

**MINUTES**

**OF THE**

**ORDINARY MEETING OF COUNCIL**

**HELD ON**

**TUESDAY 10 DECEMBER 2013**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

**DISCLAIMER**

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

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

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

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

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

## CONTENTS PAGE

	Item Description	Page Number
<b>URBAN PLANNING</b>		
<b>P13/3447</b>	Planning Approval for Two Storey Dwelling at Lot 46 (No. 16) Duncraig Road, Applecross	8
<b>P13/3451</b>	Amendment to Previous Approval to Increase the Number of Patron Numbers of an Existing Health Club at Lot 106 (No. 94) McCoy Street, Booragoon	20
<b>P13/3424</b>	Final Adoption of Willagee Structure Plan	27
<b>TECHNICAL SERVICES</b>		
<b>T13/3441</b>	Technical Services Policy Review	38
<b>COMMUNITY DEVELOPMENT</b>		
<b>CD13/8059</b>	Renewal Memorandum of Understanding (Friendship Relationship) City of Melville (Friends of Hatolia East Timor) and District of Hatolia East Timor	46
<b>MANAGEMENT SERVICES</b>		
<b>M13/5318</b>	Adoption of Code of Conduct – Elected Members	53
<b>M13/5332</b>	Council Meeting Cycle	60
<b>M13/5339</b>	Request for Proposal Process for Strategic Properties Owned by the City of Melville	64
<b>M13/5000</b>	Common Seal Register	74
<b>CORPORATE SERVICES</b>		
<b>C13/5341</b>	Policy Review – Governance and Corporate Services	78
<b>C13/6062</b>	Long Term Financial Model Review and Proposed Capital Works Program	84
<b>C13/6000</b>	Investment Statements for October 2013	91
<b>C13/6001</b>	Schedule of Accounts Paid for October 2013	101
<b>C13/6002</b>	Statements of Financial Activity for October 2013	105
<b>MOTION WITHOUT NOTICE</b>		
16.1	Increase in Street Tree Planting Numbers	111
<b>LATE CONFIDENTIAL ITEM</b>		
<b>P13/3452</b>	Confidential Item – Public Art Contribution As Part of the Redevelopment of the Caltex Service Station at Lot 22, 918 Canning Highway, Applecross	113

**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, 10 DECEMBER 2013.**

---

**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 N Foxtan  
Cr D Macphail, Cr R Aubrey  
Cr R Willis, Cr C Robartson  
Cr C Schuster, Cr N Pazolli  
Cr S Taylor-Rees  
Cr R Hill, Cr P Phelan

**WARD**

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 L Hartill	A/Director Community Development
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 12 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**

Cr M Reynolds (Deputy Mayor) – University Ward  
Cr J Barton – Bicton/Attadale Ward

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

Nil.

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

Nil.

## 6. QUESTION TIME

### Mr A Poli, Applecross

#### Question 1

*The advertising consulting process for the Development Application for proposed two storey dwelling at Lot 46 (No.16) Duncraig Road, Applecross (Reference:P13/3447), has been flawed on a number of levels including:*

- *Provision of incorrect plans and inaccurate information to neighbouring residents by the architect and in an untimely manner,*
- *Misrepresentation by written advice by the Council's planning officer that the proposed dwelling height would be amended by the architect from 10.0m to 9.5m above Natural Ground Level, and;*
- *Councillors being advised at the Agenda Briefing Forum dated 26 November 2013 that the rear setback of the proposed dwelling would be the same as the existing dwelling, despite current plans indicating a rear setback that is 1.4m less than the proposed dwelling.*

*Given the above issues with the planning process has not permitted an equitable and informed assessment of the proposed development's impacts, under what basis do the elected Council Members have for giving due consideration to neighbour concerns and making a decision for conditional approval at this point in time?*

#### Response

The provision of plans from an architect to a resident is an issue between those two parties. Whether such information is accurate is not an issue for the City. However, the plans that were the subject of the consultation exercise entered into as part of the City's consideration of the planning application in question, were accurate, as was the information supplied by the City in respect of the details of the application.

At ABF on 26 November, Elected Members were advised that:

*"The proposed building has a greater setback from the rear boundary than the existing, maintaining views of the river and City".*

This assertion is correct as the existing dwelling on the subject site at 16 Duncraig Road includes a two storey balcony structure, which effectively reduces the extent of the existing rear setback. It is proposed that this balcony structure is removed by the current plans, providing a clear rear setback of 6.95m closest to the neighbouring property at No 14 Duncraig Road.

