



**MINUTES**

**OF THE**

**ORDINARY MEETING OF COUNCIL**

**HELD ON**

**TUESDAY 20 MAY 2014**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 20 MAY 2014.**

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**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, Russell Aubrey

**COUNCILLORS**

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

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr T Cahoon (until 9.32pm)	Manager
Mr L Hitchcock	Executive Manager Legal Services
Ms J Wardell-Johnson (until 11pm)	A/Planning Services Coordinator
Mr A Donaghey (until 11pm)	Senior Planning Officer
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms J Paparella	Minute Secretary

At the commencement of the meeting there were 71 members of the public and one member from the Press in the Public Gallery.

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

Nil.

**4.2 APPROVED LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Nil.

**6. QUESTION TIME****6.1 E Nicholson, Applecross**Question

*“What are the economic, social and environmental reasons which the City believes justifies the use of approximately 238 square metres of State declared Bush Forever Site No. 228 (Blue Gum Lake Reserve) for the purposes which include storage of fertilizers, chemicals and grass clippings within 50 metres of a nationally accredited wetland.”*

Response

The matters raised in this question have been addressed in the report entitled “Blue Gum Park Tennis Club Lease Extension” that is an item to be discussed this evening.

**6.2 MA Oliver, Booragoon**Question

*“Would all councillors who have any interest in the proposed development by Blue Gum Park Tennis Club into the Blue Gum Reserve please reveal that interest and refrain from voting on any matters to do with that development?”*

Response

His Worship the Mayor responded by saying that all Councillors will declare their interest. Whether they have to refrain from voting will depend on the type of interest they need to declare i.e. a Financial or Proximity Interest. It will be up to the Council to determine whether they will be allowed to vote.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 15 APRIL 2014**  
**Minutes 15 April 2014**

At 6.37pm Cr Willis moved, seconded Cr Schuster –

**COUNCIL RESOLUTION**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 April 2014, be confirmed as a true and accurate record.**

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

**CARRIED UNANIMOUSLY (13/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 6 MAY 2014**  
**Notes 6 May 2014****COUNCIL RESOLUTION**

At 6.37pm Cr Hill moved, seconded Cr Aubrey –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 6 May 2014, be received.**

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

**CARRIED UNANIMOUSLY (13/0)**

**8.1 SPECIAL MEETING OF COUNCIL – 14 APRIL 2014**  
**Minutes 14 April 2014****COUNCIL RESOLUTION**

At 6.38pm Cr Foxtton moved, seconded Cr Reynolds –

**That the Minutes of the Special Meeting of Council held on Monday, 14 April 2014, be confirmed as a true and accurate record.**

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

**CARRIED UNANIMOUSLY (13/0)**

## 9. DECLARATIONS OF INTEREST

### 9.1 FINANCIAL INTERESTS

Nil.

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

- CD14/8060 - Cr Schuster – Interest under the Code of Conduct
- CD14/8060 - Cr Aubrey – Interest under the Code of Conduct
- CD14/8060 - Cr Pazolli – Interest under the Code of Conduct

## 10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.40pm Cr Aubrey moved, seconded Cr Willis -

**That the applications for new leaves of absence submitted by Cr Hill, Cr Macphail, Cr Pazolli and Cr Phelan on 20 May 2014 be granted.**

At 6.40pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (13/0)**

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

Nil.

## 12. PETITIONS

### 12.1 Petition – Retain Bush Forever Area 228 boundaries, Reject Application for Blue Gum Park Tennis Club to Extend Boundary

A petition signed by 99 residents and two non residents was received by the City of Melville on Tuesday 20 May 2014. The petition reads as follows –

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that –*

1. The City of Melville retain the Bush Forever area 228 boundaries, as set out in the current Metropolitan Region Scheme and City of Melville Town Planning Scheme No. 5.
2. The City of Melville revegetate the area adjacent to the western boundary with the Blue Gum Park Tennis Club as proposed in the Blue Gum Lake Reserve Strategic Management Plan (2012).
3. The City of Melville to reject the application for the Blue Gum Park Tennis Club to extend its boundary, and to utilize an area within the currently leased boundaries for a shed, rubbish bins and parking of vehicles.

Note: A further three signatures were received at the Council Meeting, two of which were residents of the City of Melville.

**12. PETITIONS (Continued)****COUNCIL RESOLUTION**

At 6.43pm Cr Macphail moved, seconded Cr Aubrey –

- 1. That the petition bearing 104 signatures be acknowledged in writing to the lead petitioner and considered by the Council in conjunction with Item Late Item CD14/8060 - Blue Gum Park Tennis Club Lease Extension.**
- 2. That the lead petitioner be advised in writing of the resolution of the Council on the related report.**

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

**CARRIED UNANIMOUSLY (13/0)**

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

At 6.43pm His Worship the Mayor brought forward Item CD14/8060 – Blue Gum Park Tennis Club Lease Extension for discussion.

**DEPUTATIONS**

From 6.44pm to 7.23pm a deputation was heard from Mr B Thomas (Blue Gum Park Tennis Club).

From 7.25pm to 8.00pm a deputation was heard from Dr J MacCallum, Mr H MacCallum and Mr D Collard (Friends of Booragoon and Blue Gum Lakes).

At 8.01pm to 8.39pm a presentation was given by Mr L Hitchcock and Mr T Cahoon.

At 7.27pm Mr Tieleman left the meeting and returned at 7.29pm.

At 7.30 Cr Aubrey left the meeting and returned at 7.32pm.

At 7.57pm Cr Phelan left the meeting and returned at 7.59pm.

At 8.01pm Cr Macphail left the meeting and returned at 8.03pm.

At 8.18pm Cr Reynolds left the meeting and returned at 8.21pm.

At 8.21pm Cr Robartson left the meeting and returned at 8.24pm.

At 8.27pm Mr Cope left the meeting and returned at 8.332pm.

At 8.30pm Cr Foxtan left the meeting and returned at 8.32pm.

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENSION (REC)**  
**(ATTACHMENT)**Disclosure of Interest

Item No.	CD14/8060
Member	Cr R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	The Club encouraged members to support Cr Aubrey on her election campaign
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	CD14/8060
Member	Cr N Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member for Council on Beeliar Wetlands Committee and sister is a member of Blue Gum Friends Group
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	CD14/8060
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Blue Gum Tennis Club wrote a letter to members supporting Cr Schuster's 2013 election candidacy.
Request	Not Applicable
Decision of Council	Not Required

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)**  
**(ATTACHMENT)**

Ward : City  
 Category : Operational  
 Subject Index : Blue Gum Park Tennis Club  
                   Blue Gum Reserve  
 Customer Index : Blue Gum Park Tennis Club  
                   Blue Gum Reserve  
 Disclosure of any Interest : No Officer involved in the preparation of this  
   report has a declarable interest in this matter.  
 Previous Items : (w86/2) Item 1128, Minute 4(1)10 April 1986  
   CD12/8047 Blue Gum Park Tennis Club Self  
   Supporting Loan Request July 2012.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Louis Hitchcock  
   Executive Manager Legal 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>

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The boundary of the Blue Gum Lake bush reserve and the Blue Gum Park Tennis Club's current leased area is unclear.
- The Blue Gum Park Tennis Club has utilised an area on the western boundary since the Club's inception which may or may not be included in its current leased area.
- A formal proposal has been received from the Club to formalise a greenkeeper's compound and access to the tennis courts for maintenance and upkeep.
- This item is to determine the extent of approvals to accommodate the request from the Blue Gum Park Tennis Club to formalise its leased area.

**BACKGROUND**

In 1974, the Blue Gum Park Tennis Club (Inc) was formed.

In February and March 1975, a number of design concepts were prepared for the development of community facilities at the Blue Gum Park Reserve. These included:

- Potential placing of public toilets,
- Car parking,
- Kindergarten and health centre,
- Public library, and
- Community hall and squash courts.

In October 1984, a further concept was developed which included:

- The Blue Gum Recreation Centre as a community hall,
- The tennis and squash clubs;
- A revised reserve boundary;
- A car parking area; and
- Four hard surface tennis courts.

In March 1986, further amendments were made that included additional grassed tennis courts. In April 1986, the location of the courts was adopted by Council (w86/2) Item 1128, Minute 4(1)10.

The Blue Gum Park Tennis Club signed a ten year lease, with a ten year option, commencing 1 October 1984. In 1989, a deed of variation extending the leased area was completed and approved by the Minister of Lands . The extent of the leased area for the period 1984 – 2004 is shown in figure 1 below:

[8060 Blue Gum Park Tennis Club Lease Extension Attachment 1](#)

CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)

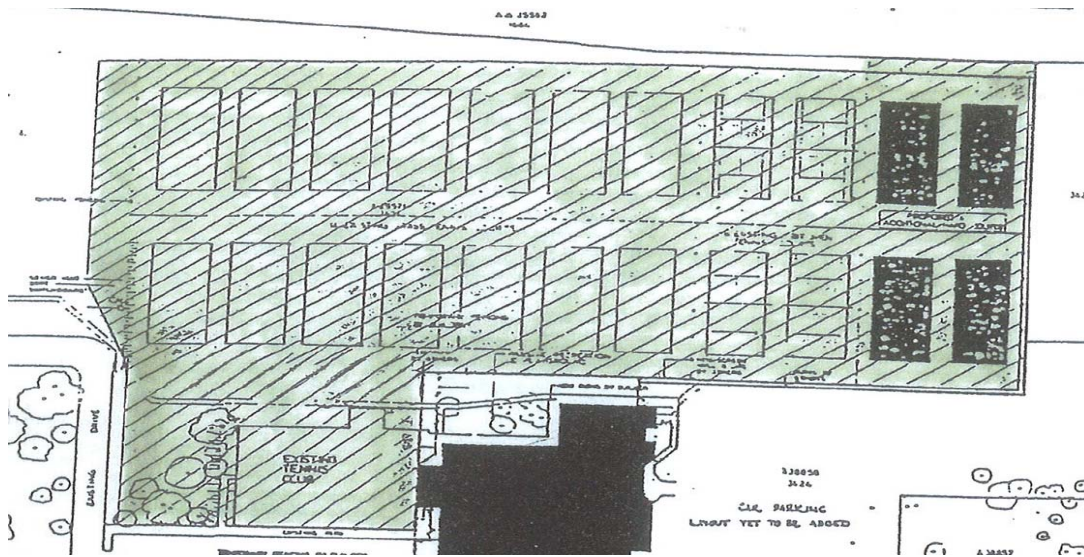


Figure 1

The most western boundary is in line with the western side of the roadway known as Roundtree Road.

In 2004 the Blue Gum Park Tennis Club signed a ten year lease expiring in 2014. The most Western part of the highlighted section in figure 1 is not included on the map (figure 2) in today's lease document. This section is not in line with the western side of the roadway known as Roundtree Road.



The image above has been taken from the 2004 Lease. Figure 2

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

Officers cannot find any evidence or any records between the Minister for Lands, City of Melville and the Blue Gum Tennis Club suggesting that the boundary at the Tennis Club would be changed.

It is most likely that the area highlighted in today's lease was created by an Officer not knowing that the leased area included the most western part of the highlighted section in figure 1 above. Additionally the map identifying the current lease area does not accurately delineate the boundary of the lease and could have been interpreted by the Club as a guide only.

The Club was successful in obtaining funding through the Department for Sport and Recreation's Community Sport Recreation Facilities Fund to convert four natural grass courts into synthetic grass courts and install floodlighting to these courts. To accommodate the installation the Club requested to extend the western fence by two metres, still within the boundary, so no net loss of courts and proper rotation of the remaining grass courts was achieved. Whilst permission was sought by the Club, and approval was given for a fence line extension, it was conditional to the extension being within its current leased area.

The Club subsequently extended the most western external fence by two metres within their leased area as per the original 1984 lease and the 1989 Deed variation.

Consequently, and following discussions with Officers, the Club in December 2012 approached the City of Melville to formally extend their leased area to:

1. Retain the two metre boundary extension (as it is unclear if this is within the current leased area).
2. Construct a green keeper's compound (to clearly delineate the Club's leased area).
3. Install a two metre walkway on the western and northern section of the leased area. (These areas are currently used by the general public as a thoroughfare and Club spectators to watch games of tennis).

The City's Executive Management Team having considered the Club's application for an extended leased area informed the Club President that:

- The Club would not be asked to remove and reinstate previous fence line. The Club's proposal for a formalised compound was considered excessive. However it was accepted the Club requires access to courts for operational reasons.
- The Club would need to reconsider the request so that the compound area would terminate prior to the tree to the western side of the tennis courts and approximately four metres past the court access gates
- The request to lease the two metre walk way around the perimeter of courts is not supported.

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

- Subject to support for an amended compound design from the Executive Management Team, the appropriate approvals from Department for Environment Regulation and Minister for Lands would be required.
- The Club would be required to erect fencing/barrier to clearly delineate the leased area at their own costs.
- Should approvals be given an accurate survey of the leased area will be undertaken by the Club. The works are then to be undertaken and simultaneously an amended lease document would be updated.

On 7 November 2013 the Club resubmitted its plans for the compound area with the following changes:

- The elimination of the two metre strip on the northern and north western boundaries (434 m<sup>2</sup> reduction).
- A reconfigured 7m x 34m compound reduced in area by 122 m<sup>2</sup>.
- A smaller storage shed reduced from 10m x 15m to 6m x 6m.

At the April 2014 Ordinary Meeting of Council, a motion was supported;

***That the Council –***

- A) Requests the Chief Executive Officer to refer the submission by the Blue Gum Park Tennis Club for a modification of their lease, which includes an extension of their lease boundary to the west of the grass courts to accommodate a shed and storage compound, to the Council for determination.***
- B) This referral is to be made to the May 2014 meeting of the Council if at all possible.***

**DETAIL**

The Blue Gum Park Tennis Club have requested that the western boundary of their leased area be extended by an area of 7m x 34m.

The area will formalise an access point for maintenance and upkeep of the courts, allow an area to contain grass clippings/delivery of top soil, etc and allow for a new storage shed to be constructed off the grass court area.

**[8060 Blue Gum Park Tennis Club Lease Extension Attachment 2](#)**

The Club has also provided rationale for this change to their leased area as part of their request

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

The Blue Gum Park Tennis Club is located next to an area of bushland that is maintained by the City of Melville. This bushland is:

- A Western Australian Planning Commission Bush Forever site (site 228);
- Part of the Beeliar Regional Park;
- Listed as a Conservation Category wetland by the Department of Environment and Conservation;
- Listed as Natural Site 10643 under the Register of the National Estate;
- Classified as a high priority reserve under the City of Melville Natural Areas Asset Management Plan;
- Monitored by a Friends of group, and
- Contains valuable native flora and fauna that needs to be protected.

The area requested by the Club for a green keeper compound is part of the Bush Forever site 228.

