 of the policy has been updated to include details of the Elected Member call up process for DAP applications. This process has operated in practice for some time now and is documented as a Work Instruction. The inclusion of this process with this policy will add transparency to the process, the details of which will be available to third parties once the amended policy is adopted.

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

Given the advent of Structure Plans within the City, the process has been further refined to accommodate the opportunity for a call up option where development is sought within the Canning Bridge and Melville City Centre Structure Plan areas, and where consideration of proposed community benefits in lieu of proposed building height, is sought. This will complement the existing process whereby Elected Members can call up the Responsible Authority Report for DAP applications to a meeting of the Council, where public consultation has been undertaken which resulted in the receipt of submissions opposing the development.

**[3658 CP 056 Planning Process and Decision Making](#)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

As amendments to the policy are proposed, the revised policy is required to be the subject of public consultation for a period of not less than 21 calendar days in accordance with Clause 9.6 of CPS5.

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

The regular review of Council's policies improves their validity in review situations by the State Administrative Tribunal.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could elect not to adopt the amended policy and continue to rely upon the existing policy. This is not recommended as the revised policy provides greater clarity with regard to structure plans, as well as the DAU and DAP call up processes.

The Council also has the ability to make further amendments to the revised policy.

**CONCLUSION**

The proposed modifications are considered to improve the planning assessment and decision making processes that the City follows in relation to planning applications. It is recommended that Council resolve to adopt the revised policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

**OFFICER RECOMMENDATION (3658)****ADOPTION**

At 9.43pm Cr Willis moved, seconded Cr Foxton–

**That the Council resolves:**

- 1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the revised Council Policy 056: Planning Process and Decision Making 3658 CP 056 Planning Process and Decision Making for the purposes of public consultation for a period of not less than 21 calendar days.**
- 2. Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 056: Planning Process and Decision Making can be approved by the Chief Executive Officer.**

With the agreement of the mover and seconder the following words were included in the motion.

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

*That the Council approve of the following additions to the policy attachment:*

*1. In respect of the DAU call up provisions:*

*“3.5.4 ‘Call Up’ of DAU applications for consideration by Council*

*(a) Where any of the following apply, the DAU application is to be referred to Council for determination:*

*(i) An Elected Member requests that the CEO refer the application to Council for determination. Such requests may be made at the discretion of Elected Members or in response to a request being received by the Elected Members on behalf of an applicant or submitter requesting that a decision be made by the Council. An Elected Member call up request shall only be initiated where, in the opinion of the Elected Member, a ‘relevant planning matter(s)’ has not been adequately addressed by the DAU Report, and only after due consideration and review of the DAU report including consultation with the Director Urban Planning and/or the Manager Statutory Planning. The planning reasons forwarded by the Elected Members in the completed call up request form will be included within the report to the Council. In addition, the Elected Member is to provide a copy of the completed the DAU Call Up Request Form to the CEO’s Executive Assistant and have the support of:*

- Two Councillors; or*
- The Mayor (or Deputy Mayor in their absence) and one Councillor.”*

*2. In respect of the DAP call up provisions:*

*“3.7.6 To facilitate Council involvement in the DAP process, Elected Members can request that the CEO refer an RAR to the Council for information and consideration, where:*

*(a) The DAP application has been the subject of public consultation and submissions in opposition have been received; and/or*

---

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

*(b) The DAP application relates to a site within the Canning Bridge or Melville City Centre Structure Plan areas, and requires consideration of proposed 'community benefits' in lieu of proposed building height.*

*3.7.7 Elected Members will be made aware of such applications via the weekly Elected Members Bulletin (EMB).*

*3.7.8 Following publication of the EMB, Elected Members have until midday the Wednesday following the publication of the Bulletin to request that the RAR be referred to a meeting of Council.*

*3.7.9 An Elected Member call up request is to be provided to the CEO's Executive Assistant, using the appropriate DAP Call Up Request Form and have the support of:*

- Two Councillors; or*
- The Mayor (or Deputy Mayor in their absence) and one Councillor."*

#### Reasons for Amendment

At the Agenda Briefing Forum held on 1 September 2015, Elected Members requested changes to the policy provisions in respect of the call up of DAU and DAP items to the Council. The changes were advised in the Elected Members Bulletin (EMB) of 4 September 2015.

Since publication in the EMB, two further minor changes (highlighted) are proposed to the policy text to include reference to the role of the Deputy Mayor in the call up process outlined by the policy in respect of Development Advisory Unit matters and Development Assessment Panel DA matters.

Details of all changes have been provided in this amendment.