The information provided by officers in the report presented to Council is accurate, and provides sufficient commentary and justification upon which a decision can be reached, taking into account all impacts towards affected neighbouring properties.

**6. QUESTION TIME (Continued)****Mr A Poli, Applecross (Continued)**Question 2

*Throughout the consulting period for the Development Application for proposed two storey dwelling at Lot 46 (No.16) Duncraig Road, Applecross (Reference:P13/3447), neighbouring residents have advised they would be supportive of the proposal under the following provisions:*

- *The rear setback of the proposed building is equal to the existing dwelling as was advised to Council Members but not represented on the latest plans, and*
- *A proposed maximum building height of 9.0m above the Natural Ground Level, which is compliant with the relevant R-Code provisions.*

*If, as stated in the Meeting Agenda, it is the Council's intention to support the conditional approval of the aforementioned development application, which proposes a non-compliance to the R-Codes, can the Council please advise how due consideration has been given to neighbouring resident concerns given the circumstances?*

Response

The proposed rear setback is assessed on its merits taking into account the rear setback requirement of the R Codes of 6.0m. The proposed setback is more than 6.0m. Whether the proposed setback is consistent with that of the existing structure on the lot, is not a material planning consideration in this case.

The additional building height is assessed taking into consideration the Design Principles of the R Codes. In this case, it is concluded that the proposed height variation can be supported, for reasons that are expanded upon in the relevant Council report.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 19 NOVEMBER 2013**  
**Minutes 19 November 2013****COUNCIL RESOLUTION**

At 6.42pm Cr Macphail moved, seconded Cr Foxtton –

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 November 2013, be confirmed as a true and accurate record.**

At 6.42pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 26 NOVEMBER 2013**  
**Notes 26 November 2013****COUNCIL RESOLUTION**

At 6.42pm Cr Phelan moved, seconded Cr Foxtton –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 26 November 2013, be received.**

At 6.42pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**8.3 NOTES OF SPECIAL AGENDA BRIEFING FORUM – 2 DECEMBER 2013**  
**Notes 2 December 2013****COUNCIL RESOLUTION**

At 6.42pm Cr Hill moved, seconded Cr Schuster –

**That the Notes of the Special Agenda Briefing Forum held on Monday, 2 December 2013, be received.**

At 6.42pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

## 9. DECLARATIONS OF INTEREST

### 9.1 FINANCIAL INTERESTS

- P13/3424 – Cr Pazolli – Financial Interest in Accordance with the Act

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

- P13/3451 – Cr Macphail – Interest under the Code of Conduct
- P13/3451 – Cr Aubrey – Interest under the Code of Conduct
- P13/3451 – Cr Phelan – Interest under the Code of Conduct
- P13/3424 – Cr Phelan – Interest under the Code of Conduct
- M13/5339 – Cr Hill – Interest under the Code of Conduct

## 10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.45pm Cr Schuster moved, seconded Cr Aubrey -

**That the applications for new leaves of absence submitted by Cr Willis and Cr Robartson on 10 December 2013 be granted.**

At 6.45pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (11/0)**

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

- P13/3452 Confidential Item – Public Art Contribution As Part of the Redevelopment of the Caltex Service Station at Lot 22, 918 Canning Highway, Applecross

The above matter is confidential in accordance with Section 5.23(2)(c) and (e) of the Local Government Act 1995 relating to a contract that the City may enter into and the report contains information of a commercial value to a person.

**12. PETITIONS****12.1 Petition – Objection to Proposal to Increase the Height of Somerville Shopping Centre to Two Storey**

A Petition signed by 83 residents was received by the City of Melville on Wednesday, 27 November 2013. A further 30 signatures were received on Friday, 29 November 2013. The petition reads as follows -

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

*Residents wish to object to the proposal submitted by the owners of the Somerville Shopping Centre at the corner of LeSouef and McMahon Way, Kardinya to increase the height of the building to two storey. The proposal will create excessive bulk and scale, affect the amenity of the area and only add to the already out of control parking issues created mostly by the existing two restaurants. The addition of a second storey will affect the neighbourhood character, effect sunlight to adjoining buildings and create privacy issues.*

**COUNCIL RESOLUTION**

At 6.47pm Cr Foxtan moved, seconded Cr Willis –

**That the petition bearing 113 signatures be received and acknowledged in writing to the lead petitioner with the advice that the petition will be considered as part of the assessment of the application.**

At 6.47pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

### 13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

#### **P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16) DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2013-992  
 Property : 16 Duncraig Road, Applecross  
 Proposal : Two Storey Single Dwelling  
 Applicant : Leon House  
 Owner : Zhenya Holdings Pty Ltd  
 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"/>	<b>Quasi-Judicial</b>	<b><i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for the construction of a two storey dwelling at 16 Duncraig 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, open space and side setbacks.
- The application was advertised to surrounding neighbours and two submissions in objection were received outlining concerns with the proposed building height, first floor setbacks and visual privacy.
- Approval of the proposal requires an Absolute Majority decision of Council due to the proposed building height variation.
- 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.
- It is recommended that conditional approval be granted.