Figure 3 and 4 below depict the area where the requested compound and shed area is to be located.



**Figure 3**

Figure 3 looks north and shows the view from car park access from Roundtree Road and the site for the proposed compound. As the western boundary of the Club's leased area in 1984 – 2004 was inline with the western side Roundtree Road, the red dotted line gives an indication of the boundary of the previous leased area west of the courts was located.

CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)



**Figure 4**

Figure 4 is looking north along the degraded area. Peg 1 approximately represents the area as approved by the original lease and Deed of Variation of lease signed between the City of Melville, the Blue Gum Park Tennis Club and approved by the Minister for Lands in October 1989.

Peg 2 approximately represents the seven metre width of the compound as requested by the Blue Gum Park Tennis Club. This is approximately one metre wider than the leased area of 1984-2004.

It should also be noted that in the Deed of Variation in 1989, the approved use of land represents an approximately 70 metres length of the western boundary at the Blue Gum Park Tennis Club. The Club request is for use of the degraded area of 34 metres which is approximately half that of the previously approved lease area.

The tennis courts and use of the western part of the leased facilities is evident in the following Intramaps aerial photograph taken in 1979 (Figure 5). This is prior to:

- The construction of the tennis club rooms
- The Club operating at its current capacity
- The introduction of the State of Western Australia's Bush Forever Plan.

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**



**Figure 5**

It shows the lack of trees, bush or shrubs on the western side of the courts in line with the northern roadway known as Roundtree Road is clearly evident.

It is evident the Club has been using this area, which was part of their leased area from 1984 to 2004, since the establishment of the Club. The Club has also confirmed this to be the case.

The City of Melville bushland maintenance teams have been working in recent years to restore the area adjacent to the proposed compound area to try and counteract the existing edge effects created by the current informal compound. There is an active community group working in the reserve and this group has raised concerns on several occasions about the incursion from the tennis club and the effects of grass weeds in the adjacent area of bushland.

Historically there have been concerns raised by the City and the community regarding encroachment and illegal dumping into the bushland by the Blue Gum Park Tennis Club. Some of which can be directly attributed to the Club but on other occasions it has been incorrectly assumed it was the Club and was a case of illegal dumping of litter by unknown persons. It is clear that the current situation of an informal compound and the lack of a clearly defined leased area is attributing to conflict between all parties. All parties involved would agree this is not acceptable and requires resolution.

**STAKEHOLDER ENGAGEMENT**

Internal consultation was conducted with Parks and Environment Services, Strategic Urban Planning and Health and Lifestyle Services.

**[8060 Blue Gum Park Tennis Club Lease Extension Attachment 3](#)**

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)**  
**(ATTACHMENT)****I. COMMUNITY**

Officers have negotiated with the Club and arrived at a significantly reduced development request.

The following feedback was provided by the Club:

- The compound area is critical to its operations of the Club and has been used since it commenced operations from the site for:
  - Grounds staff access,
  - Delivery of materials for the courts,
  - Service entrance to the tennis courts.
- The surrounding bush area has been degraded for some time and not solely by the Clubs operations,
- There is one non native and one native species in the affected area,
- The Club states that it has been using parts of the site for over 30 years,
- The Club is on occasion, accused unfairly of dumping materials in and around the surrounding reserve,
- The Club also highlights that it provides programs and services for over 752 members of which 90% are City of Melville residents who are not only exposed to Club activities but also to the natural surrounds of the Club's facilities.

Officers also held an on site meeting with the convener of the Friends of Blue Gum Reserve to discuss the proposal once the extent of the development was known.

Initial email feedback from the convener indicated some support for the proposal from Blue Gum Park Tennis Club. However, further correspondence received objected to any proposal to increase the Tennis Club's leased area. The reasons for the objection to the proposal by the convener of the Friends of Blue Gum Reserve are referred to in the following attachment.

[8060 Blue Gum Park Tennis Club Lease Extension Attachment 4](#)

**II. OTHER AGENCIES / CONSULTANTS**

After the establishment of tennis courts at Blue Gum Park Tennis Club, the State of Western Australia's Bush Forever Plan was introduced in 2000. Because of this Officers have sought advice from the following Government Agencies:

- The Department of Parks and Wildlife
- The Department of Environment Regulation

The Department of Parks and Wildlife provided general information on the process to be followed should clearing be required. It also clarified the most sensitive area within the Bush Forever Plan 228 and advised that development approvals were a consideration for the City of Melville.

Given the feedback from the Department of Parks and Wildlife regarding the Club's request it should be noted that:

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

- The most northern section of the greenkeepers compound is the only section of the development that falls within the most sensitive area map as highlighted by the Department of Parks and Wildlife;  
[8060 Blue Gum Park Tennis Club Lease Extension Attachment 5](#)
- The remainder of the western border will not be included in the Club's leased area and can be revegetated;
- The north eastern tennis courts also fall within the most sensitive area as highlighted by the Department of Parks and Wildlife sensitive area map; and
- There is one non native and one native species in the proposed extended lease area.

Based on the advice from the Department of Parks and Wildlife it was noted that a clearing permit would not be required for this development. However Officers believed that an assessment should be made of the area by the Department of Environment Regulation. Subsequently an application has been lodged with the Department of Environment Regulation for a clearing permit so that the assessment can be undertaken.

**STATUTORY AND LEGAL IMPLICATIONS**

It is an offence under Section 51 of the *Environmental Protection Act 1986* (EP Act 1986) to clear or modify bush in such an area without an exemption or a clearing permit.

Changes to the existing lease will require approval by Minister for Lands

**FINANCIAL IMPLICATIONS**

As this is a Club request there will be no financial impact other than Officers time on assisting the Club in lodging the appropriate applications to gain the required approval/rejection. If approved, further Officers time will be required to assist with the implementation and monitoring of the works, particularly the environmental restoration.

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>That the Tennis Club misuses the compound and storage area resulting in the continuation of cross contamination and degradation of surrounding bushland.</p>	<p>Moderate consequences which is likely, resulting in a <b>HIGH</b> level of risk</p>	<p>Formalise a compound and storage area that will contain the grass clippings to prevent incursion into the bushland. That the tennis club plant native species around the new facility to prevent further degradation in the area.</p> <p>Ensure that the Club develops an operational management plan, which demonstrates the Club's commitment to the ongoing management of the tennis courts to lessen any detrimental impact on the surrounding bushland</p> <p>Conduct an annual meeting with all stakeholders - Parks and Environment Service area, the Friends of Blue Gum Reserve community group and Blue Gum Park Tennis Club meet to discuss the implementation of an approved operational management plan/strategy for the operations of the tennis club and a protection plan/strategy for the Bush Forever site.</p>

**POLICY IMPLICATIONS**

- Environmental Policy CP-030 outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment.
- Physical Activity Policy CP-028 objective is to increase opportunities for physical activity leading to the improved health and wellbeing of the community

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could refuse the request to extended the leased boundary and deny access to the courts through this area. However not approving the installation of a green keeper's compound and shed will:

- Deny the Club access to an area it has used for over 30 years;
- Provide ongoing uncertainty of access to the tennis courts;
- Cause significant operational issues at the Club when considering the maintenance requirements of the grass and synthetic courts;
- Provide ongoing uncertainty of leased area;
- Continued difficulties in revegetation; and
- Allow for continued community dissatisfaction.

The lease history and Officer knowledge suggests that the use of the compound area is common practice and was supported by the City and the Minister for Lands. The area in question has had no significant bushland since 1979.

The request from the Blue Gum Park Tennis Club to install a seven metre by 34 metre green keeper's compound with a 6m x 6m storage shed provides the Club with a clearly delineated operations area eliminating any doubt to the extent of the Club's leased boundary. It will also allow the Club to continue the storage of rubbish in bulk bins but will have a sealed surface rather than the current sandy surface. This will provide for more controlled rubbish and green clipping collection. The added benefit of installing the compound and shed is the return of a portion of the 1984 leased area to bushland.

There are two further alternatives:

1. To reduce the number of tennis courts at the Club lessening the amount of leased area that the Club leases from the City.
2. To terminate the existing lease and close the Club due to its proximity to Bush Forever site 228.

The alternate options would create significant outrage by the sporting community.

The Blue Gum Park Tennis Club provides programs and services for over 752 junior and senior members and reports that 90% are City of Melville residents.

The sports national governing body Tennis Australia has elevated Blue Gum Park Tennis Club (Inc) to the status of a 'Sub Regional' Tennis Centre.

The Club has recently invested over \$485,000 to improve its facilities for its members in providing playing surfaces that save water and lessens the use of fertilisers.

Any reduction of courts would create difficulties for the club operationally, including the ability to pay back its self supporting loan of \$130,000 approved at the July 2012 Council meeting.

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

These alternate options would not fulfil an objective of the City of Melville Physical Activity Policy CP-028 to increase opportunities for physical activity leading to the improved health and wellbeing of the community.

**CONCLUSION**

The area as highlighted in Figure 5 in 1979 clearly indicates that it was scarce of native fauna even prior to:

- The tennis club rooms being built.
- The Club's current playing capacity.
- The introduction of the Bush Forever Plan.

From 1 October 1984 through to 2004 Blue Gum Park Tennis Club Lease included the most western section of the leased boundary. In 2004 this plan was amended and Officers cannot find any evidence or any records between the City of Melville and the Tennis Club suggesting that the boundary at the Tennis Centre would be changed. It is apparent from the diagram attached to the 2004 lease that it is an indicative depiction of the leased area and not the result of a survey thereof.

Since 1984 the Club has used the Western area as a critical point of entry for grounds maintenance which has contributed to the degradation of that area. A suitably designed and workable compound area could prevent the edge effect, cross contamination and provide suitable outcomes for all parties.

The Club's development application fulfils a need to "make formal" the use of this area. Further value can be achieved by requiring the Club to assist the City in the rehabilitation of the remaining degraded area adjacent to the proposed greenkeeper compound.

Since the introduction of Bush Forever sites there has been increased awareness and enforcement of measures to protect significant bushland for future generations. How well this has been communicated to the Tennis Club is unknown but does not prevent the Club from gaining an understanding of the potential impact the Club's operations may have on the surrounding Bush Forever site.

Working together will ensure that the needs of all interested stakeholders are accommodated and would see the Club operations clearly delineated, the remaining degraded area rehabilitated and appropriate future operational management of the courts to lessen the environmental impact on the surrounding bushland.

Increased communications between the City, the Blue Gum Park Tennis Club and the Friends of Blue Gum Reserve will assist in improving the management of the area.

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

At 7.16 pm Cr Pazolli moved, seconded Cr Taylor-Rees –

**That in accordance with the City of Melville Standing Orders Local Law clause 11.1(f):**

**The ruling of the Presiding Member be disagreed with.**

At 7.18pm the Mayor submitted the procedural motion, which was declared

**LOST (4/9)**

<b>Vote Result Summary</b>	
Yes	9
No	4

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

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

At 8.40pm Cr Schuster left the meeting.

**OFFICER RECOMMENDATION (8060)****APPROVAL**

At 8.40pm Cr Macphail moved, seconded Cr Reynolds –

1. **That the Council approve the request by the Blue Gum Park Tennis Club to extend it's leased area to accommodate a greenkeepers compound on the western boundary of the tennis courts be endorsed subject to:**
  - a. **Receiving approval from the Minister for Lands to extend the leased area,**
  - b. **The development of a design to the satisfaction of the City of Melville's Director Technical Services and that is supported by relevant state departments,**
  - c. **Submission and attainment of Clearing, Planning and Building permits,**
  - d. **The developments are fully funded by the Blue Gum Park Tennis Club including the production of a survey of the leased area.**
  - e. **The Blue Gum Park Tennis Club contributing \$7,650 cash over five years to the ongoing rehabilitation of the remaining degraded area adjacent to the extended leased area.**
  - f. **The Blue Gum Park Tennis Club provides written confirmation that:**
    - i. **It will enter into an amended lease agreement in a manner that nurtures due care and attention to the surrounding Bush Forever Site 228,**
    - ii. **It is clearly of the understanding that no future development request can be made for further encroachment into the Bush Forever Site 228,**
    - iii. **It understands that any use outside of the new leased area without express approval from the City of Melville or relevant Government Agencies may attract significant fines and may invoke a review of the lease,**
    - iv **It will prior to any major ground works contact the City of Melville's Environmental Service area with the maintenance schedule.**
2. **That an operational management plan is developed by the Blue Gum Park Tennis Club to the satisfaction of the City, which demonstrates the Club's commitment to the ongoing management of the tennis courts to lessen any detrimental environmental impact on the surrounding bushland.**
3. **That an annual meeting and site inspection of the Blue Gum Reserve is convened by the City inviting the Blue Gum Park Tennis Club and the Friends of Blue Gum Reserve to discuss the implementation of the approved operational management plan and to identify any necessary improvements.**

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**Amendment 1

At 8.40pm Cr Macphail, with agreement from the seconder Cr Reynolds, agreed to incorporate Amendment 1 in to the resolution -

***That the clause 1. c. of the Officer Recommendation be deleted and replaced with the following text;***

- c. Any development of a greenkeeper's shed be subject to the submission and attainment of Clearing, Planning and Building permits. Such permits to include the stipulation that the greenkeeper's shed be bunded if chemicals are to be stored therein,***

Amendment 2

At 8.41pm Cr Aubrey moved, seconded Cr Foxton –

***“The Blue Gum Park Tennis Club contributing to the ongoing rehabilitation of the remaining degraded area adjacent to the extended leased area. The nature and quantum of such contribution to be determined in consultation with the relevant Council officers. The contribution may take the form of cash or provision of other agreed resources, but in any event will not exceed an amount of \$7,650 over a five year period.”***

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

At 8.42pm Cr Schuster returned to the meeting.

**Procedural Motion**

At 8.43pm Cr Pazolli moved, seconded Cr Taylor-Rees –

**That in accordance with the City of Melville Standing Orders Local Law clause 11.1(b):**

***That Item CD14/8060 – Blue Gum Park Tennis Club Lease Extension be adjourned to the June 2014 Council meeting to allow more time for Elected Members to consider the information.***

At 8.45pm the Mayor submitted the procedural motion, which was declared

**LOST (4/9)**

Vote Result Summary	
Yes	4
No	9

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

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

At 8.55pm the Mayor submitted the Amendment, 2 which was declared

**CARRIED (10/3)**

Vote Result Summary	
Yes	10
No	3

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

**COUNCIL RESOLUTION (8060)**

**APPROVAL**

At 8.56pm the Mayor submitted the substantive motion as amended –

At 9.28pm Cr Pazolli left the meeting and returned at 9.31pm.

At 9.30pm Cr Taylor-Rees left the meeting and returned at 9.32pm.