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)****COUNCIL RESOLUTION (3658)****ADOPTION**

**1. That the Council approve of the following additions to the policy attachment:**

**A. In respect of the DAU call up provisions:**

**“3.5.4 ‘Call Up’ of DAU applications for consideration by Council**

**(a) Where any of the following apply, the DAU application is to be referred to Council for determination:**

**(ii) An Elected Member requests that the CEO refer the application to Council for determination. Such requests may be made at the discretion of Elected Members or in response to a request being received by the Elected Members on behalf of an applicant or submitter requesting that a decision be made by the Council. An Elected Member call up request shall only be initiated where, in the opinion of the Elected Member, a ‘relevant planning matter(s)’ has not been adequately addressed by the DAU Report, and only after due consideration and review of the DAU report including consultation with the Director Urban Planning and/or the Manager Statutory Planning. The planning reasons forwarded by the Elected Members in the completed call up request form will be included within the report to the Council. In addition, the Elected Member is to provide a copy of the completed the DAU Call Up Request Form to the CEO’s Executive Assistant and have the support of:**

- Two Councillors; or**
- The Mayor (or Deputy Mayor in their absence) and one Councillor.”**

**B. In respect of the DAP call up provisions:**

**“3.7.6 To facilitate Council involvement in the DAP process, Elected Members can request that the CEO refer an RAR to the Council for information and consideration, where:**

**(a) The DAP application has been the subject of public consultation and submissions in opposition have been received; and/or**

---

**P15/3658 - REVIEW OF COUNCIL POLICY 056: PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

- (b) The DAP application relates to a site within the Canning Bridge or Melville City Centre Structure Plan areas, and requires consideration of proposed 'community benefits' in lieu of proposed building height.*
- 3.7.7 Elected Members will be made aware of such applications via the weekly Elected Members Bulletin (EMB).*
- 3.7.8 Following publication of the EMB, Elected Members have until midday the Wednesday following the publication of the Bulletin to request that the RAR be referred to a meeting of Council.*
- 3.7.9 An Elected Member call up request is to be provided to the CEO's Executive Assistant, using the appropriate DAP Call Up Request Form and have the support of:*
- Two Councillors; or*
  - The Mayor (or Deputy Mayor in their absence) and one Councillor."*
- 2. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the revised Council Policy 056: Planning Process and Decision Making [3658 CP 056 Planning Process and Decision Making](#) for the purposes of public consultation for a period of not less than 21 calendar days.**
- 3. Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 056: Planning Process and Decision Making can be approved by the Chief Executive Officer.**

At 9.43pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (10/0)**

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING BAY  
REQUEST (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Subject Index : Traffic Management  
 Customer Index : Martin Willis  
 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 : Kamal Khalil  
 Traffic & Road Safety Coordinator

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING BAY  
REQUEST (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City received on 23 April 2015, a petition containing 29 signatures from Groves Avenue residents, Bicton and 41 from residents of other streets within the City of Melville, requesting the prevention of all-day parking by non-residents of Groves Avenue in the parking area located on the south west corner of the street.
- The street has been investigated several times at different hours of the day to assess traffic and parking conditions on the road. During the site investigation it was found that the 14 parking bays were all used, however there were only a few cars parked on the western section of the road and the northern section of Groves Avenue was completely free of parked vehicles.
- The issue of parking on Groves Avenue was investigated with the City's Rangers who advised that they have not been called out since 2011 and Groves Avenue is not considered a "hot-spot" when it comes to illegal parking behaviours.
- Site investigations revealed that even though the embayed parking area was fully utilised, there were only a few cars parked on the side of the street which had no impact on traffic flow.
- It is concluded that the request by the residents of Groves Avenue to restrict non-residents of Groves Avenue from parking in the embayed parking area, cannot be justified.

**BACKGROUND**

The City received a petition containing 29 signatures from Groves Avenue residents and 41 signatures from City of Melville residents who reside on other streets other than Groves Avenue on 23 April 2015, which read;

*"We the undersigned all being Electors of the City of Melville do humbly pray that the City of Melville urgently prevents all-day parking by non-residents in the parking bays recently installed in Groves Avenue adjacent to the walkway to Hislop Road. Employees of Melville Motors and Attadale Private Hospital routinely use the facility for all day parking while they are at work, preventing use by residents, visiting tradespeople and park users. The planned high rise developments in Groves Ave will exacerbate this problem."*

Groves Avenue is classified as an Access Road in the Metropolitan Road Hierarchy adopted by Main Roads WA and caters for a traffic volume of up to 3,000 vehicles per day. The latest traffic count on Groves Avenue was in 2001 and showed that the daily traffic volume on Groves Avenue was in the range between 250 vehicles per day (vpd) to 300 vpd. The survey also recorded the 85<sup>th</sup> percentile traffic speed to be in range between 37 kilometres per hour (km/h) to 51 km/h. Groves Avenue has a pavement width of 7.5m and is located west of Lentona Road which extends for approximately 240m from Lentona Road.

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING BAY REQUEST (REC) (ATTACHMENT)**

There are three embayed parking bays on the north-west side, with two hour parking restrictions and 16 embayed parking bays on the south west side within the verge area on Groves Avenue. Prior to the construction of the existing embayed parking in the south-west corner of Groves Avenue as shown in the link below, motorists from the surrounding businesses and Attadale Private Hospital used to park in an unorganised manner, as the verge area was not paved and marked to indicate parking bays, this caused safety and sightline issues.