**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	: 1,383sqm
Street Tree(s)	: One street tree to be removed
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

**DETAIL**

**[3447 - Site And Elevaton Plans 16 Duncraig Road Applecross](#)**

Planning Approval is sought for the construction of a two storey single dwelling at 16 Duncraig Road, Applecross.

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed to Comply provisions of the R-Codes and applicable Council Policies. The proposal 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)	10m maximum	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority decision of Council
Open Space*	55%	53%	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Manager Statutory Planning (MSP)

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**R-Code Requirements**

<b>Development Requirement</b>	<b>Acceptable Development</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Ground Floor Side Setbacks (north-east)*	2.3m	1.8m	Requires assessment using Design Principles	MSP
	5.7m	5.2m		
First Floor Side Setback (south-west)*	4.6m	3m	Requires assessment using Design Principles	MSP
Northern Balcony	7.5m	3.8m	Approval is conditioned to require screening.	MSP
Southern Balcony	7.5m	2.5m	Approval is conditioned to require screening.	MSP
Pool Deck	7.5m	2.5m to north 2.8m to east	Approval is conditioned to require screening to the eastern neighbour.	MSP
Play Room	6m	5.2m	Approval is conditioned to require screening.	MSP

\*Commentary in this report will be confined to Building Height, the first floor setback variation and visual privacy only as these are the matters on which submitters have raised objections. The remainder of the abovementioned variations have been assessed against the relevant Design Principles and are considered to comply.

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Two received  
Reason: Part 4 of R-Codes  
Support/Object: Object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	Due to the block-like form of the proposed dwelling, the height will have more of an impact upon the submitter's property.	Object	The north-eastern elevation of the dwelling is well articulated, with one 9m long two storey wall proposed within 2m of the common boundary. The remainder of the dwelling is setback between 5.2 - 15.6m. This is considered to ameliorate the impact of the additional height on the submitter's property.	Not Uphold
	Overlooking of the submitter's property will be able to occur as a result of the proposed north and south facing balconies which will affect their amenity.	Object	A condition of planning approval is recommended to ensure that screening is installed to satisfy the Deemed-to-Comply provisions of the R-Codes.	Condition

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

	The proposed green wall should be changed to a permanent privacy screen given that vegetation can be susceptible to a number of factors that reduce its effectiveness for screening.	Object	A condition of approval is recommended to ensure that the screening satisfies the requirements of the R-Codes.	Condition
	The area of pool decking should be reduced or the screening extended along the northern boundary to prevent overlooking of the submitter's pool area.	Object	A condition of planning approval is recommended to require an extension of the privacy screening along the northern side of the proposed pool deck to restrict overlooking to the submitter's pool area	Condition
2.	The increased height will result in a detrimental impact upon the north-eastern side of the submitter's property due to the loss of morning sun into the living room and other windows at ground floor level.	Object	The proposed development would overshadow 7.8% of the submitter's property at 12pm, 21 June and therefore satisfies the Deemed-to-Comply provisions of the R-Codes.	Not Uphold
	The increased height will restrict access to morning sun into the submitter's pool area.	Object	The setbacks from both the side and rear boundaries satisfy the Deemed to Comply provisions of the R-Codes, as does the overshadowing.	Not Uphold

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

	The first floor level should be further setback as this, coupled with the proposed height variation, exacerbates the shadowing of the submitter's property.	Object	The impact of the proposed development on overshadowing towards the submitters property is such that it accords with the Deemed to Comply provisions of the R-Codes.	Not Uphold
--	---	--------	--	------------

**CONSULTATION WITH 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 not considered to be strategic, risk or environmental management implications associated with this application.

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of applicable Council Policies.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****COMMENT**Building Height

The proposed development has been designed with a concealed roof. The height of the concealed roof is 9m at the front of the site, but rises to a maximum of 10m at the rear. Council Policy - 066 Height of Buildings prescribes a 9m maximum building height for concealed roofs. Consequently, approval of the application requires an Absolute Majority decision of Council.