1. **That the Council approve the request by the Blue Gum Park Tennis Club to extend it's leased area to accommodate a greenkeepers compound on the western boundary of the tennis courts be endorsed subject to:**
  - a. Receiving approval from the Minister for Lands to extend the leased area,
  - b. The development of a design to the satisfaction of the City of Melville's Director Technical Services and that is supported by relevant state departments,
  - c. *Any development of a greenkeeper's shed be subject to the submission and attainment of Clearing, Planning and Building permits. Such permits to include the stipulation that the greenkeeper's shed be bunded if chemicals are to be stored therein,*
  - d. The developments are fully funded by the Blue Gum Park Tennis Club including the production of a survey of the leased area.
  - e. *The Blue Gum Park Tennis Club contributing to the ongoing rehabilitation of the remaining degraded area adjacent to the extended leased area. The nature and quantum of such contribution to be determined in consultation with the relevant Council officers. The contribution may take the form of cash or provision of other agreed resources, but in any event will not exceed an amount of \$7,650 over a five year period."*

**CD14/8060 - BLUE GUM PARK TENNIS CLUB LEASE EXTENTION (REC)  
(ATTACHMENT)**

- f. **The Blue Gum Park Tennis Club provides written confirmation that:**
- i. **It will enter into an amended lease agreement in a manner that nurtures due care and attention to the surrounding Bush Forever Site 228,**
  - ii. **It is clearly of the understanding that no future development request can be made for further encroachment into the Bush Forever Site 228,**
  - iii. **It understands that any use outside of the new leased area without express approval from the City of Melville or relevant Government Agencies may attract significant fines and may invoke a review of the lease,**
  - iv. **It will prior to any major ground works contact the City of Melville's Environmental Service area with the maintenance schedule.**
2. **That an operational management plan is developed by the Blue Gum Park Tennis Club to the satisfaction of the City, which demonstrates the Club's commitment to the ongoing management of the tennis courts to lessen any detrimental environmental impact on the surrounding bushland.**
3. **That an annual meeting and site inspection of the Blue Gum Reserve is convened by the City inviting the Blue Gum Park Tennis Club and the Friends of Blue Gum Reserve to discuss the implementation of the approved operational management plan and to identify any necessary improvements.**

At 9.31pm the Mayor declared the motion

**CARRIED (10/3)**

<b>Vote Result Summary</b>	
Yes	10
No	3

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

At 9.32pm Mr T Cahoon left the meeting.

At 9.32pm His Worship the Mayor adjourned the meeting for a comfort break.

At 9.42pm the meeting resumed.

At 9.43pm His Worship the Mayor brought forward Items 14.1 and 14.2 for discussion.

#### **14.1 Proposed Deferral of the Date for Removing Dinghies/Tenders from River Foreshores in the City**

A Notice of Rescission Motion containing 1/3 of the number of offices of members of the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, was received from Cr Schuster. The Members who signed the notice were: Cr Barton, Cr Pazolli, Cr Robartson, Cr Schuster, Cr Taylor-Rees.

At 10.03pm Ms Young left the meeting and returned at 10.05pm.

#### **COUNCIL RESOLUTION**

At 9.43pm Cr Schuster moved, seconded Cr Robartson –

**That the Council by Absolute Majority decision;**

**1 Revokes Recommendation 2 of the report T12/3325 – Dinghy Management Along Swan and Canning River Foreshore as below;**

**“2. Prohibit the storage of dinghies, (as defined in the Swan River Trust Policy SRT/D26 Dinghy Management along the Swan Canning Riverpark) along all foreshore areas under the jurisdiction of the City of Melville and that this prohibition be phased in with complete removal of all dinghies achieved by 30 June 2014 and the total prohibition of dinghies commencing from 1 July 2014.”**

**2 Approves the following motion;**

**Permits the storage of dinghies and tenders (as defined in the Swan River Trust Policy SRT/D26 Dinghy Management along the Swan Canning Riverpark) that are associated with a registered mooring, along all foreshore areas under the jurisdiction of the City of Melville until 30 June 2015.**

At 10.14pm the Mayor submitted the motion, which was declared

**LOST (6/7)**

**14.1 Proposed Deferral of the Date for Removing Dinghies/Tenders from River Foreshores in the City (Continued)**

Vote Result Summary	
Yes	6
No	7

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

**14.2 Review and Reporting of Options for Removing Dinghies/Tenders from River Foreshores in the City**

At 10.15pm Cr Schuster withdrew the motion.

**That the Council:**

1. **Notes the positive progress the Council has made in removing derelict and unused dinghies or small tender vessels from Council land adjacent to these mooring sites;**
2. **Notes and supports the current Council work program that has commenced installing some alternative handling facilities for these small craft in various sites on the City's foreshores; and,**
3. **Requests the Chief Executive Officer to establish a consultation process with representatives of the mooring holders, who also store dinghies or tenders on the City's foreshores and representatives of the Swan River Trust in the WA Department of Parks and Wildlife, so as to:**
  - a) **Observe and review the effectiveness of the new dinghy/tender launching infrastructure being installed, particularly over summer 2014/2015;**

**14.2 Review and Reporting of Options for Removing Dinghies/Tenders from River Foreshores in the City (Continued)**

- b) Consider dinghy/tender registration and storage systems and facilities that are used elsewhere on the Swan and Canning River foreshores and determine their efficacy and potential costs and fees in the City's situation; and,**
- c) Recommend to the Council, after summer 2014/2015, whether the total prohibition of dinghies/tenders on the foreshore should be proceeded with, or whether an alternative response for foreshore protection and public safety can be developed.**

At 10.16pm the meeting reverted to the normal order of the Agenda.

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

**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-162
Property	:	Lot 167 (No. 66) Moreing Road, ATTADALE WA 6156
Proposal	:	Two Storey Single House
Applicant	:	Design Better Buildings
Owner	:	A and N Koekemoer
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for the construction of a two storey dwelling at Lot 167 (No.66) Moreing Road, Applecross.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed to Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies with the exception of building height, setbacks, fencing and visual privacy.
- In accordance with CPS5 and the R-Codes, the application was advertised to the adjoining property owners and occupiers and no submissions were received.
- Upon assessment, the proposal is considered to satisfy the relevant Design Principles within the R-Codes and the matters to be considered in Clause 7.8 of CPS5.
- Approval of the proposal requires an Absolute Majority decision of Council due to the building height variation.
- It is recommended that approval be granted subject to conditions.



**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	: 986sqm
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

**[3490 Elevation Site Plan 66 Moreing Road](#)**

**DETAIL**

Planning approval is sought for the construction of a two storey dwelling at 66 Moreing Road, Attadale.

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed to Comply provisions of the R-Codes and applicable Council Policies. The proposal satisfies all of the relevant provisions with the exception of those outlined below.

**CPS5 and Policy Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Building Height	9m (concealed/flat roof)	9.6m maximum	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority decision of Council

**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Secondary Street (Moreing Road) Setback	3m	1.5 -8.1m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
Garage Setback	4.5m	3.8 - 5.3m	Requires assessment using Design Principles	MSP
Front Fencing	Solid below 1.2 metres and visually permeable to 1.8 metres.	Solid to 1.5 metres	Condition recommended requiring compliance with Deemed-to-Comply provisions	MSP
Visual Privacy	Outdoor living areas raised more than 0.5m above natural ground level, setback 7.5m from the boundary	Ground Floor Alfresco - 4.3m setback  First Floor Balcony – 1.9m setback	Conditions recommended requiring compliance with Deemed-to-Comply provisions	MSP
Visual Privacy	Bedroom windows setback 4.5 metres from the boundary	3.5m setback	Requires assessment using Design Principles	MSP

\*Commentary in this report relates only to the proposed building height. The remainder of the requirements listed have been assessed against, and are considered to comply with, the relevant Design Principles. Alternatively, conditions of planning approval are recommended in order to fully satisfy the Deemed to Comply provisions.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD,  
ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of applicable Council policies with the exception of the secondary street setback requirement of CP-078: Residential Development and building height specified by CP-066: Height of Buildings.

As stated previously, the proposed secondary street setback has been assessed against, and is considered to comply with, the relevant Design Principle (5.1.2) of the R-Codes.

The proposed building height is assessed in detail below.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)****COMMENT**

As outlined above, the proposed development exceeds the 9m height specified within CP-066: Height of Buildings for developments with skillion roofs, being a maximum of 9.6m.

As viewed from the north-west (intersection of Roberts road and Moreing Road), the height of the development is between 8.8 - 9m, however, the height of the dwelling increases to a maximum of 9.6m to the rear, with the highest point being above the balcony. The over height portion only relates to a small area of the rear balcony.

As a result, the proposal requires assessment against Design Principle 5.1.6 of the R-Codes and Clause 7.8 of CPS5.

The proposed development is considered to satisfy these provisions for the following reasons:

- The subject site was previously excavated to develop the existing house, with the maximum excavation being approximately 0.77m. As a result, the approved level (now deemed the natural ground level) of the site and the floor level of the existing dwelling is much lower than adjacent properties. It is now proposed to fill a portion of the site and build up to make the levels commensurate with its neighbours and the streetscape in general.
- The height of the dwelling when viewed from both the primary and secondary streets is in accordance with Council Policy.
- No views of significance are compromised as a result of the proposed increased height due to only a small portion of the dwelling being over height and its location to the rear of the dwelling.
- The impact of the over height rear portion is mitigated via architectural articulation and location of window openings.
- The side setbacks relating to the south-east boundary satisfy the deemed-to-comply requirements of the R-Codes. In addition, the proposal also satisfies the requirements of the R-Codes in relation to overshadowing.

**CONCLUSION**

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

**P14/3490 - TWO STOREY SINGLE HOUSE AT LOT 167 (NO. 66) MOREING ROAD,  
ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3490)****ABSOLUTE MAJORITY APPROVAL**

At 10.15pm Cr Schuster moved, seconded Cr Phelan –

**That the Council:**

**Approve by Absolute Majority decision, the application for a Two Storey Single House at Lot 167 (No. 66) Moreing Road, Attadale, subject to the following conditions:**

- 1. All stormwater generated on site is to be retained on site.**
- 2. The existing crossover is to be modified prior to the initial occupation of the development to have a maximum width of 6m and is to be constructed in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
- 3. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve.**
- 4. Prior to the initial occupation of the development, the south-eastern and north-eastern elevations of the first floor balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 5. Prior to the initial occupation of the development, the north-eastern elevation of the ground floor alfresco (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 6. Prior to the initial occupation of the development, the existing front fence / retaining wall is to be removed / modified to ensure that it is located entirely within the property boundary to the satisfaction of the Manager Statutory Planning.**
- 7. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**

At 10.15pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)**

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2014-84  
 Property : Lot 540 (No. 12) Riseley Street, Ardross  
 Proposal : Change of use from Takeaway to Restaurant  
 Applicant : Kieran Hunt – Resolve Group  
 Owner : Mr W L Timms, Mr C R Timms, Mrs C J Timms, Mrs R L Stagg, Mrs N C Stagg and Mr D R Stagg  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Approval is sought for a change of use from a Takeaway to Restaurant at 12 Riseley Street, Ardross.
- The premises is currently occupied as a “Red Rooster” and offers takeaway, dine in facilities for 40 seated patrons, and a ‘drive thru’ lane for car borne patrons.
- The proposed restaurant will seat up to 119 patrons, serviced by up to six staff members at any one time.
- The development proposes the internal remodelling of the existing floorspace, and the deletion of the ‘drive thru’ element, which is proposed to be replaced with an alfresco dining area. Business signage is also proposed.
- The proposal has been assessed against all of the relevant provisions of Community Planning Scheme No. 5 (CPS5) and applicable Council Policies. The proposal satisfies all of these requirements with the exception of car parking and signage.
- In accordance with Council Policy CP - 079: Car Parking (Non-Residential), the proposed use requires 36 on-site car bays with 16 bays existing on site for the use of the tenancy.
- The car parking policy provides for a dispensation of 50% of the parking requirement given there are reciprocal parking arrangements with adjoining land uses, resulting in an on site parking shortfall of two bays.
- The two bay parking shortfall is supported for a number of reasons including: the location of the subject site in an activity centre, the shared car parking arrangements on and around the site, availability of public car parking, proximity to public transport links, the provision of cycle parking and landscaping.
- The proposed business signage has been assessed using the criteria contained within Draft Council Policy for ‘Outdoor Advertisements and Signage’, and is considered to be acceptable in that context with the exception of two proposed roof signs which are not supported.
- The proposed development has also been assessed against the draft Riseley Centre Structure Plan, and is considered to be consistent with the objectives of the plan, a restaurant use being a desirable use for the centre
- It is recommended that the application be approved subject to conditions



**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)****BACKGROUND**

At present the premises operates as a Red Rooster take away, and although classed as a Take Away for the purposes of CPS5, in practice the use is more than a take away, as it caters for up to 40 seated dine in patrons in a restaurant format, as well as offering a 'drive through' facility for car borne customers.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: District Centre
R-Code	: R60
Use Type	: Restaurant
Use Class	: P – Permitted

**Site Details**

Lot Area	: 613sqm
Street Tree(s)	: No street Trees
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer aerial photo above

**[3491 Floor Plan and Elevations 12 Riseley Street](#)****DETAIL**

Approval is sought for a change of use from Takeaway to Restaurant at 12 Riseley Street, Ardross.

The proposed restaurant (Grill'd) operates as a gourmet burger bar with a large focus on in-store dining. The applicant proposes a maximum patronage of 119 (60 seats inside + 59 alfresco dining seats).

The proposed internal alterations to the premises do not require planning approval. However the existing drive through located along the southern side of the building is proposed to be converted into an alfresco dining area therefore planning approval is required.

Signage is also proposed as follows:

- (a) One double sided light box sign located under the verandah along Riseley Street.
- (b) One 2.1m x 1.5m illuminated sign attached to the gable wall above the verandah along Riseley Street (south-west elevation).
- (c) One 2.1m x 1.5m illuminated sign attached to the wall along the rear elevation (north-east elevation).
- (d) Two 4.2m x 1.3m illuminated signs attached to, and projecting above the roof planes facing north-west and south-east.

The proposal has been assessed against all of the relevant provisions of CPS5 and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

**CPS5 and Policy Requirements**

<b>Development Requirement</b>	<b>Council Policy Requirement</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Car Parking	119 patrons and 6 staff requires 35.75 (36) bays.	16 bays	Requires performance based assessment against Section 7 (Variations to Standards) of CP-079 Car Parking (Non- Residential) Policy.	Absolute Majority decision of Council

In addition, the proposed signs detailed as (a) – (c) above do not satisfy the requirements of the City's draft Outdoor Advertisements and Signage policy, by virtue of their location and size. Consequently, these signs require assessment against the provisions in Section 8 of the draft policy.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The application was not the subject of consultation as in accordance with CPS5, a Restaurant is a permitted use within the District Centre.