**[3660 Groves Avenue – Existing Embayed Parking](#)**

In order to restrict the ad-hoc parking practices that were taking place in the area, the verge area was paved and marked, creating 16 car bays for the general public use. The area was also landscaped to enhance the streetscape and new street lighting was installed to improve the security in the street. Before the construction of the existing car bays in March 2012, letters were sent out advising residents of the proposed works.

**DETAIL**

The Petitioners' requested that non-residents of Groves Avenue be prevented from parking all day in the existing parking bays located on south west corner of the street. The Petitioners stated that employees from Melville Motors and Attadale Private Hospital, park all day in the parking area preventing residents, trades people and visitors to Groves Avenue from parking in the street.

The existing parking embayments were constructed in 2012 for general public use and visitors to Mick Jahn Reserve. Site investigations revealed that currently there are three parking bays located on the north-west corner of Groves Avenue with two hour parking restrictions. There are also 16 embayed parking bays located on the south-west corner of the street, just behind the Holden Car Dealership on Canning Highway. These parking bays are marked and have no time restrictions and are mainly utilised by employees of the car dealership and Attadale Private Hospital.

The street has been visited several times at different hours of the day to assess traffic and parking conditions on the road. During the site investigations it was found that the 16 parking bays were all used, however there were only a few cars parked on the side of the road on western section of the road, the northern section of Groves Avenue was completely free of parked vehicles.

The issue of parking on Groves Avenue was discussed with City Rangers who advised that they have not been called out since 2011 and Groves Avenue is not considered a "hot-spot" when it comes to illegal parking behaviours. Groves Avenue could accommodate approximately 21 on road parking bays, in addition to the 16 embayed parking on the verge and the three parking bays with two hour parking restriction. City Rangers have conducted site investigations to assess parking conditions and the availability of on road parking bays for visitors and trades people.

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING BAY  
REQUEST (REC) (ATTACHMENT)**

The table below shows the date and time of inspections and the number of available on road parking:

Date and time of inspection	No. of Parked Vehicles					Available on Road Parking
	On the 16 Embayed Parking	On Road	On Verge	On Cul-De-Sac	On 2hr Parking	
Thursday, 14 May 2015 @ 9:00am	16	5	3	6	3	15
Friday, 15 May 2015 @ 9:30am	16	8	3	4	2	13
Monday, 18 May 2015 @ 12:00pm	16	9	2	5	2	12
Tuesday, 19 May 2015 @ 10:40am	16	8	6	5	2	13
Wednesday, 20 May 2015 @ 12:15pm	16	6	6	4	3	15
Thursday, 21 May 2015 @ 12:45pm	13	6	8	5	3	15
Friday, 22 May 2015 @ 11:30am	16	6	7	5	3	15
Saturday, 23 May 2015 @ 8:45pm	3	8	2	0	0	13
Saturday, 23 May 2015 @ 11:30am	5	6	3	0	0	15
Sunday, 24 May 2015 @ 3:30pm	4	5	2	0	0	16
Friday, 28 May 2015 @ 11:30am	14	5	2	3	2	16

During the site inspections, the City's Rangers did not observe any issues relating to parking and as shown in the table above, on road parking was available at all times.

For large residential and mixed use developments, the planning provisions require that ample on site parking be made available for residents and visitors to the respective sites.

The introduction of 'permit holders only' parking at the existing parking embayments for residents or the introduction of parking restriction signs, would result in the following:

- Visitors to the reserve, and general public, not having a permit will park along the street and verges thereby clogging up the roadway causing sight distance issues, increasing safety risk.
- Employees from Melville Motors and Attadale Private Hospital will park on other streets located within walking distance of their employment place.
- Additional inspections by the City's Rangers, taking them away from sites that require more regular monitoring.

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING PERMIT  
REQUEST (REC) (ATTACHMENT)**

It should be noted that residential parking permits are generally only given when there are parking restrictions on the road and where residences do not have at least one or two bays on their property. As there are no parking restrictions on Groves Avenue, residents are able to park on street.

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

There has not been any community consultation regarding this report. This report has been prepared in response to a Petition from the residents of Groves Avenue.

**II. OTHER AGENCIES / CONSULTANTS**

The City's Neighbourhood Amenity Ranger Services have been consulted and have advised that they have not been called out since 2011, which indicates that there are no parking problems on the street.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report. However, the proposal put forward by the Petitioners for *"the Council to install parking restriction signs to prevent all-day parking by non-residents of Groves Avenue"*, is estimated to cost approximately \$3,500 which is for the installation of parking restriction signs throughout the street.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The installation of parking restriction signs to prevent general public, employees from Melville Motors and Attadale Private Hospital, will result in the general public and the employees parking on other local streets within the area.

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING PERMIT REQUEST (REC) (ATTACHMENT)**

Risk Statement	Level of Risk	Risk Mitigation Strategy
The introduction of timed parking restriction to the embayed area will result in motorists parking on road causing traffic congestion, blocking driveways and increasing safety risk on the street.	Minor Possible <b>Medium</b>	Existing parking conditions to remain unchanged.
The introduction of Permit-holders only parking to the embayed parking area, will result in motorists parking on road causing traffic congestion, blocking driveways and increasing safety risk.	Minor Possible <b>Medium</b>	Existing parking conditions to remain unchanged.