The proposed variation is supported for the following reasons:

- The Deemed-to-Comply provisions of the R-Codes allow up to 25% overshadowing of adjoining lots coded R25 or lower. The proposed development including the over height portion overshadows a maximum of 7.79% of the neighbouring south-western property;
- No views of significance are compromised as a result of the proposed increased height;
- The building appears as height compliant when viewed from the street, as the over height element relates to the rear portion only.
- The rear (over height) portion is setback 6m from the rear boundary, thereby mitigating any adverse building bulk impacts towards adjoining occupiers.
- Buildings in this location are generally orientated toward the north and north-west to capture river views and sun; and
- The impact of the increased height is ameliorated by virtue of the existing adjoining developments which are built to a maximum height of between 10.2m and 10.5m respectively.

Boundary Setbacks

The reduced first floor setback applies to two small indented portions of the western elevation being 4m and 5.8m long. The variation is considered to meet the Design Principles of the R-Codes for the following reasons:

- The western elevation faces the 'blind side' of the neighbouring development which is orientated to the north. The proposed variation does not magnify the bulk impact towards the neighbouring property;
- The overshadowing requirements of the R-Codes Deemed to Comply provisions are met; and
- Privacy cannot be compromised as there are no major openings contained within the western elevation.

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**Visual Privacy

As outlined above, the first floor balconies and pool deck area do not satisfy the Deemed to Comply provisions of the R-Codes in relation to visual privacy. Conditions of approval have been recommended to ensure that screening is installed prior to occupation of the development which satisfies these provisions.

It is noted that a green wall is proposed as a means of screening along the north-eastern elevation. A green wall can be utilised to improve the appearance of a privacy screen, however the privacy screen beneath the greenery is still required to satisfy the R-Codes definition of screening.

Street Tree

Two street trees are located within the verge fronting the proposed development. The application proposes to remove one of the street trees for the provision of the crossover. The application was referred to Technical Services for assessment against the provisions of Council Policy – 029: Street Tree. The assessment by Technical Services determined that removal of the street tree was acceptable and consistent with Policy – 029.

Conditions of planning approval have therefore been recommended which require the tree to be removed and replaced with two trees in accordance with Policy – 029. The remaining tree is to be protected throughout the construction phase in accordance with Australian Standards.

**CONCLUSION**

Based on the above, the application is considered to generally satisfy the objectives of CPS5, the R-Codes and Council planning policies and 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.

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION (3447)****ABSOLUTE MAJORITY APPROVAL****That the Council:**

At 6.49pm Cr Phelan moved, seconded Cr Aubrey –

- A. Approve the application for a two storey single dwelling at No. 16 Duncraig Road, Applecross subject to the following conditions:**
- 2. All stormwater generated on site is to be retained on site.**
  - 3. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m (9m in aggregate) and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
  - 3. Prior to the initial occupation of the development, the opening along the eastern side of the Play Room (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
  - 4. Prior to the initial occupation of the development, the northern, southern and eastern elevations of the first floor balconies and pool deck (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
  - 5. Prior to the initial occupation of the development, the street tree adjacent to the south-eastern corner of the property (as marked in RED on the approved plans) shall be removed and replaced with two trees in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Statutory Planning. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense.**
  - 6. Prior to the commencement of the development, the remaining street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.**
- B Advise the residents who made submissions on the proposal in writing of A) above.**

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPLECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**Amendment

Cr Schuster foreshadowed the following Amendment -

- 7. At an early date that the residents of 14 Duncraig road, Applecross be offered a meeting with relevant planning staff and Ward Councillors to review the processes involved in this approvals process. If at all possible the meeting is to occur on or before 20 December.***

The Mover and Seconder of the Officer Recommendation agreed to incorporate the foreshadowed Amendment in the recommendation.

**COUNCIL RESOLUTION (3447)****ABSOLUTE MAJORITY APPROVAL**

At 7.06pm the Mayor submitted the substantive motion as amended -

**That the Council:**

- A. Approve the application for a two storey single dwelling at No. 16 Duncraig Road, Applecross subject to the following conditions:**
- 1. All stormwater generated on site is to be retained on site.**
  - 2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m (9m in aggregate) and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
  - 3. Prior to the initial occupation of the development, the opening along the eastern side of the Play Room (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
  - 4. Prior to the initial occupation of the development, the northern, southern and eastern elevations of the first floor balconies and pool deck (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

**P13/3447 - PLANNING APPROVAL FOR TWO STOREY DWELLING AT LOT 46 (NO. 16)  
DUNCRAIG ROAD, APPECROSS (AMREC) (CONFIDENTIAL ATTACHMENT)**