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with any external stakeholders was considered necessary in this instance.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no risk or environmental management implications for the City as a consequence of this application.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

With respect to strategic planning implications, the City is engaged in the process of preparing a Structure Plan for the Riseley Centre, the key objective of which is to encourage a vibrant, mixed use town centre environment.

In the context of the Draft Structure Plan, the application site is located within Precinct 1 - Riseley Core which has the following intended character in the structure plan:

*'The Riseley Core is a pedestrian-scaled, vibrant, mixed use area with a boulevard character. Commercial, entertainment and retail uses are envisaged on the ground floor to service the local community and visitors. Residential dwellings and commercial uses are envisaged on upper levels of buildings'.*

The draft structure plan permits and encourages restaurants and cafes in Precinct 1. The proposed change of use will assist in the objective of creating a diverse and vibrant local centre, with an active 'night-time economy'. The draft structure plan was publicly advertised from 5 February 2014 to 5 March 2014 and received broad community support. The structure plan will be referred to Council for final adoption in the coming months.

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of applicable Council Policies with the exception of CP-079 – Car Parking (Non-Residential) and the City's draft Outdoor Advertisements and Signage policy.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**COMMENT****Land Use**

In terms of land use, the application site is located within a District Centre under the land use provisions of CPS5. The restaurant use proposed is clearly consistent in principle with this designation.

In the current Structure Planning process initiated by the City the opportunity has been taken to consider the form and function of the centre relative to its primary role as a District Centre serving the needs of the Melville community. The Structure Planning process recognises the fact that the centre is part and parcel of a metropolitan hierarchy of Activity Centres, as defined by State Planning Policy SP4.2, 'Activity Centres for Perth and Peel'.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

In that context, the proposed use is consistent in land use terms with the intent of the draft Riseley Centre Structure Plan, which proposes to increase activity levels day and night throughout the centre by:

*Increased land use diversity, providing a range of retail, dining, entertainment, office, residential and community offerings to support an increased number of residents, workers and visitors, this will enhance the overall vibrancy of the centre.*

The proposed use will provide the centre with the diversity and quality in dining options that the Structure Plan is seeking to provide, while complementing the existing and future retail and entertainment uses.

In addition to the above, the improvements to the building that are proposed will improve its external appearance and the vibrancy of the surrounding area. These improvements include:

- The creation of an alfresco area in the existing drive through. This removes the existing drive-through component of the business, and specifically the vehicle crossover onto Riseley Street should this proposal go ahead. This will improve traffic and pedestrian safety in the area.
- The creation of additional openings along the rear elevation which will activate the rear elevation of the use and improve the relationship that the built form has with the car parking area,
- The painting and general decorative uplift of the external facades, and
- The installation of planters at both entry points to the alfresco area.

The Applicant has also agreed to:

- The installation of some art work along the laneway located immediately adjacent to the subject site, and on the rear elevation. This would discourage graffiti and assist in improving the amenity and vibrancy of the area.
- A contribution to the cost (approximately \$2,000) of a planter box to be located on the footpath along the Riseley Street road reserve. This would complement the City's place making which is initiating streetscape improvements and would improve the amenity of the area.
- The installation of lighting along the laneway and on the rear elevation to enhance security levels within the laneway and the adjacent parking area.

The land use will help improve the appearance of the centre and provide new interest and activity during both the day and evening.

**Car Parking**

The proposed 119 patrons and six staff require 36 on-site parking bays however only 16 are provided.

Clause 4.2 of CPS5 provides the discretion to consider a variation to car parking. Clause 5.8 of CPS5 and Clauses 7 and 8 of CP-079: Car Parking (Non-Residential) provide additional car parking criteria against which to assess variations, including provisions relating to cash-in-lieu, the provision of bicycle parking and reciprocal car parking. These matters, in addition to other related assessment matters, are addressed below.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)***Reciprocal Parking*

Clause 7 of CP-078: Car Parking (Non-Residential) allows for up to 100% of the full parking requirement to be via reciprocal parking where there is no overlap in operating times, or up to 50% where there is a partial overlap in operating times.

The subject site currently contains: Red Rooster, a news agency, gift shop and a small bar. These tenancies share 46 car parking bays, of which Red Rooster has 16 allocated to it. Due to the mix of day and night time uses on the subject site, the 100% reciprocal arrangement is not considered appropriate. However a 50% arrangement can be considered given that the news agency and gift shop are day time uses that close in the evening and the small bar and Grill'd would likely be most busy in the evening when the retail uses have ceased trading.

The large car park at the rear of the subject site also operates informally as a shared car park. Most of the businesses surrounding the car park are day time uses and in practice the car parking bays located within it are available for use by all customers of the Riseley Centre without restriction. This means that those bays are available for use by patrons of the proposed Grill'd, particularly during the evening trading period. In addition to this, there is also publicly available on-street and off-street parking provision elsewhere within the Riseley Centre, in close (walkable) proximity to the subject site.

When the 50% reduction is applied for reciprocal car parking, the number of actual bays required is eighteen, sixteen of which are provided on site, two of which are not.

This two bay car parking shortfall is justified on the following grounds:

*Bicycle Parking*

The Applicant has agreed that the City impose a condition of approval for the installation of bicycle racks on to each of the five verandah posts along Riseley Street. These racks will allow bikes to be stored parallel to the road, and provide an amenity for those visiting the centre by bicycle without compromise to the width and safety of the footpath.

Under the provision of Clause 7 of CP-079, if six cycle racks were provided, their provision would be deemed to adequately compensate for the reduction of one full car parking bay. In this case, five cycle racks are provided, which although not sufficient to compensate for the loss of one car parking bay in accordance with Clause 7, does nonetheless provide a degree of mitigation for the car parking shortfall, as well as providing a valuable facility for users of the Riseley Centre as a whole.

*Use of Alfresco*

It is noted that the creation of an alfresco seating area within the area currently used as the drive through, is unroofed and therefore open to the elements. As such it may be used less during winter months, resulting in the operational demands for car parking being similarly reduced during those periods.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)***Safety*

The removal of the Red Rooster drive through facility and crossover as a part of the proposed development will improve traffic and pedestrian movement and safety in and around the site.

The present drive through is a hazard for pedestrians walking along Riseley Street given the inadequate sight lines that exist for vehicles exiting the drive through, across the pedestrian footway, and onto Riseley Street. In addition, the loss of the drive through facility will enhance the integrity and usability of the rear car parking area, which is presently compromised at peak times by vehicles queuing waiting to access the drive through.

*Public Car Parking*

In addition to existing on-site car parking, there is substantial public car parking provided within the road reserve in the area, particularly along Kearns Crescent. The City also operates two public car parks within walking distance of the site.

*Public Transport*

The subject lot is located within 150 metres of a high frequency bus route which can therefore be utilised as an alternative transport option for staff and patrons of the business. Furthermore, the Canning Highway and Riseley Street intersection has good public transport links with the Canning Bridge train station, which connects the centre to the Perth' CBD and the bus port at Garden City. It is envisaged that these public transport links will improve with demand as the centre grows.

*Activity Centre Car Parking*

The issue of car parking and travel management is a key theme of the work undertaken on the Draft Riseley Structure Plan. The Draft Plan recognises the role that access to car parking has in the functioning of any Activity Centre, noting that it is important to achieve an appropriate balance between a level of car parking supply that supports the functionality of the centre without having a detrimental effect on its character or intrinsic amenity value. The Draft Structure Plan notes that the overprovision of car parking in a centre can stimulate more vehicle trips to the centre to and make sustainable transport options such as buses, walking, or cycling less attractive.

*Place Making*

A place making initiative of the City in association with the Riseley Structure Plan is the design and procurement of planter boxes to be installed in appropriate locations initially along Riseley Street between Canning Highway and Willcock Street to improve the streetscape, add colour and interest and promote positive messages to the community. The planter box design incorporates an externally visible metal - stencilled travelsmart message.

*Cash-in-lieu of Car Parking*

Both Clause 5.8 of CPS5 and Clause 8 of CP-078 allow the City to charge cash-in-lieu of the provision of on-site car parking spaces.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

Cash-in-lieu is not recommended in this instance, as the remaining two car parking bay shortfall is considered to be offset as a result of the bicycle parking and improvements to safety that are proposed in addition to the availability of public car parking and access to public transport that the subject site has.

Furthermore, the City's current cash-in-lieu estimate for the cost of constructing two off-street surface level car parking bays within the Riseley Centre is \$140,000 (including land costs). This amount is considered significant and could potentially render the proposal economically unviable.

**Signage**

As outlined above, four of the five signs proposed do not satisfy the City's draft Outdoor Advertisements and Signage policy and therefore require further assessment against Clause 8 of the policy.

The proposed double sided under verandah sign (a) satisfies the detailed requirements of the policy.

The proposed signs (b) and (c) do not satisfy the detailed requirements of the policy, however they are considered to satisfy the requirements of Clause 8 of the policy as they are clear, and concise, will not result in an unacceptable level of visual clutter and will complement the character of the building.

The two proposed roof signs described in (d) above, however, are not considered to satisfy the requirements of the policy as they will not complement the architectural style and character of the building and will result in an unacceptable level of visual clutter within the area. It is however noted that signage of a similar nature already exists on the subject building; however the draft policy now restricts the approval of such signs. As a result, it is recommended that the proposed roof signs are not supported.

**CONCLUSION**

It is concluded that the proposed use is aligned with the City's draft Structure Plan for the Riseley Centre. The proposed new restaurant will contribute to the range and diversity of the food and drink offer in the Riseley Centre, in the interests of vibrancy and vitality. As such, it is recommended that the proposal is supported on that basis.

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION**

At 10.16pm Cr Robartson moved, seconded Cr Willis –

That the application for a change of use from Takeaway to Restaurant at Lot 540 (No. 12) Riseley Street, Ardross be approved by an Absolute Majority decision of the Council subject to the following conditions:

1. Patron numbers are restricted to a maximum of 119 at all times.
2. Illuminated signage shall not flash, chase or pulsate.
3. The proposed two signs affixed to the roof do not form part of this approval.
4. Prior to the initial occupation of the development, the unused drive through crossover on to Riseley Street shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.
5. Prior to the initial occupation of the development, artwork is to be provided to the northern and eastern elevations of the building to the satisfaction of the Manager Statutory Planning.
6. Prior to the initial occupation of the development, bicycle parking facilities for a minimum of five bicycles shall be installed on the five verandah posts along Riseley Street in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained in perpetuity.
7. Prior to the initial occupation of the development, lighting is to be installed along the northern and eastern elevation of the building to increase security of the adjacent laneway and rear parking area to the satisfaction of the Manager Statutory Planning.
8. Prior to the initial occupation of the development, a contribution to the cost (up to a maximum of \$2000) is to be made to the City of Melville for the supply and installation of a planter box to be located on the footpath along the Riseley Street road reserve, in a location approved by the City, and to the satisfaction of the Manager Statutory Planning.

**Advice Notes**

1. A rubbish storage area is to be provided on site to satisfy the following:
  - (a) is provided with a tap and connected to an adequate supply of water;
  - (b) is of sufficient size to accommodate all receptacles used on the premises;
  - (c) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness;
  - (d) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

- (e) containing a smooth and impervious floor -
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) provided with an adequate liquid refuse disposal system.
2. This development constitutes a “Food Business” as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards. For further information please contact the City’s Health Services.

Amendment

At 10.17pm Cr Schuster moved, seconded Cr Pazolli –

***That Point 3 of the recommendation be deleted and the remaining Points be re-numbered accordingly.***

At 10.24pm the Mayor submitted the motion, which was declared

**(LOST 5/8)**

Vote Result Summary	
Yes	5
No	8

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

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

At 10.17pm Cr Barton left the meeting and returned at 10.20pm

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3491)  
ABSOLUTE MAJORITY DECISION**

At 10.25pm the Mayor submitted the Officer Recommendation –

**That the application for a change of use from Takeaway to Restaurant at Lot 540 (No. 12) Riseley Street, Ardross be approved by an Absolute Majority decision of the Council subject to the following conditions:**

- 1. Patron numbers are restricted to a maximum of 119 at all times.**
- 2. Illuminated signage shall not flash, chase or pulsate.**
- 3. The proposed two signs affixed to the roof do not form part of this approval.**
- 4. Prior to the initial occupation of the development, the unused drive through crossover on to Riseley Street shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.**
- 5. Prior to the initial occupation of the development, artwork is to be provided to the northern and eastern elevations of the building to the satisfaction of the Manager Statutory Planning.**
- 6. Prior to the initial occupation of the development, bicycle parking facilities for a minimum of five bicycles shall be installed on the five verandah posts along Riseley Street in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained in perpetuity.**
- 7. Prior to the initial occupation of the development, lighting is to be installed along the northern and eastern elevation of the building to increase security of the adjacent laneway and rear parking area to the satisfaction of the Manager Statutory Planning.**
- 8. Prior to the initial occupation of the development, a contribution to the cost (up to a maximum of \$2000) is to be made to the City of Melville for the supply and installation of a planter box to be located on the footpath along the Riseley Street road reserve, in a location approved by the City, and to the satisfaction of the Manager Statutory Planning.**

**Advice Notes**

- 1. A rubbish storage area is to be provided on site to satisfy the following:**
  - (a) is provided with a tap and connected to an adequate supply of water;**
  - (b) is of sufficient size to accommodate all receptacles used on the premises;**
  - (c) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness;**
  - (d) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;**

**P14/3491 - CHANGE OF USE FROM TAKE AWAY TO RESTAURANT AT LOT 540 (NO. 12) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)**

- (e) containing a smooth and impervious floor -
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) provided with an adequate liquid refuse disposal system.
2. This development constitutes a “Food Business” as per Section 107 of the *Food Act 2008* and therefore is to comply with the provisions of the *Food Regulations 2009* and the *Food Safety Standards*. For further information please contact the City’s Health Services.

At 10.25pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)**

Vote Result Summary	
Yes	13
No	0

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

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

**P14/3494 - REVIEW OF COUNCIL POLICY CP 053: MARKET USES (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Policy  
 Application Number : Not applicable  
 Property : Not applicable  
 Proposal : Revocation of Council Policy CP - 053: Market Uses  
 Applicant : Not applicable  
 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 : P10/3152 – Final Adoption of Advertised Urban Planning Policies - Ordinary Meeting of Council 17 August 2010  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3494 - REVIEW OF COUNCIL POLICY CP - 053: MARKET USES (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when a decision by a decision maker on a development proposal is under review in the State Administrative Tribunal.
- Council policy CP-050 was adopted by Council on 17 August 2010 and therefore is due for review.
- Upon review, it has been identified that the policy primarily relates to the operation of markets on land under the care and control of the City, however these markets do not require planning approval, and rather require an Event Permit pursuant to the City's Hawkers, Stall Holders and Street Traders Local Law.
- On this basis, the policy has been re-drafted to relate specifically to the operation of markets on properties outside of the care or control of the City.
- The re-drafted policy provides criteria relating to the preferred locations, hours of operation, access and parking, waste, signage and temporary approval periods.
- It is recommended that Council adopt the re-drafted policy for the purposes of public consultation.