There are no environmental implications associated with this report.

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City could install time restricted parking throughout Groves Avenue, including the embayed parking, however this may lead to public parking on street and may result in safety concerns due to reduced visibility. There would also be a need for additional audits to be conducted by the Rangers. For these reasons, time restricted parking and 'permit holders only' parking is not supported.

**CONCLUSION**

Site investigations have revealed that even though the embayed parking area was fully utilised, there was sufficient on road parking available that visitors and trades people could use.

The road width of 7.5m allows on road parking on one side of the road, with minimal impact on traffic flow and road safety.

In view of the above, it is concluded that the request by the residents of Groves Avenue to restrict non-residents of Groves Avenue from parking in the embayed parking area, is not supported.

**T15/3660 – GROVES AVENUE, ATTADALE – RESIDENTS ONLY PARKING PERMIT REQUEST (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3660) APPROVAL**

At 9.44pm Cr Robartson moved, seconded Cr Phelan –

**That the Council requests the Chief Executive Officer to notify the lead petitioner in writing, that the request for restricting non-residents of Groves Avenue from parking all day in the embayed parking is not supported.**

At 9.47pm the Mayor submitted the motion, which was declared

**CARRIED (7/3)**

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

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

**M15/5000 – COMMON SEAL REGISTER (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report details the document to which the City of Melville Common Seal has been applied for the period from 21 July 2015 up to and including 20 August 2015 and recommends that the information be noted and endorsed.

**M15/5000 – COMMON SEAL REGISTER (REC)**

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>ECM Reference</b>
1120	City of Melville and McLeods Barristers and Solicitors	20 Withdrawals of Caveat - 21 Queens Road, Mount Pleasant (DA-2012-1420)	3644733

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

- (a) *the mayor or president; and*
- (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

**FINANCIAL IMPLICATIONS**

There are no financial implications in this report other than that held in the contracts advised above.

**M15/5000 – COMMON SEAL REGISTER (REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There is no strategic, risk or environmental management implications in this report.

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for Elected Members' information.

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

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the document listed under the Common Seal of the City of Melville from 21 July 2015 up to and including 20 August 2015.**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (10/0)**

**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 31 July 2015 for the Council's information and noting. Investment figures for 2014/20105 are still to be finalised awaiting transfer between accounts as part of the year end process.

**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)**

**BACKGROUND**

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

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

**DETAIL**

Summary details of investments held as at 31 July 2015 are shown in the tables below.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2015</b>	
<b>SUMMARY BY FUND</b>	
	<b>AMOUNT \$</b>
MUNICIPAL	\$ 23,470,943
RESERVE	\$ 85,747,392
TRUST	\$ 613,411
CITIZEN RELIEF	\$ 211,732
	<b>\$ 110,043,478</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	
	<b>AMOUNT \$</b>
11AM	\$ 5,623,316
31DAYS AT CALL	\$ 1,000,000
60DAYS AT CALL	\$ 1,000,000
90DAYS AT CALL	\$ 1,000,000
TERM DEPOSIT	\$ 95,189,517
BOND	\$ 2,000,000
FRTD	\$ 4,000,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 110,043,478</b>
<b>SUMMARY BY CREDIT RATING</b>	
	<b>AMOUNT \$</b>
AA	\$ 6,000,000
AA-	\$ 79,912,833
A+	\$ 11,000,000
A	\$ 2,900,000
A-	\$ 10,000,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 110,043,478</b>

**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)**

The following statements detail the investments held by the City for the period ending 31 July 2015.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2015					
INSTITUTION / INVESTMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	11AM	1.70%	AA-	\$3,300,000	On call
WESTPAC (MAXI BONUS 1)	11AM	1.95%	AA-	\$1,309,562	On call
WESTPAC (MAXI BONUS 2)	11AM	1.95%	AA-	\$1,013,754	On call
				<b>\$5,623,316</b>	
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	2.15%	AA-	\$1,000,000	On call
				<b>\$1,000,000</b>	
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	2.55%	AA-	\$1,000,000	On call
				<b>\$1,000,000</b>	
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	2.65%	AA-	\$1,000,000	On call
				<b>\$1,000,000</b>	
BANK OF QUEENSLAND (TERM)	TERM	Various	A-	\$5,000,000	Various
BANKWEST (TERM)	TERM	Various	AA-	\$16,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	TERM	Various	A-	\$1,000,000	Various
CITIBANK (TERM)	TERM	Various	AA-	\$7,391,769	Various
COMMONWEALTH BANK (TERM)	TERM	Various	AA-	\$14,000,000	Various
AMP BANK (TERM)	TERM	Various	A+	\$5,000,000	Various
ANZ BANK (TERM)	TERM	Various	AA-	\$5,000,000	Various
ING BANK (TERM)	TERM	Various	A-	\$4,000,000	Various
MACQUARIE BANK (TERM)	TERM	Various	A	\$2,900,000	Various
NAB (TERM)	TERM	Various	AA-	\$20,297,748	Various
RABODIRECT (TERM)	TERM	Various	AA	\$4,000,000	Various
ST GEORGE BANK (TERM)	TERM	Various	AA-	\$2,100,000	Various
SUNCORP METWAY LTD (TERM)	TERM	Various	A+	\$6,000,000	Various
WESTPAC (TERM)	TERM	Various	AA-	\$2,000,000	Various
				<b>\$95,189,517</b>	
WESTPAC (FRTD)	FRTD	3.42%	AA-	\$4,000,000	Various
				<b>\$4,000,000</b>	
COMMONWEALTH BANK (RETAIL BOND)	BOND	3.31%	AA	\$2,000,000	20-Dec-15
				<b>\$2,000,000</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	\$230,645	NA
<b>TOTAL FUNDS INVESTED</b>				<b>\$110,043,478</b>	
<b>CREDIT RISK COMPARISON</b>					
CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments	
AA	\$6,000,000	5%	80%		
AA-	\$79,912,833	73%	80%		
A+	\$11,000,000	10%	50%		
A	\$2,900,000	3%	50%		
A-	\$10,000,000	9%	50%		
BBB+	\$0	0%	20%		
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%		Council Decision
<b>TOTAL</b>	<b>110,043,478</b>	<b>100%</b>			

**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)**

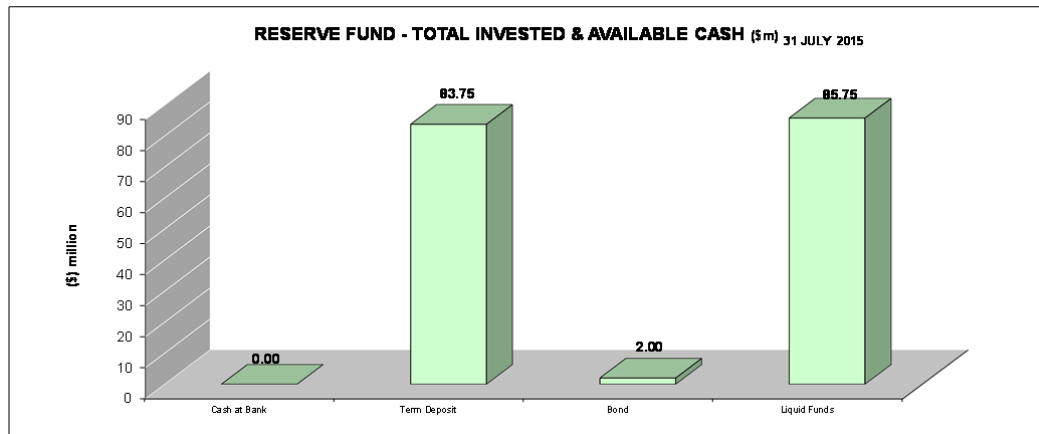
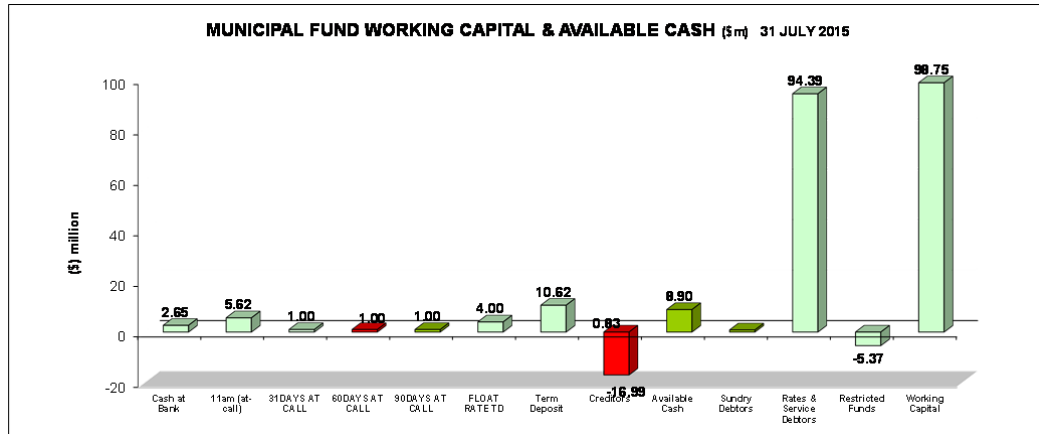
<b>DIVERSIFICATION RISK</b>						
<b>INSTITUTION</b>	<b>INVESTMENT TYPE</b>	<b>S &amp; P RATING</b>	<b>AMOUNT \$</b>	<b>ACTUAL PROPORTION</b>	<b>INSTITUTION PROPORTION</b>	<b>MAX. % WITH ANY ONE INSTITUTION</b>
ANZ BANK (TERM)	TERM	AA-	5,000,000	4.54%	4.54%	20%
AMP BANK (TERM)	TERM	A+	5,000,000	4.54%	4.54%	15%
BANKWEST (11AM)	11AM	AA-	-	0.00%		20%
BANKWEST (TERM)	TERM	AA-	16,500,000	14.99%	14.99%	20%
BANK OF QUEENSLAND (TERM)	TERM	A-	5,000,000	4.54%	4.54%	15%
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	1,000,000	0.91%	0.91%	15%
CITIBANK (TERM)	TERM	AA-	7,391,769	6.72%	6.72%	20%
COMMONWEALTH BANK (TERM)	TERM	AA-	14,000,000	12.72%		20%
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.82%		20%
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	14.54%	20%
ING BANK (TERM)	TERM	A-	4,000,000	3.63%	3.63%	15%
MACQUARIE BANK (TERM)	TERM	A	2,900,000	2.64%	2.64%	15%
NAB (TERM)	TERM	AA-	20,297,748	18.45%	18.45%	20%
RABODIRECT (TERM)	TERM	AA	4,000,000	3.63%	3.63%	15%
ST GEORGE BANK (TERM)	TERM	AA-	2,100,000	1.91%	1.91%	20%
SUNCORP METWAY LTD (TERM)	TERM	A+	6,000,000	5.45%	5.45%	15%
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,309,562	1.19%		20%
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,013,754	0.92%		20%
WESTPAC (MAXI DIRECT)	11AM	AA-	3,300,000	3.00%		20%
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	1,000,000	0.91%		
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	1,000,000	0.91%		
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	1,000,000	0.91%		
WESTPAC (FRTD)	FRTD	AA-	4,000,000	3.63%		20%
WESTPAC (TERM)	TERM	AA-	2,000,000	1.82%	13.29%	20%
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.21%	0.21%	
			<b>110,043,478</b>	<b>100%</b>	<b>100%</b>	