**DETAIL**

The Market Uses policy was adopted originally by Council in 2010.

Since adoption of the policy, the City has granted planning approval for the operation of three separate markets:

- 1 Palmyra Primary School farmers market,
- 2 City of Melville Civic Centre car park markets (Did not commence and has since expired),
- 3 Kishorn Road art markets (no longer in operation).

Of the above markets, only one remains in operation.

On this basis, the policy is not one which is utilised often. Furthermore, a review of other Council's planning policies has found that the City of Melville is the only Council with a policy governing the assessment of applications for markets.

A review of the existing policy has identified that the application of the policy is primarily aimed at the operation of markets on land under the care and control of the City. However, in reality planning approval is not required for such markets on Council land, which on the contrary require an Event Permit pursuant to the City's Hawkers, Stall Holders and Street Traders Local Law only. As a result, the policy has been re-drafted to only relate to the operation of markets on properties outside of the care or control of the City.

[3494 CP 053 Markets Policy](#)

[3494 -Market Uses - CP053 \(Current Policy\)](#)

**P14/3494 - REVIEW OF COUNCIL POLICY CP – 053: MARKET USES (REC)  
(ATTACHMENT)**

The re-drafted policy provides criteria relating to:

*Preferred market locations,*

- On reserves or within Activity Centres in order to concentrate activity, ensure adequate parking and to ensure residential amenity is not significantly impacted.
- Adjacent to Local Distributor and District Distributor roads to ensure the surrounding road network can cope with the increased traffic demand that may arise from the markets.
- Sites that are easily accessible via walking, cycling and public transport are also preferred.

*Hours of operation*

In assessing an application for a market use, the City will control the hours of operation taking into account:

- the proximity to residential properties,
- potential noise impacts,
- the availability of parking in the area, for example, markets could operate in an Activity Centre when a number of surrounding developments, such as offices, are closed.

*Access and Parking*

The Applicant will be required to submit a traffic and parking management plan with the application detailing parking for both stall holders and customers and any traffic management measures that will be put in place.

*Waste*

The Applicant will be required to submit a waste management plan with the application detailing how rubbish will be collected and disposed of.

*Signage*

Details of any signage proposed should be submitted with the application.

*Temporary Approval*

In order to monitor the impacts of the operation of a market, the policy outlines that the City may grant approval for a temporary period.

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

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

**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.

**P14/3494 - REVIEW OF COUNCIL POLICY CP – 053: MARKET USES (REC)  
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The regular review of Council's policies improves their validity in circumstances where a decision by a decision maker on a development proposal is under review by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policy will carry similar weight to CPS5.

**FINANCIAL IMPLICATIONS**

There are no financial implications which result from the issues covered by 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.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**CONCLUSION**

The re-drafted policy is considered to be an improvement upon the existing policy, switching the emphasis from market uses located on land controlled by the City which are assessed via an Event Permit, to those that are proposed on privately owned property. The updated policy document includes assessment criteria against which applications for market uses will be assessed, ensuring that the main impacts that can occur as a result of markets are managed and controlled.

**P14/3494 - REVIEW OF COUNCIL POLICY CP – 053: MARKET USES (REC)  
(ATTACHMENT)**

**At 10.26pm Cr Foxton left the meeting and returned at 10.27pm**

**OFFICER RECOMMENDATION (3494)**

**ADOPTION**

At 10.26pm Cr Robartson moved, seconded Cr Macphail –

**That the Council:**

1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the amended Council Policy CP – 053: Markets for the purposes 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 decision on the adoption of Council Policy CP – 053: Markets, be made under delegation by the Chief Executive Officer.

Amendment

At 10.26pm Cr Schuster moved, seconded Cr Reynolds –

***That the proposed Policy CP-053 (Markets) be amended by inserting the following paragraph between Clauses 1.2 and 2:***

***“NOTE: It is not intended that regular events held by not for profit organisations (such as school fetes), which are held no more than twice annually and not on Council property, are to be covered by the operations of this policy.”***

At 10.28pm the Mayor submitted the amendment, which was declared

**CARRIED UNANIMOUSLY (13/0)**

Vote Result Summary	
Yes	13
No	0

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

**P14/3494 - REVIEW OF COUNCIL POLICY CP – 053: MARKET USES (REC)  
(ATTACHMENT)**

Reasons for Amendment

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

The Policy is silent on the application of the Policy relating to events organised by not for profit groups such as school fetes which are held no more than twice annually. The amendment seeks to specifically exclude events organised by not for profit groups from the application of this Policy.

**COUNCIL RESOLUTION (3494)**

**ADOPTION**

At 10.28pm the Mayor submitted the substantive motion as amended –

1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the amended Council Policy CP – 053: Markets for the purposes 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 decision on the adoption of Council Policy CP – 053: Markets, be made under delegation by the Chief Executive Officer.

*That the proposed Policy CP-053 (Markets) be amended by inserting the following paragraph between Clauses 1.2 and 2:*

*“NOTE: It is not intended that regular events held by not for profit organisations (such as school fetes), which are held no more than twice annually and not on Council property, are to be covered by the operations of this policy.”*

At 10.28pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

Vote Result Summary	
Yes	13
No	0

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

**P14/3495 – REVIEW OF COUNCIL POLICY CP - 050: BED AND BREAKFAST ACCOMMODATION (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Application Number : Not applicable  
 Property : Not applicable  
 Proposal : Review of CP-050: Bed and Breakfast Accommodation  
 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 : P10/3152 – Final Adoption of Advertised Urban Planning Policies - Ordinary Meeting of Council 17 August 2010  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3495 – REVIEW OF COUNCIL POLICY CP - 050: BED AND BREAKFAST ACCOMMODATION (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when a decision by a decision maker on a development proposal is under review in the State Administrative Tribunal.
- Council policy CP - 050 was last reviewed by Council on 17 August 2010.
- The current policy has been substantially re-worded to be clearer in its intent, more concise and to remove replication of requirements covered by other legislation outside of the *Planning and Development Act 2005*. The intent of the policy however remains the same in providing for the establishment of bed and breakfast accommodation in appropriate locations where they will not result in an unacceptable adverse impact upon amenity.
- It is recommended that the Council adopt the amended policy for the purposes of public consultation.

The Bed and Breakfast Accommodation policy was adopted originally by the Planning and Development Services Committee in 1998. Since this time the policy has been reviewed in 2000 and then again in 2010.

Since the last review of the policy, no planning applications for the establishment of bed and breakfast accommodation have been received.

**DETAIL**

Upon review of the existing policy, the following opportunities for improvement were identified:

- The existing policy objective is vague and does not adequately set out the City's expectations in respect of bed and breakfast accommodation.
- The existing policy does not provide the ability for the City to limit the approval timeframe. This makes it difficult to monitor the impacts of bed and breakfast uses accommodation effectively, in the interests of residential amenity.

In view of this, the policy has been re-worded to be clearer in its intent, more concise and to remove replication of requirements covered by other legislation outside of the *Planning and Development Act 2005*.

Overall, the intent of the policy remains the same, in providing for the establishment of bed and breakfast accommodation in appropriate locations where they will not have an adverse impact on residential amenity levels.

[3495 CP 050 Bed and Breakfast Policy](#)

[3495 - Bed and Breakfast Accommodation - CP050 \(Current Policy\)](#)

**P14/3495 – REVIEW OF COUNCIL POLICY CP – 050: BED AND BREAKFAST  
ACCOMODATION (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

In accordance with Clause 9.6(b) of CPS5, should Council resolve to adopt the draft policies, they will be advertised via a notice in the local newspaper and on the City's website for a period of 21 days.

**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 proposed policies and modifications do 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 circumstances where a decision on a development proposal is under review by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policy will carry similar weight to CPS5.

**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.

**POLICY IMPLICATIONS**

Once adopted, the revised policy will provide a sound basis for planning decisions and will improve the validity of planning decisions.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**P14/3495 – REVIEW OF COUNCIL POLICY CP – 050: BED AND BREAKFAST  
ACCOMMODATION (REC) (ATTACHMENT)****CONCLUSION**

It is considered that the amended policy will provide clearer guidance for the assessment of applications for Bed and Breakfast Accommodation. The intent of the policy remains the same: to promote bed and breakfast accommodation where it will not cause detriment to the amenity of the surrounding area. Accordingly, it is recommended that the Council adopt the revised policy for the purposes of public consultation.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3495)****ADOPTION****That the Council:**

- 1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves to adopt the amended Council Policy CP – 050: Bed and Breakfast Accommodation, for the purposes 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 decision on the final adoption of the policy be taken under delegation by the Chief Executive Officer**

At 10.29pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**P14/3497 – REVIEW OF COUNCIL POLICY CP – 067: AMENITY (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Application Number	: Not applicable
Property	: Not applicable
Proposal	: Review of Council Policy CP - 067: Amenity
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	: P11/3246 – Final Adoption Urban Planning Policies Stage 4 - Ordinary Meeting of Council 20 September 2011 P14/3471 – Minor Modification of CP-059: Home Occupation Relative to Sexual Services Business Policy, CP-067: Amenity, CP-071: Reynolds Road Local Area Policy and CP-080: Energy Efficiency in Building Design -
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3497 – REVIEW OF COUNCIL POLICY CP – 067: AMENITY (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular reviews of planning policies.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when a decision made by a decision maker on a development proposal is under review in the State Administrative Tribunal.
- CP-067: Amenity was last reviewed by Council on 18 March 2014. At this meeting, officers recommended minor modifications to the policy to reflect the changes in terminology introduced by the amended R-Codes released in August 2013.
- Council subsequently resolved to adopt the minor modifications to the policy for the purposes of public consultation.
- Upon further review of the policy, prior to advertising, it was determined that further changes to the policy were warranted to further specify the necessary content of an Amenity Impact Statement.
- On this basis, the policy has been further amended and it is recommended that Council adopt the amended policy for the purposes of public consultation.

**BACKGROUND***CP-067: Amenity*

This policy was originally adopted by Council in September 2011. The objectives of the policy currently state as follows:

- *To ensure that when new development is proposed, due consideration is given to the preservation of reasonable amenity for occupiers of adjoining properties and the surrounding area;*
- *To provide guidance in the consideration of amenity impacts arising from proposals seeking variations under the Performance Criteria of the Residential Design Codes (R-Codes); and*
- *To provide assistance in the consideration of all planning applications against the amenity provisions contained within Clause 7.8 of Community Planning Scheme No. 5 (CPS5).*

Officers presented four policies with minor amendments to Council on the 18 March 2014. The amendments to CP-067: Amenity reflected the changes in terminology introduced by the amended R-Codes in August 2013 only.

**P14/3497 – REVIEW OF COUNCIL POLICY CP – 067: AMENITY (REC) (ATTACHMENT)**

Council, at this meeting resolved as follows:

- 1 *That Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy CP - 059: Home Occupation and Home Businesses Relative to Sexual Services Businesses Policy, Council Policy CP - 067: Amenity, Council Policy CP - 071: Reynolds Road Local Area Policy and Council Policy CP - 080: Energy Efficiency in Building Design for the purposes 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 CP 059: Home Occupation and Home Businesses Relative to Sexual Services Businesses Policy, Council Policy 067: Amenity, Council Policy CP 071: Reynolds Road Local Area Policy and Council Policy CP 080: Energy Efficiency in Building Design can be approved by the Chief Executive Officer.*

**DETAIL**

Since the March Ordinary Meeting of Council, officers have undertaken a further review of the policy and determined that further changes are required to further specify and expand upon the content to be included within an Amenity Impact Statement. On this basis, the amended policy adopted by Council in March has not yet been advertised.

The changes in question have now been made to Clause 1.3 of the policy. In addition, the CPS5 and R-Codes abbreviations have been added to the policy.

**[3497 CP 067 Amenity Policy](#)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

**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 proposed policies and modifications do 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 circumstances where a decision by a decision maker on a development proposal is under review by the State Administrative Tribunal. Once finally adopted by Council, the reviewed policy will carry similar weight to CPS5.

**P14/3497 – REVIEW OF COUNCIL POLICY CP – 067: AMENITY (REC) (ATTACHMENT)****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**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**CONCLUSION**

The amendments to CP-067: Amenity are considered minor as they address terminology and expand upon the existing policy provisions. Accordingly, it is recommended that the Council adopt the amended policy for the purposes of public consultation.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3497)****APPROVAL****That the Council:**

- 1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves to adopt the amended Council Policy CP - 067: Amenity for the purposes 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 CP - 067: Amenity be undertaken under delegation to the Chief Executive Officer.**

At 10.29pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**P14/3503 - REVOCATION OF COUNCIL CP-055 INCOMPLETE BUILDING LICENCE APPLICATIONS REFUSAL OF BUILDING LICENCE AND COLLECTION OF RELATIVE FEES (REC) ATTACHMENT**

Ward	:	All Wards
Category	:	Policy
Application Number	:	None applicable
Property	:	All
Proposal	:	Revocation of Council Policy CP-055 Incomplete Building Licence Applications Refusal of Building Services Licence and Collection of Relative Fees
Applicant	:	Not applicable
Owner	:	Building Services
Disclosure of any interest.	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P10/3178 – Special Meeting of Council 9 November 2010
Responsible Officer	:	Tony Capobianco Manager Building 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 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>

**P14/3503 - REVOCATION OF COUNCIL CP-055 INCOMPLETE BUILDING LICENCE APPLICATIONS REFUSAL OF BUILDING LICENCE AND COLLECTION OF RELATIVE FEES (REC) ATTACHMENT****KEY ISSUES / SUMMARY**

- Council Policy CP-055 Incomplete Building Licence Applications Refusal of Building Licence and Collection of Relative Fees was originally adopted by Development and Neighbourhood Amenity Committee on 12 October 2004 (P04/1011).
- The policy applies to incomplete Building Licence applications, refusal of Building Licence and collection of relative fees.
- It was found that operationally there were applications that had no facility to ensure the legislated fees were collected in accordance with the Local Government (Miscellaneous Provisions) Act 1960.
- With the implementation of the new Building Act 2011 on 02 April 2012 the legislated fees can be collected on application or if in special circumstances can be legally collected after the application has been received.
- Accordingly, it is recommended that the Policy be revoked pursuant to Clause 9.6 of CPS5.

**BACKGROUND**

The subject policy was originally adopted by the Development and Neighbourhood Amenity Committee on 12 October 2004. The policy was further reviewed on 08 March 2005 and 09 November 2010.