<b>MATURITY COMPARISON</b>			
<b>TERM to MATURITY</b>	<b>AMOUNT \$</b>	<b>ACTUAL PROPORTION</b>	<b>MAX. % IN ANY ONE YEAR</b>
<b>MUNICIPAL &amp; TRUST FUNDS</b>			
< 1 year	23,853,709	100%	100%
	<b>23,853,709</b>	<b>100%</b>	
<b>RESERVE FUNDS</b>			
< 1 year	85,747,392	100%	100%
	<b>85,747,392</b>	<b>100%</b>	

**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)**

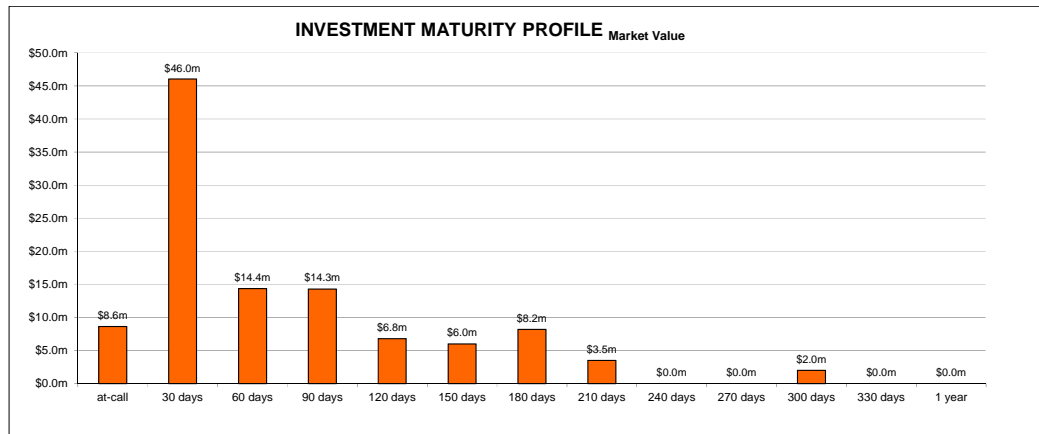
**Net Funds Held**

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 31 July 2015.



**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)**

The graph below summarise the maturity profile of the City's investments at market value as at 31 July 2015.



**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

**FINANCIAL IMPLICATIONS**

For the period ending 31 July 2015:

- Investment earnings on Municipal and Trust Funds were \$54,948 against a year-to-date budget of \$67,917 representing a \$12,969 negative variance. The weighted average interest rate for Municipal and Trust Fund investments as at 31 July 2015 was 2.82% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.14%.
- Investment earnings on Reserve accounts were \$220,394 against a year-to-date budget of \$208,333 representing a \$12,061 positive variance. The weighted average interest rate for Reserve account investments as at 31 July 2015 was 3.24% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.14%.

**C15/6000 - INVESTMENT STATEMENTS FOR JULY 2015 (REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

The interest rate risk is high due to the short-term nature of the City's investments and the inability, due to legislative restrictions, to lock into longer dated investments which attract higher interest rates and help reduce exposure to reductions in interest rates.

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

**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments that are returning low investment returns. These returns however commensurate with the low level of risk of the portfolio.

Future investment earnings are expected to continue to decrease when compared to previous years as interest rates continue to decrease, new restrictions put on banks by the regulators and the legislative restrictions that have been implemented by the State Government limiting term deposits to a maximum term of 12 months, resulting in the City not being able to invest in term deposits with the higher interest rates that are available on longer term investments.

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

**That the Investment Report for the month of July 2015 be noted.**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (10/0)**

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2015 (REC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Financial Statement and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: Not Applicable
Funding	: 2014/2015 Budget
Responsible Officer	: Bruce Taylor – Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the month of July 2015 and recommends that the Schedule of Accounts Paid be noted.

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2015 (REC) (ATTACHMENT)**

**BACKGROUND**

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

**DETAIL**

The Schedule of Accounts Paid for the month ending 31 July 2015 ([6001 July 2015](#)), including Payment Registers numbers, Cheques 473 to 473 and Electronic Funds Transfers batches 371 to 372 was distributed to the Elected Members of Council on 28 August 2015.

Payments in excess of \$25,000 for the month of July 2015 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Arterial Design Pty Ltd	E045359	20% payment for War Memorial at Wireless Hill	\$26,400.00
Boral Bricks WA Pty Ltd	E045217	Brick paving for Melville Beach Road	\$28,223.28
Data #3 Limited	E045283	Subscription for Symantec Cloud Email & Web Safeguard & Microsoft Enterprise License Agreement	\$116,241.96
Devco Holdings Pty Ltd T/AS Devco Builders	Chq 062424	Bespoke furniture for Bull Creek Library	\$27,285.50
Dowsing Concrete	E045390	Concrete crossovers, prams, brick paving at Wichmann Road, Footpaths - Charsly to Woodhams	\$26,906.83
Flexi Staff	E045234	Temporary employment	\$29,960.88
LGIS Insurance Broking	E045189	Motor vehicle insurance premiums, Management liability	\$191,889.34
LGIS Liability	E045188	Property insurance, worker compensation covers, liability & crime insurance.	\$917,423.98
MMM WA Pty Ltd	E045293	Progress payment for limestone revetment and retaining wall works at Melville Beach Road	\$136,038.76
Synergy	E045233	Electricity charges	\$100,971.79
Water Corporation	Chq 062417	Sale of land at Clive Street Mount Pleasant & water charges	\$517,987.86
Western Australian Local Government Association	E045285	Subscriptions, advertising & training	\$78,795.50
Western Power	E045231	Installation of streetlights at 2 Wheatley Drive Bull Creek	\$71,804.00

---

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2015 (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**

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure 019 Purchasing and Procurement.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

---

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2015 (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)****NOTING**

**That the Council notes the Schedule of Accounts paid for the month ending 31 July 2015 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 July 2015](#)**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (10/0)**

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2015 (AMREC)  
(ATTACHMENTS)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity for the period ending 31 July 2015 and recommends that they be noted by the Council. The final figures for 2014/2015 are still to be finalised.
- Budget amendments for the period ending 31 July 2015 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of July 2015 and recommends that they be noted by the Council.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2015 (AMREC)  
(ATTACHMENTS)**

**BACKGROUND**

The Statements of Financial Activity for the period ending 31 July 2015 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**DETAIL**

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

For the period ending 31 July 2015, net operating positive variances of \$2.032m and net capital positive variances of \$351k were recorded.

**Variations**

A summary of variances and comments are provided in attachment [6002H July 2015](#).

**Revenue**

\$80.727m in Rates was raised to 31 July 2015. This is compared with a revised year to date budget of \$80.581m, resulting in a positive variance of \$146K.

CITY OF MELVILLE STATEMENT OF VARIANCE IN EXCESS OF \$50,000 FOR THE PERIOD ENDED 31 JULY 2015							
	July Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
<b>Revenues</b>							
Community Amenities	1,666,403	1,455,263	1,666,403	211,140	15%	3,205,507	3,055,507
Transport	(46,026)	97,783	(46,026)	(143,810)	-147%	3,124,779	3,004,929
	8,884,829	9,028,604	8,884,829	(241,091)	-2%	31,697,763	31,427,913
<b>Expenses</b>							
Governance	(234,930)	(317,192)	(234,930)	82,261	-26%	(4,195,642)	(4,061,623)
General Purpose Funding	(39,842)	(351,071)	(39,842)	311,229	-89%	(4,243,834)	(4,243,834)
Law, Order, Public Safety	(246,005)	(301,711)	(246,005)	55,706	-18%	(3,807,299)	(3,807,299)
Education & Welfare	(175,151)	(229,116)	(175,151)	53,965	-24%	(2,899,612)	(2,878,574)
Community Amenities	(854,432)	(1,958,434)	(854,432)	1,104,002	-56%	(24,390,165)	(24,390,165)
Recreation and Culture	(1,737,498)	(2,441,970)	(1,737,498)	704,471	-29%	(29,594,045)	(29,582,680)
Transport	(245,382)	(719,476)	(245,382)	474,094	-66%	(8,903,681)	(8,925,219)
Economic Services	(243,637)	(172,395)	(243,637)	(71,243)	41%	(2,142,783)	(2,142,783)
Other Property and Services	(3,660,751)	(2,814,720)	(3,660,751)	(846,032)	30%	(20,130,413)	(20,275,297)
	(7,516,523)	(9,393,136)	(7,516,523)	2,128,543	-20%	(101,412,725)	(101,412,725)
<b>Capital Revenue &amp; Expenditure</b>							
Purchase of Furniture & Equipment	(62,085)	(255,947)	(62,085)	193,861	-76%	(1,476,120)	(1,476,120)
Purchase of Plant & Equipment	-	(70,950)	-	70,950	-100%	(4,496,368)	(4,496,368)
Purchase of Infrastructure Assets	253,162	150,000	253,162	103,162	69%	(16,644,956)	(16,375,106)

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2015 (AMREC)  
(ATTACHMENTS)****Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for July 2015.