Since this time with the implementation of the new Building Act 2011 on 02 April 2012 the legislated fees can be collected on application, or in special circumstances can be legally collected after the application has been received.

Section 23 and 24 of the new Building Act 2011 makes Policy CP-055 redundant. The Building Act 2011 Section 16(l) defines the terms and conditions where circumstances allow for the retention of building fees paid or refunded to the applicant.

**DETAIL****GENERAL POLICY REQUIREMENTS**

The objectives of the policy are as follows:

To determine “incomplete” applications that did not satisfy the requirements of the Building Regulations 1989.

To retain the building fees paid where outstanding documentation and information was not provided within the specified times or in circumstances the fees should not be collected.

**P14/3503 - REVOCATION OF COUNCIL CP-055 INCOMPLETE BUILDING LICENCE APPLICATIONS REFUSAL OF BUILDING LICENCE AND COLLECTION OF RELATIVE FEES (REC) ATTACHMENT**

The practice was that where applications lodged for Building Licences on assessment were deemed inconsistent with Development Approvals, or If approved would be non-compliant with the requirements of Community Planning Scheme No: 5 or the Residential Design Codes a Building application refusal would not warrant an automatic refund of the fees.

With the introduction of the Building Act 2011, and Building Regulations 2012, all aspects relating to the times permitted for the processing of various types of applications received, are addressed.

Section 23 of the Building Act 2011 defines the responsibilities of the permit authority (the Council) that receives specific types of building applications in making timely decisions to issue permit approvals (Section 20 and Building Regulations 2012) and options open in the refund or retention of application fees received.

It is considered that with the inclusion of the regulated procedure in determining incomplete applications, as defined in the Building Act 2011, and Building Regulations 2012, the Policy CP055 is no longer required.

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

Pursuant to Clause 9.6(e) (i) of CPS5, should Council resolve to revoke the subject policy, an advert will be displayed on the City's website and within a local newspaper circulating within the District.

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

None applicable.

**POLICY IMPLICATIONS**

None applicable.

**P14/3503 - REVOCATION OF COUNCIL CP-055 INCOMPLETE BUILDING LICENCE APPLICATIONS REFUSAL OF BUILDING LICENCE AND COLLECTION OF RELATIVE FEES (REC) ATTACHMENT****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could resolve to retain the Policy and not to revoke it, although in practice this would not be recommended for the reasons outlined above.

**CONCLUSION**

It is concluded that Council Policy – CP-055: Incomplete Building Licence Applications Refusal of Building Services Licence and Collection of Relative Fees, is no longer required given that the policy provisions are now adequately covered by the Building Act 2011, Building Regulations 2012, Council Schedule list of Fees, and the register of Delegations. On this basis it is recommended that the policy be revoked.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3503)****REVOKE**

**That the Council, pursuant to Clause 9.6(e) of Community Planning Scheme No. 5:**

- 1. Revokes Council Policy CP- 055.- Incomplete Building Licence Applications Refusal of Building Licence and Collection of Relative Fees**
- 2. Directs the CEO to place a notification in a local newspaper advising that Council Policy CP- 055- Incomplete Building Licence Applications, Refusal of Building Licence and Collection of Relative Fees, has been revoked**

**[3503 CP 055 Incomplete Building Licence Applications Refusal of Building Licence and Collection of Relative Fees](#)**

At 10.29pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant Palmyra/Melville/Willagee
Category	:	Strategic
Subject Index	:	State Underground Power Program
Customer Index	:	Western Power
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	No previous items directly related to this report
Works Programme	:	Not applicable
Funding	:	To be considered in the 2014-2015 budget submission
Responsible Officer	:	Kimberly Brosztl Manager Engineering Design

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Melville South and Ardross East have been selected to be included in the State Underground Power program.
- Community surveys were undertaken in both Melville South and Ardross East to determine the level of support amongst property owners. A high level of support has been received.
- The report seeks Council approval to proceed with the Melville South and Ardross East underground power projects subject to final design and cost estimates being provided by Western Power and the Public Utilities Office.
- The arrangements for the recovery of 50% of the costs from ratepayers in the areas covered by these projects will be subject to future budgetary consideration as part of the 2014/2015 budget.

**BACKGROUND**

The City of Melville has been a major player in the State Underground Power Program since its inception. The State Underground Power Program was introduced following a storm in 1994 that caused severe damage to the overhead distribution system which left many thousands of household without power for several days.

Five pilot projects were undertaken in 1996, one of which was the Applecross project. Following the completion of the pilot projects, the State Underground Power Program was established in 1998.

The stated aim of the underground power program was to have half of the Perth metropolitan area on underground power by 2010. This was to be achieved by a combination of the State Underground Power Program and new property sub-divisions that have to build in underground power as part of the development conditions. It is understood that the aim of the program has been achieved and is currently continuing past the original target.

The City of Melville has been successful in having several projects included in the program. Areas that have been included in the program are:

- Applecross (Pilot Project)
- Booragoon (part of)
- Bicton (part of)
- Mount Pleasant
- Attadale South
- Ardross West
- Attadale North (under construction)

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)**

Currently, the area of the City of Melville is approximately 60% underground power. This figure includes sub-divisions within suburbs that had underground power installed as part of their development.

Following the invitation from the Office of Energy in November 2009, for local authorities to prepare submissions for projects to be considered for Round 5 of the State Underground Power Program, the City of Melville presented nine submissions.

The submissions were for the following areas:-

- Ardross West
- Ardross East
- Attadale North
- Bicton North
- Bicton South
- Melville North/Alfred Cove West
- Melville South
- Melville Central
- Alfred Cove East

The selection of the areas was largely based on information provided by Western Power on the outages experienced throughout City of Melville's suburbs. The selected suburbs were then broken down into project size, as determined by the Office of Energy (i.e. number of lots).

Using a set of criteria, the Office of Energy, with input from Western Power, selected five of the City of Melville projects to be subject to survey consultation to determine the level of support amongst property owners in the proposal areas.

The criteria used included several factors such as:

- Age of the existing infrastructure
- Reliability of the existing network
- Level of support from property owners within the proposed area

It should be noted that the selection method allows for the inclusion of proposals within lower socio-economic areas where different funding models may be applied.

The submissions selected for survey were, Ardross West, Ardross East, Bicton North, Melville Central and Melville South. In total, the Office of Energy selected twenty proposals from throughout the Perth metropolitan area to be surveyed. The City of Melville's proposals represented twenty five percent of the total.

From the initial surveys Ardross West was selected to be included in the program. Ardross West was completed in August 2013. Attadale North was selected to be included in Round Four of the program. Attadale North is due for completion around May 2014.

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)****DETAIL**

The Office of Energy has advised the City that an additional two of its submissions for underground power have been selected to be included in the program and have progressed to the design stage. These projects are Melville South and Ardross East.

**Melville South**

The results of the survey were that 77.4% of respondents supported the proposal and were prepared to contribute financially. The response rate to the survey was 54%. The demonstrated level of support is considered to be very strong and subsequently the project has entered the Design Phase.

The current estimate of the average cost per household is \$4,975. The original estimate quoted in the survey information was \$4,400. The State Government Public Utilities Office does not believe that the increased estimated cost necessitates a new survey, as statistically the results of any new survey will still result in a majority support. The property owners in the project area have been notified of the increased cost.

The project boundary is bounded by Leach Highway to the south, Marmion Street to the north, Rome Road to the east and Stock Road to the west and includes a small number of properties in Willagee on the south side of Leach Highway. An aerial of the project area forms an attachment to this item [3498 Melville South Boundary](#).

**Ardross East**

The results of the survey were that 82.1% of respondents supported the proposal and were prepared to contribute financially. The response rate to the survey was 54%. The demonstrated level of support is considered to be very strong and subsequently the project has entered the Design Phase.

The current estimate of the average cost per household is \$4,513. The original estimate quoted in the survey information was \$4,000. The State Government Public Utilities Office does not believe that the increased estimated cost necessitates a new survey as statistically the results of any new survey will still result in a majority support. The property owners in the project area have been notified of the increased cost.

The project area is defined as that portion of Ardross, east of Riseley Street. An aerial of the project area forms an attachment to this report [3498 Ardross East Boundary](#).

**Process**

During the Design Phase of the project, consultation is undertaken with property owners who are directly adjacent to proposed locations of transformer and or switchgear cabinets.

On completion of the design and subject to the budget being similar to the original estimate, an Agreement is prepared for the signatories for the project being State Government, Western Power and the City of Melville. At this point the project becomes a legally binding contract between the three parties.

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Since Round 5 of the State Underground Power Program, consultation has become the responsibility of the Office of Energy. The Office of Energy engaged a marketing consultant to undertake consultation with property owners in the 20 metro wide proposals that were selected to be surveyed. The City of Melville, as previously mentioned had five proposals included in the 20.

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

Property owners in both Melville South and Ardross East were surveyed by a consultant engaged by the Office of Energy to determine the level of support amongst property owners.

Property owners in both Ardross East and Melville South have been advised of the survey outcomes and that the State Government has decided that both proposals are to progress to the Design Stage.

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with both the Public Utilities Office (formerly Office of Energy) and Western Power is an ongoing aspect of the project management of these underground power projects.

**STATUTORY AND LEGAL IMPLICATIONS**

- Provision by the City of Melville to the Office of Energy of a Letter of Intent.
- Agreement signed by the Minister for Energy, City of Melville and Western Power.
- There will be statutory and legal implications as they apply to Western Power and other State bodies.
- Local Government Act 1995, Section 6.38 Service Charges -  
*“(1) A local government may impose on —  
(a) owners; or  
(b) occupiers,  
of land within the district or a defined part of the district a service charge for a financial year to meet the cost of providing a prescribed service in relation to the land.”*
- Local Government (Financial Management) Regulations 1996 –  
*“54. Service charge — prescribed services — s. 6.38(1)  
For the purposes of section 6.38(1), the services for which a local government may impose a service charge are the provision of —  
(c) underground electricity;*

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

The program is funded jointly by the State Government 25%, Western Power 25% and the City of Melville 50%. The City of Melville is invoiced on a regular basis by Western Power by way of cash calls.

The City of Melville recovers its costs from property owners in the project area who receive underground power. There is a variance between some properties in that some properties already have an internal connection, which is especially the case with newer properties.

Following a request from State Treasury, the Economic Regulation Authority (ERA) prepared an interim report into the current funding model of the State Underground Power Program and the Minister for Energy has asked the Office of Energy to conduct a review of the overall program and its direction beyond Round 5 and incorporate the ERA report. Both Melville South and Ardross East will be funded under the current model and will not be affected by any future changes resulting from the Office of Energy review.

The initial estimates provided by Western Power for the projects are Melville South, \$9,127,036 and Ardross East, \$6,421,206. Western Power are currently finalising the design and costing for the two projects. The recommendations from this report will be subject to there being no significant change to the estimates.

The final costing and the cost recovery methodology that is to be selected will be detailed in the 2014/2015 Annual Budget report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

City of Melville Corporate Plan 2012-2016.

Goal: Environmental Responsibility.

Key Action: "Continue participation in the underground power program and advocate for enhanced State Government funding to ensure improved amenity within the streetscape and ensure reliability of electricity supply."

Strategic Community Plan (People, Places Participation 2012-2022).

Community Aspirations: Safe and Secure, Liveable Built Neighbourhood.

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Risk of injury to members of the public during undergrounding of power and removal of existing overhead infrastructure.	<b>Medium</b> level risk	Western Power and their contractors to project manage such that members of the public are not exposed to risk.
Risk of dissatisfied residents due to Western Power and their contractors actions.	<b>Medium</b> level risk	Western Power and their contractors to ensure that a high level of communication is maintained with the community. City of Melville officers will act as conduit between residents and the contractors where necessary.
Risk of final costs being in excess of those outlined to property owners in the survey.	<b>Medium</b> level of risk	The estimated cost was derived from current underground power projects. Western Power are confident that costs provided will not result in a significant difference in cost to that quoted in the survey. However, should this be the case, then consideration would need to be given for a re-survey of the property owners in the area.

**POLICY IMPLICATIONS**

No current policy deals directly with the implementation of underground power.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The only alternative option to underground power is to retain the existing overhead power supply infrastructure. This will not address the aims of providing the benefits of underground power including; a more reliable electricity supply, improved streetscape, better street lighting etc.

**CONCLUSION**

The survey has demonstrated that there is strong majority support for the undergrounding of power in the Melville South and Ardross East project areas. The benefit of underground power to the community has been recognised by the City of Melville and the support for the program within the broader community has become evident as the program continues.

**T14/3498 – MELVILLE SOUTH AND ARDROSS EAST UNDERGROUND POWER PROJECTS (REC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3498)****APPROVAL**

1. That following a 77.4% resident acceptance rate for the installation of underground power in the Melville South area, the Council supports the further progression of the State Underground Power Program Round 5 Project for Melville South.
2. That following a 82.1% resident acceptance rate for the installation of underground power in the Ardross East area, the Council supports the further progression of the State Underground Power Program Round 5 Project for Ardross East.
3. That the residents and home owners in the project areas are kept advised by a newsletter of the outcomes of the surveys and anticipated start dates for the projects.
4. That details regarding the cost recovery methodology be submitted to the Council as part of the 2014/2015 Annual Budget process following the receipt of the final design and costing for the adoption of budget objectives for the State Underground Power Program Round 5 Melville South project and Round 5 Ardross East project.
5. That subject to there being no significant increase in the estimated costs provided by Western Power, the Mayor and the Chief Executive Officer be authorised to sign the Agreements with the State Government and Western Power.
6. That the Public Utilities Office be advised in writing of the Council's resolutions in relation to the Melville South and Ardross East Underground Power Projects.

At 10.29pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C14/6000 - INVESTMENT STATEMENTS FOR MARCH 2014 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- This report presents the investment statements for the period ending 31 March 2014 for Councils information and noting;
- The low 'Cash' rate and legislative restrictions, continues to result in low returns being achieved on the City's investment earnings.
- Piper Alderman has prepared and lodged the City's final Proof of Debt claim for Collateralised Debt Obligations (CDO) losses incurred.
- Two of the three remaining CDOs: Corsair Kakadu and Lehman Brothers Beryl Finance, were repaid in March 2014.