**Budget Amendments**

Details of Budget Amendments requested for the month of July 2015 are shown in attachment [6002J July 2015](#). Highlighted are 4 budget amendment journals greater than \$50,000 that were processed in July 2015.

- \$23,714,335 – Allocation to the various officers for capital works programme from responsible officer 484.
- \$676,817 – Transfer for Arts & Events Programs due to restructure of Community Development.
- \$ 2,388,302 – Transfer from Customer Service Coordinator (225) to Coordinator Customer Relations (381).
- \$119,850 – Reversal of budget for grant funding from Department of Transport for Farrington Road.

**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 \$8,520,215 were collected over the course of the month. Rates collection progress for the month of July is 5.6% below target which represents a dollar value of \$5,424,415. As at 31 July, 7.4% of 2015/2016 rates had been collected. This was 20.1% less than collected for the same time last year.

Total sundry debtor balances increased by \$429,318 over the course of the month from \$408,106 to \$837,424. The 90+ day's debtor balance decreased by \$8,529 from \$25,636 to \$17,107.

**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.

Two debts with a value of \$574.85 and \$341.92 were written off under delegated authority in the month of July 2015, as the owners of the property are deceased.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2015 (AMREC)  
(ATTACHMENTS)**

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

DESCRIPTION	LINK
Rate Setting Statement July 2015	<a href="#">6002A July 2015</a>
Statement of Financial Activity – July 2015	<a href="#">6002B July 2015</a>
Representation of Net Working Capital – July 2015	<a href="#">6002E July 2015</a>
Reconciliation of Net Working Capital – July 2015	<a href="#">6002F July 2015</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – July 2015	<a href="#">6002H July 2015</a>
Details of Budget Amendments requested – July 2015	<a href="#">6002J July 2015</a>
Summary of Rates Debtors – July 2015	<a href="#">6002L July 2015</a>
Graph Showing Rates Collections – July 2015	<a href="#">6002M July 2015</a>
Summary of General Debtors aged 90 Days Old or Greater – July 2015	<a href="#">6002N July 2015</a>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2015 (AMREC)  
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

Variances are dealt with in attachment [6002H July 2015](#) (Notes on Statement of Variances in excess of \$50,000).

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2015 (AMREC)  
(ATTACHMENTS)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**CONCLUSION**

The attached financial reports reflect a positive financial position of the City of Melville as at 31 July 2015.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)**

**ABSOLUTE MAJORITY**

At 9.48pm Cr Robartson moved, seconded Cr Willis -

**That the Council:**

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 31 July 2015 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement July 2015	<a href="#">6002A July 2015</a>
Statement of Financial Activity – July 2015	<a href="#">6002B July 2015</a>
Representation of Net Working Capital – July 2015	<a href="#">6002E July 2015</a>
Reconciliation of Net Working Capital – July 2015	<a href="#">6002F July 2015</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – July 2015	<a href="#">6002H July 2015</a>
Details of Budget Amendments requested – July 2015	<a href="#">6002J July 2015</a>
Summary of Rates Debtors – July 2015	<a href="#">6002L July 2015</a>
Graph Showing Rates Collections – July 2015	<a href="#">6002M July 2015</a>
Summary of General Debtors aged 90 Days Old or Greater – July 2015	<a href="#">6002N July 2015</a>

- By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for July 2015, as detailed in attachment [6002J July 2015](#).**

At 9.48pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)**

**16. EN BLOC ITEMS**

At 9.55pm Cr Aubrey moved, seconded Cr Phelan –

**That the recommendations for items P15/3657, M15/5000, C15/6000 and C15/6001 be carried En Bloc.**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

**17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****17.1 Murdoch Police Station****COUNCIL RESOLUTION**

At 9.49pm Cr Willis moved, seconded Cr Robartson –

**That the Minister of Police and Local State Members of Parliament be advised that the City of Melville supports the need for the Murdoch Police Station operating 24/7 due to the importance of its location within the Region.**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

Reasons for Motion

Cr Willis provided the following reasons in support of the motion.

1. The recent break out from the Murdoch Rehabilitation Centre highlights the change in the role of the centre. Originally it was just a holding facility for juveniles before they were sentenced. Now it's a Rehabilitation Facility with senior inmates.
2. The Murdoch Precinct is experiencing massive growth with some 35,000 new jobs expected servicing over 100,000 persons each day that need to go to hospitals, medical consultants, education facilities and businesses in this locality.
3. With increase in theft there is a growing concern in our community that Police need to be seen and active in this area.

**18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil.

**19. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 9.55pm.