**C14/6000 - INVESTMENT STATEMENTS FOR MARCH 2014 (REC)**

**BACKGROUND**

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

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

**DETAIL**

Summary details of investments held as at 31 March 2014 are shown in the tables below.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MARCH 2014</b>	
<b>SUMMARY BY FUND</b>	<b>AMOUNT \$</b>
MUNICIPAL	\$ 44,994,030
RESERVE	\$ 67,260,336
TRUST	\$ 390,234
CITIZEN RELIEF	\$ 200,388
	<b>\$ 112,844,988</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	<b>AMOUNT \$</b>
11AM	\$ 2,151,503
TERM DEPOSIT	\$ 107,412,840
BOND	\$ 2,000,000
CDO	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 112,844,988</b>
<b>SUMMARY BY CREDIT RATING</b>	<b>AMOUNT \$</b>
AA	\$ 8,500,000
AA-	\$ 64,664,343
A+	\$ 19,500,000
A	\$ 3,900,000
A-	\$ 15,000,000
BBB+	\$ -
NR	\$ 1,050,000
UNITS (Local Govt Hse)	\$ -
	<b>\$ 112,614,343</b>

**C14/6000 - INVESTMENT STATEMENTS FOR MARCH 2014 (REC)**

The following statements detail the investments held by the City for the period ending 31 March 2014. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MARCH 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$1,325	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$2,150,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$70	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	On call
					<b>\$2,151,503</b>	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$3,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$4,100,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$15,425,512	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$13,800,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$7,400,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$22,287,328	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$6,500,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$12,200,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$5,700,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,600,000	Various
					<b>\$107,412,840</b>	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.63%	AA	\$2,000,000	20-Dec-15
					<b>\$2,000,000</b>	
MANAGED ACES CLASS 1A PARKES -Face Value \$1,050,000 -Written Down (Book) Value (30 June 2009) \$9,874 -Estimated Market Value \$299,880	Very High	CDO	4.24%	NR	\$1,050,000	20-Jun-15
					<b>\$1,050,000</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
<b>TOTAL FUNDS INVESTED</b>					<b>\$112,844,988</b>	

**CREDIT RISK COMPARISON**

CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	8%	80%	
AA-	\$64,664,343	57%	80%	
A+	\$19,500,000	17%	50%	
A	\$3,900,000	3%	50%	
A-	\$15,000,000	13%	50%	
BBB+	\$0	0%	20%	
NR	\$1,050,000	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%	Council Decision
<b>TOTAL</b>	<b>112,844,988</b>	<b>100%</b>		

**C14/6000 - INVESTMENT STATEMENTS FOR MARCH 2014 (REC)**
**DIVERSIFICATION RISK**

INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	13,800,000	12.23%	12.23%	15%	
BANKWEST (11AM)	11AM	AA-	1,325	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	3,500,000	3.10%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	3.10%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	4,100,000	3.63%	3.63%	15%	
CITIBANK (TERM)	TERM	AA-	15,425,512	13.67%	13.67%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.77%	1.77%	20%	
ING BANK (TERM)	TERM	A-	7,400,000	6.56%	6.56%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	3.46%	3.46%	15%	
NAB (TERM)	TERM	AA-	22,287,328	19.75%	19.75%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	5.76%	5.76%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	12,200,000	10.81%	10.81%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	5,700,000	5.05%	5.05%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	70	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	2,150,000	1.91%		20%	
WESTPAC (TERM)	TERM	AA-	12,600,000	11.17%	13.07%	20%	
MANAGED ACES CLASS 1A PARKES	CDO		1,050,000	0.93%	0.93%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.20%	0.20%		
			<b>112,844,988</b>	<b>100%</b>	<b>100%</b>		

**MATURITY COMPARISON**

TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	45,153,619	100%	100%	
	<b>45,153,619</b>	<b>100%</b>		
RESERVE FUNDS				
< 1 year	64,210,336	95%	100%	
< 2 years	3,050,000	5%	80%	Purchased Prior To Policy Change
< 3 years	-	0%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	<b>67,260,336</b>	<b>100%</b>		

Two of the City's three remaining CDOs: Corsair Kakadu and Lehman Brothers Beryl Finance, were repaid in March 2014 and the total consideration received was \$1,911,858. The book value of these CDOs was previously written down to \$72,364 giving an Investment Realised Gain of \$1,735,075. Therefore, the receipt of these funds fully reverses any impairment (book losses) that was recorded for these CDOs.

The remaining MAS Parkes 1A CDO, which has a final maturity date of 20 June 2015, has suffered an erosion of credit support and therefore underlying principal of 41.9%. It continues however to pay interest at a reduced rate depending on the extent of the principal loss incurred.

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

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

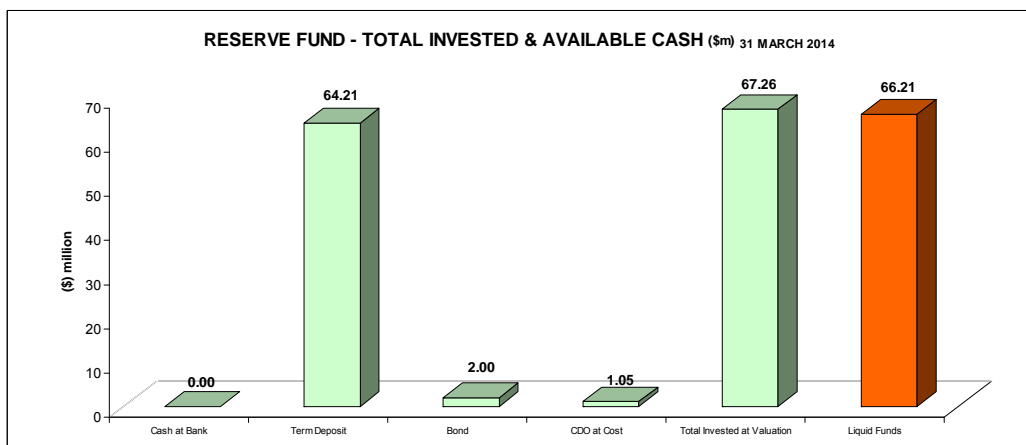
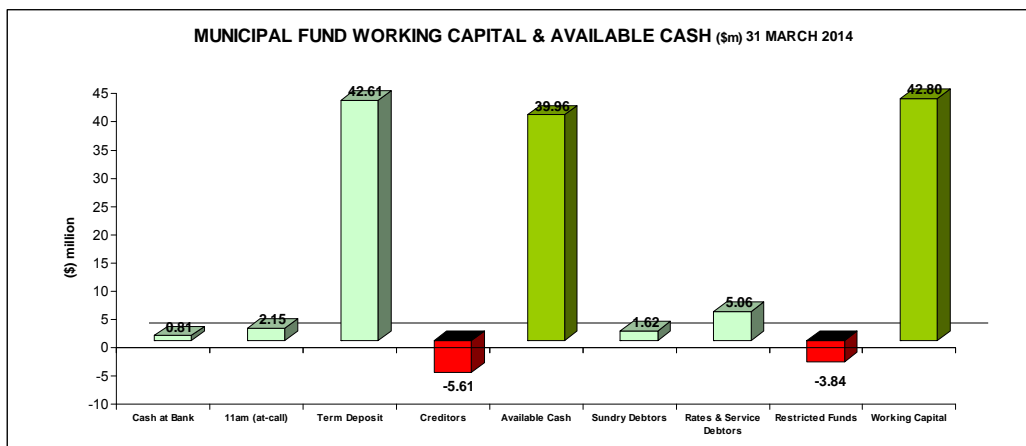
The City has earned approximately \$5 million from CDO investments since 1 July 2007.

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

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

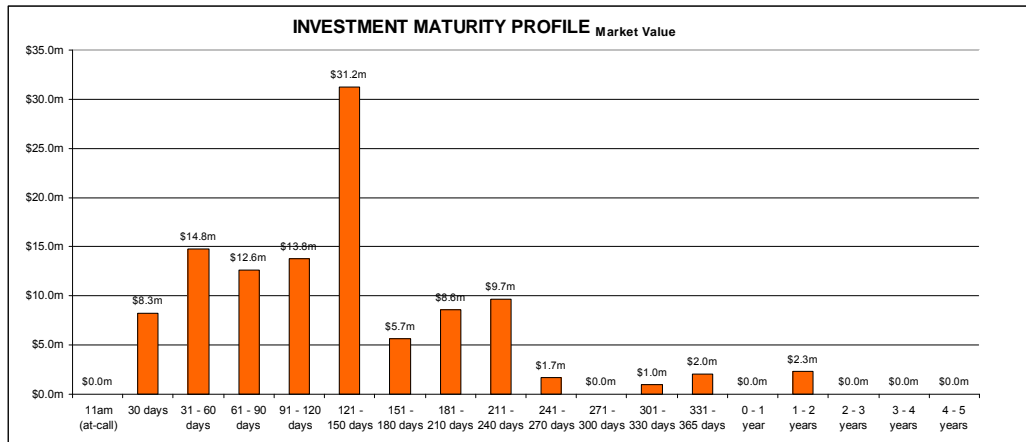
**Net Funds Held**

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 31 March 2014.



**C14/6000 - INVESTMENT STATEMENTS FOR MARCH 2014 (REC)**

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



**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

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

**C14/6000 - INVESTMENT STATEMENTS FOR MARCH 2014 (REC)**

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

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

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

**FINANCIAL IMPLICATIONS**

For the period ending 31 March 2014:

- Investment earnings on Municipal and Trust Funds were \$1,112,557 against a budget of \$1,065,750 representing a \$46,807 positive variance.
- Investment earnings on Reserve accounts were \$2,368,580 against a budget of \$1,725,000. This represents a \$643,580 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

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

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

Council Policy CP-009 – Investment of Funds.

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

Future investment earnings are expected to continue to remain low due to interest rates continuing to be low and legislative restrictions on the maximum terms of investment options available to the City.

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

**That the Investment Report for the month of March 2014 be noted.**

At 10.30pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

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

Ward	: All
Category	: Operational
Subject Index	: Financial Statement and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: Not Applicable
Funding	: 2013/2014 Budget
Responsible Officer	: Bruce Taylor – Acting 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 March 2014 and recommends that the Schedule of Accounts be noted.

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2014 (REC) (ATTACHMENT)**
**BACKGROUND**

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

**DETAIL**

The Schedule of Accounts Paid for the month ending 31 March 2014 ([6001 March 2014](#)), including Payment Registers numbers, Cheques 402 to 404 and Electronic Funds Transfers batches 327 to 329 was distributed to the Members of Council on 2 May 2014.

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

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Aqua Shades	Chq 057430	Shade sails for Melville Aquatic Fitness Centre	\$32,956.00
Asphaltch Pty Ltd	E038562	Road resurfacing at Connelly Way, Marcus Avenue, Hatfield Way and Bushell Place	\$611,946.19
CAM Management Solutions	E038503	Annual licence fee	\$28,717.81
City of Cockburn	E038239	Tip fees for January	\$73,702.20
Dickies Tree Service	E038242 & E038442	Tree lopping & pruning services	\$56,893.10
Downer EDI Works Pty Ltd	E038350 & E038534	Road resurfacing at Farrington Road and kerbing to Melville Beach Road, Marcus Avenue and Burke Drive	\$115,455.27
Fire & Emergency Services Authority WA	E038557	ESL remittance for February 14 and monies owed from ESL from 2010/11, 2011/12 and 2012/13	\$687,579.81
GHD Pty Ltd	E038345 & E038529	Structure plan for Canning Bridge Activity Centre, site analysis at Deep Water Point, erosion stabilisation project at Point Walter and restoration strategy project at Melville Foreshore	\$94,399.80
Hays Specialised Recruitment	E038381 & E038561	Temporary employment	\$33,535.45
Hydroquip Pumps	E038274	Service and repairs to irrigation pumps	\$36,125.10
Jani King Pty Ltd	E038328 & E038509	Cleaning services	\$29,850.32
JMG Air Conditioning & Electrical Services	E038373 & E038554	Service and repairs to air conditioners	\$36,943.89
MMM WA Pty Ltd	E038332 & E038513	Drainage installations	\$60,909.36
Mountway Melville Hyundai	E038258 & E038459	Purchase of VW Caddy Van	\$31,525.30
NEC Australia Pty Ltd	E038568	Polycom equipment implementation	\$64,706.30
Redfish Technologies	E038522	Audio system for Council Chambers	\$50,768.30
Reino International Pty Ltd	E038413 & E038590	Parking ticket machines	\$256,714.70
Rhysco Electrical Services	E038343 & E038526	Electrical services	\$30,389.98
Roads 2000 Pty Ltd	E038382	Road resurfacing at Burke Drive and Roberts Road	\$31,200.62
Robinson Buildtech	E038251 & E038452	Building maintenance	\$43,009.56
South West Group	E038288	Council contributions	\$38,000.00

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

Supplier Name	Remittance Number	Remittance Details	Amount
Southern Metropolitan Regional Council	E038321, E038431 & E038501	Green waste gate fees for January and February, MSW gate fees for January and February, WCF member council diversions for January, RRRC loan repayment for March quarter and recyclable gate fees for February	\$1,565,527.98
Supreme Heating WA	E038390 & E038569	Progress payments for installation of solar heating at Melville Aquatic Fitness Centre	\$285,491.74
Synergy	E038265 & E038463	Electricity charges	\$436,241.33
Total Eden	E038291 & E038478	Reticulation parts	\$43,787.21
Tree Planting & Watering	E038379	Street tree watering (hire water truck)	\$35,569.15
Triton Electrical Contractors Pty Ltd	E038377	Electrical services	\$40,391.11
Water Corporation	Chq's 057229 & 057400	Water charges	\$52,427.71
West Coast Profilers	Chq 057437	Road profiling	\$38,394.84

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Not applicable.

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2014 (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

**That the Schedule of Accounts paid for the month ending 31 March as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 March 2014](#) be noted.**

At 10.30pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

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

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Reporting - Statements of Financial Activity
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Bruce Taylor – Acting 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>
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<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity for the period ending 31 March 2014 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 March 2014 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of March 2014 and recommends that they be noted by the Council.

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

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

**DETAIL**

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

For the period ending 31 March 2014, net operating positive variances of \$5,206,128 and net capital positive variances of \$12,997,919 were recorded.

**Variations**

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 MARCH 2014							
	March Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
<b>Revenues</b>							
Governance	135,237	1,368,051	1,542,346	174,295	13%	1,561,852	1,728,074
General Purpose Funding	2,213,419	6,451,291	8,698,895	2,247,604	35%	8,731,000	7,978,119
Law, Order, Public Safety	10,938	2,619,844	2,717,202	97,358	4%	2,575,492	2,661,859
Education & Welfare	48,273	275,237	334,073	58,836	21%	326,927	356,652
Recreation and Culture	830,081	7,623,283	7,568,925	(54,358)	-1%	9,700,557	9,996,532
Transport	89,981	3,819,151	2,941,118	(878,033)	-23%	5,478,318	5,313,937
Other Property and Services	3,965	2,569,212	243,909	(2,325,303)	-91%	401,476	2,180,023
	3,416,399	41,830,799	41,165,810	(2,990,292)	-2%	46,106,554	47,538,518
<b>Expenses</b>							
Governance	(565,677)	(8,688,735)	(8,137,360)	551,374	-6%	(11,760,677)	(11,393,773)
General Purpose Funding	(26,520)	(2,115,826)	(2,057,338)	58,488	-3%	(2,208,200)	(2,417,415)
Law, Order, Public Safety	(303,739)	(2,867,075)	(2,722,665)	144,409	-5%	(3,900,624)	(3,911,366)
Education & Welfare	(441,458)	(4,255,312)	(3,959,792)	295,519	-7%	(5,473,488)	(5,625,160)
Community Amenities	(1,755,962)	(14,763,537)	(14,856,634)	(93,097)	1%	(19,616,325)	(20,092,538)
Recreation and Culture	(2,481,073)	(21,995,279)	(20,855,612)	1,139,667	-5%	(28,262,846)	(28,591,251)
Transport	(813,757)	(7,502,851)	(6,784,334)	718,516	-10%	(10,248,296)	(10,249,405)
Other Property and Services	(514,607)	(5,929,427)	(5,817,423)	112,005	-2%	(11,028,916)	(10,219,567)
	(7,014,351)	(68,947,308)	(66,009,598)	4,247,869	-4%	(93,615,109)	(93,613,583)
<b>Adjustments for Cash Budget Requirements</b>							
<b>Non-Cash Revenue &amp; Expenditure</b>							
(Profit)/Loss on Asset Disposals	10,940	(2,194,743)	51,446	2,246,189	-102%	(6,050)	(1,749,827)
Depreciation on Assets	1,230,620	10,080,102	10,178,077	97,975	1%	15,922,137	15,287,943
Plant Capital Charge	-	202,664	270,218	67,554	33%	270,218	270,218
Movement in Deferred Rates	12,017	-	94,069	94,069	100%	-	-
	1,253,577	8,088,023	10,593,810	2,603,762	31%	16,186,305	13,808,334
<b>Capital Revenue &amp; Expenditure</b>							
Purchase of Furniture & Equipment	(360,361)	(2,461,598)	(1,143,750)	1,317,848	-54%	(2,145,769)	(2,848,628)
Purchase of Plant & Equipment	(45,752)	(4,447,662)	(1,082,258)	3,365,404	-76%	(2,630,957)	(4,501,364)
Purchase of Land & Buildings	(345,212)	(2,534,728)	(1,338,044)	1,196,684	-47%	(2,466,100)	(4,155,418)
Purchase of Infrastructure Assets	(1,082,668)	(15,300,796)	(6,842,622)	8,458,174	-55%	(15,788,547)	(19,737,946)

**Revenue**

\$56.044m in Rates was raised to 31 March 2014. This is compared with a year to date budget of \$56.062m, resulting in a negative variance of \$18K.

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

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

Not applicable for March 2014

**Budget Amendments**

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

**Rates Collections and Debtors**

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$5,993,665 were collected over the course of the month. Rates collection progress for the month of March was 0.8% above target. As at 31 March 2014, 94.8% of 2013/2014 rates had been collected. This is 0.2% higher than collected for the same time last year.

Total sundry debtor balances decreased by \$7,346 over the course of the month. The 90+ day's debtor balance increased by \$1,624.

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

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

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

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

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

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

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

The variance adopted by the Council at its Special meeting held on 26 June 2013 to adopt the 2013/2014 Budget, was 10% or \$50,000 whichever is greater.

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**CONCLUSION**

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

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

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

**ABSOLUTE MAJORITY**

At 10.30pm Cr Willis moved, seconded Cr Schuster –

**That the Council:**

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

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

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

At 10.30pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

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

<b>Vote Result Summary</b>	
Yes	13
No	0
<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Tenders  
 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 : T13/3383 – Ordinary Meeting of Council held on 16 April 2013  
 Works Programme : Not Applicable  
 Funding : 2013/2014 and 2014/2015 Budget  
 Responsible Officer : Paul Kellick  
 Manager Asset Management

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

To recommend acceptance of a tender for the supply Carawatha Park Development – Landscaping Works.

**BACKGROUND**

Tenders were invited by advertisement in the West Australian newspaper on Wednesday 22 January 2014 and closed on Thursday 13 February 2014 at 4pm.

The City is seeking a qualified and experienced Contractor to undertake the construction of all hard and soft landscape works at Carawatha Park, Corner of Archibald Street and Stacey Street, Willagee.

At the 16 April 2013 Ordinary Meeting of Council the Council resolved as follows:

**COUNCIL RESOLUTION (3383)**

**APPROVAL**

1. *That \$577,021 be considered as part of the 2013/2014 Capital Works budget process and \$731,666 be considered as part of the 2014/2015 Capital Works budget process to allow for the development of a portion of the former Carawatha Primary School site.*
2. *That the recurring maintenance budget as set out in the table below be considered as part of future budget processes.*

<i>Financial Year</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>	<i>2018/19</i>
<i>Total operating/maintenance cost</i>	<i>\$12,500</i>	<i>\$32,643</i>	<i>\$65,402</i>	<i>\$67,364</i>	<i>\$69,385</i>	<i>\$71,466</i>

3. *That the naming process for the park proceeds through Statutory Planning and includes the name “Carawatha Park” as one of the suggestions.*
4. *The City seek possible external grant funding for the project or portions of the project.*

**Price Schedule**

The Price Schedule was distributed to Elected Members on Tuesday 13 May 2014 under confidential cover.

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)****Tender Evaluation Process**

All tenders were evaluated using a price weighted attribute method with submissions being scored points out of 53.33 percent qualitatively and then compared on price. Qualitative scores were achieved by joint agreement of the panel members at the evaluation meeting having first scored each submission individually. The tender that has achieved the highest score overall for the services required with price included has been recommended.

The Evaluation Sheets were distributed to Elected Members on Tuesday 13 May 2014 under confidential cover.

The Evaluation Panel consisted of the Project Coordinartor, Landscape Architect and Finance Officer.

The criteria for this tender were based on the following specific attributes:

1. Relevant Experience
2. Technical Skills
3. Resources
4. Management Systems
5. Methodology
6. References
7. Price
8. Relevance to Purchasing Policy (Business location and product content)

**DETAIL**

Tender documents issued: 25

Addendums issued: one

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)**

The following tender submissions were received before the closing time and date:

Horizon West Landscape Construction  
Environmental Industries Pty Ltd  
BCL Group Pty Ltd  
Menchetti Consolidated Pty Ltd t/a MG Group (WA)  
Frogmat Environmental Pty Ltd  
Landscape Elements  
Total Eden Pty Ltd  
BOS Surveying Pty Ltd – Trading as BOS Civil (Alternative Tender)

No late tenders were received.

The submissions received were compliant with tendering conditions.

The Evaluation Report and Detailed Financial and Performance Assessment were distributed to Elected Members on Tuesday 13 May 2014 under confidential cover.

Corporate Scorecard provided the Detailed Financial & Performance Assessment report. The results from the report did not show any concerns or discrepancies in relation to the company operations.

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

There was no community engagement undertaken as part of the procurement process although there was significant involvement as part of the concept development.

**II. OTHER AGENCIES / CONSULTANTS**

Corporate Scorecard a registered contracted supplier on the Western Australian State Government – Department of Finance common use agreement (CUA) provided the Detailed Financial & Performance Assessment report.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 3.57 of the Local Government Act 1995 states “A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

At the 16 April 2013 Ordinary Council Meeting, the business case for the re-development of the Carawatha Primary School was adopted (item T13/3383). The project number for the budget is PIM00894. Funding was allocated over two financial years as follows:

2013/2014	\$581,000
2014/2015	\$740,000
<b>TOTAL</b>	<b>\$1,321,000</b>

To date expenditure has included:

- Project management
- Detail design (including specialist playground consultancy)
- Bushland development (including path, weed removal and fence construction)
- Electrical cabinet (reticulation)
- Pump and headworks (reticulation)
- Irrigation controller and sensor
- Sewerage design and connection
- Scheme water connection
- Power to site (design, approval and connection)

**Sub Total \$186,005**

Excluding the tender cost for the *Carawatha Park Development - Landscaping Works*, remaining items to be funded include:

- Year 2 of bushland capital costs (\$15,000)
- Project management and design consultancy for the remainder of the project (\$85,000)
- Artwork (\$47,000)
- Mulch (\$10,000)

**Sub Total \$157,000**

Therefore accounting for budget and costs are as follows:

Project budget	\$1,321,000
Costs to date	-\$186,005
Bushland management	-\$10,000
Artwork	-\$47,000
Mulch	-\$10,000
Project and design costs	-\$85,000
<b>TOTAL available funds</b>	<b>\$982,995</b>

The funds available are sufficient to cover the cost of the contract.

LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)

STRATEGIC, ENVIRONMENTAL AND RISK MANAGEMENT IMPLICATIONS

Identified Risk	Risk Level	Risk Mitigation
Risk of Reputational Damage because the project does not achieve the desired environmental outcomes	<b>Medium</b> Unlikely/ major	<ul style="list-style-type: none"> <li>Utilise best practice bushland management techniques and ensure adequate budget available for ongoing management.</li> <li>Ensure design considers issues relating to water such as hydro-zoning and water sensitive design principles.</li> <li>Ensure the site is handed over to appropriate operational areas to monitor/manage</li> </ul>
Risk of Reputational Damage because the project does not achieve the desired recreational outcomes	<b>Medium</b> Unlikely/ major	<ul style="list-style-type: none"> <li>Ensure adequate community engagement is undertaken</li> <li>Utilise current best practice POS development and management techniques.</li> <li>Continue to monitor the site over time and take action as necessary</li> </ul>
That public safety and amenity will be compromised	<b>Medium</b> Possible / moderate	<ul style="list-style-type: none"> <li>Ensure that site management plans are adequate, implemented and monitored</li> <li>CoM Contractor OH&amp;S Induction</li> <li>Ensure that redevelopment works are carried out in a timely manner (in accordance with agreed schedule)</li> <li>Ensure all work proposed complies with relevant Australian Standards and best practices</li> </ul>
That damage occurs to third party assets through contractor actions	<b>Low</b> Unlikely/ minor	<ul style="list-style-type: none"> <li>Ensure adequate insurance by contractor - \$20 million public liability</li> <li>Undertake site induction</li> </ul>
Risk of Reputational Damage because the project is managed poorly	<b>Medium</b> Possible/ moderate	<ul style="list-style-type: none"> <li>Allocate project co-ordinator in development phase</li> <li>Ensure that project management process is adhered to</li> <li>Ensure that project team is identified with all responsibilities identified and agreed</li> </ul>

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

Procurement of Goods and Services Policy CP-023.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The two options available at this stage are:

- To not proceed with the development of the park will save the City approximately \$1,134,000.
- Alternatively the City could reduce the scope of the project to reduce the cost.

Both of these options have been highlighted in the risk implications above as being a medium risk in terms of reputational damage to the organisation.

There has been a considerable effort to engage the community during the development phase of the project plus media releases and other communications have indicated that the current design concept is the preferred model and will be delivered by December 2014.

Neither option is recommended as community expectation has already been raised with consultation, ongoing communication and promises that a high quality park will be built on the former Carawatha Primary School site.

**CONCLUSION**

The Council is required to consider this tender and the recommendation from the Contract and Tender Advisory Unit because the value of the contract exceeds the \$500,000 limit delegated to the Unit. It is the recommendation of the Contract and Tender Advisory Unit that the submission by Landscape Elements for the Carawatha Park Development – Landscaping Works be accepted as the most advantageous. The company demonstrated relevant experience in landscape projects of this nature, personnel and resources to carry the works, the use of an acceptable methodology and represents value for money for the works.

**EVALUATION PANEL RECOMMENDATION (CO21/13)****APPROVAL**

1. That the tender submitted by Landscape Elements Pty Ltd for the Carawatha Park Development – Landscaping Works as specified, for the Lump Sum of \$881,514.77 excluding GST, be accepted as the most advantageous.
2. That the tender be referred to Council for consideration.

**LATE ITEM – T14/3508 –CO21/13 – CARAWATHA PARK DEVELOPMENT –  
LANDSCAPING WORKS (REC) (CONFIDENTIAL ATTACHMENT)**

**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION (CO21/13) (3508)  
APPROVAL**

The Contract and Tender Advisory Unit recommend to the Council that the tender submitted by Landscape Elements Pty Ltd for the Carawatha Park Development – Landscaping Works as specified, for the Lump Sum of \$881,514.77 excluding GST, be accepted as the most advantageous.

**CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION & COUNCIL  
RESOLUTION (CO21/13) (3508) APPROVAL**

At 10.31pm Cr Phelan moved, seconded Cr Hill –

**That the Council accept the tender submitted by Landscape Elements Pty Ltd for the Carawatha Park Development – Landscaping Works as specified, for the Lump Sum of \$881,514.77 excluding GST, as the most advantageous.**

At 10.36pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

<b>Vote Result Summary</b>	
Yes	13
No	0

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

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14.3 Request for Project Robin Hood Funding to be Included in the 2014 – 2015 Budget**

At 10.45pm Mr Cope left the meeting and returned at 10.47pm.  
At 10.48pm Cr Pazolli left the meeting and returned at 10.50pm.  
At 10.56pm Mr L Hitchcock left the meeting and returned at 11.01pm

**COUNCIL RESOLUTION**

At 10.37pm Cr Foxtan moved, seconded Cr Phelan –

**That the City of Melville allocates \$50,000 in the 2014-2015 Budget for the Project Robin Hood participatory budgeting project and makes changes to the Long Term Financial Plan for inclusion of the project for budget consideration in future years.**

At 11.04pm the Mayor submitted the motion, which was declared

**CARRIED (10/3)**

Reasons for Motion

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

1. The participatory budgeting process, through the Youth Advisory Council, empowers young people to be involved in a community project, teaching them useful skills and giving them valuable life experiences.
2. The project involves the community by allowing them input into projects to be undertaken across the City of Melville, and in doing so adds to the sense of ownership and community in our City.
3. The project negates the need for the Elected Members Special Projects Fund. Small projects put forward by Councillors (which are usually requested by a ratepayer initially) can be funded by Project Robin Hood, as long as they are supported by the community. By requiring special projects to be considered using this process, Elected Members must gain community support for projects that they identify, to be funded.

At 11.00pm Cr Pazolli asked for Cr Phelan's comments to be recorded into the minutes.  
Cr Phelan withdrew her comments upon request.

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**14.3 Request for Project Robin Hood Funding to be Included in the 2014 – 2015 Budget (Continued)**

<b>Vote Result Summary</b>	
Yes	10
No	3

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

**15. EN BLOC ITEMS**

At 11.08pm Cr Schuster moved, seconded Cr Phelan –

**That the recommendations for items P14/3495, P14/3497, P14/3503, T14/3498, C14/6000 and C14/6001 be carried En Bloc.**

At 11.08pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

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

Nil.

**17. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 11.14pm.