5. Prior to the initial occupation of the development, the street tree adjacent to the south-eastern corner of the property (as marked in RED on the approved plans) shall be removed and replaced with two trees in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Statutory Planning. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense.
  6. Prior to the commencement of the development, the remaining street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.
  7. *At an early date that the residents of 14 Duncraig road, Applecross be offered a meeting with relevant planning staff and Ward Councillors to review the processes involved in this approvals process. If at all possible the meeting is to occur on or before 20 December.*
- B Advise the residents who made submissions on the proposal in writing of A) above.**

At 7.06pm the Mayor declared the motion

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

**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)**

Disclosure of Interest

Item No.	P13/3451
Member	Cr D Macphail
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Owner is former City Ward colleague
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3451
Member	Cr R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Owner of premises endorsed Cr Aubrey's campaign flyer
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3451
Member	Cr P Phelan
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Previous colleague on Council
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Ward	: City
Category	: Operational
Application Number	: DA-2013-863/A
Property	: Lot 106 (No. 94) McCoy Street, Booragoon
Proposal	: Increase in patronage of an existing Health Club
Applicant	: R Halliday
Owner	: A Ceniviva, A Ceniviva, C M De Pinto and others
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

**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)**

**AUTHORITY / DISCRETION**

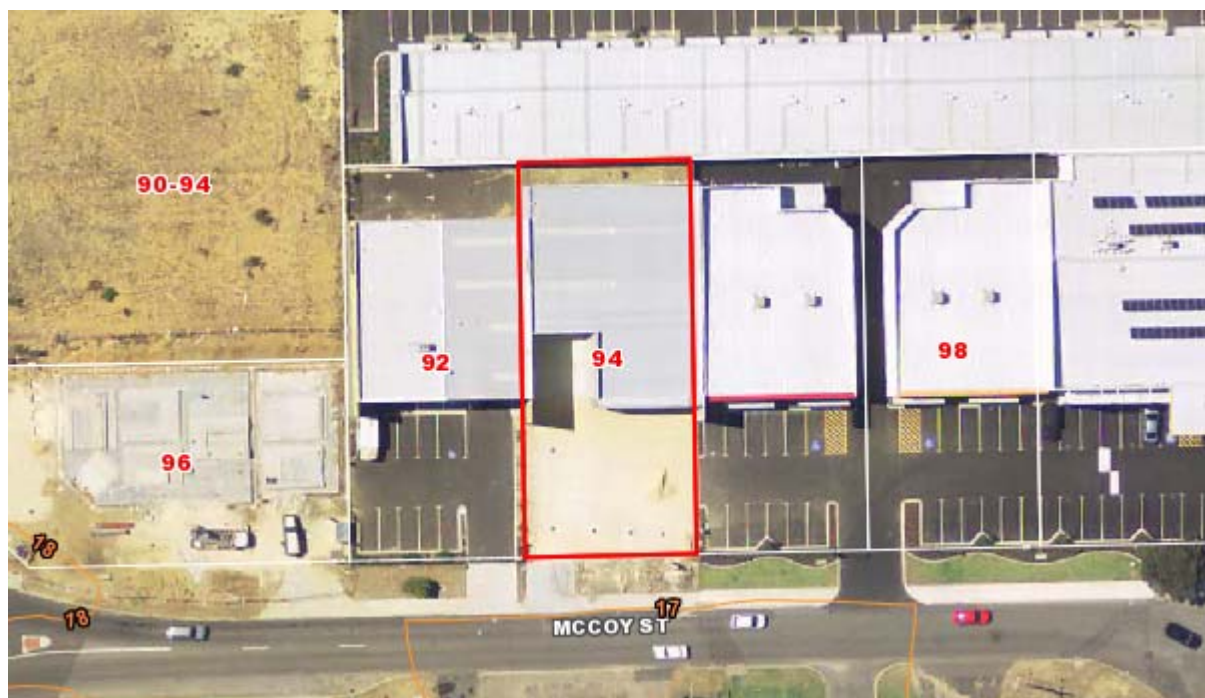
**DEFINITION**

<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>

**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)**

**KEY ISSUES / SUMMARY**

- Approval is sought to amend a condition of planning approval to increase the maximum number of patrons permitted within an existing Health Studio located at Lot 106 (No. 94) McCoy Street, Booragoon.
- It is proposed that the maximum number of patrons be increased from 15 to 20 outside of standard business hours only.
- Patron numbers were previously capped at 15 via a condition of planning approval based upon the availability of on-site car and bicycle parking.
- The applicant now proposes to increase the maximum patron numbers from 15 to 20 outside of standard business hours.
- Using the car parking rationale applied for the first application, the proposed increase in patron numbers requires an additional five car bays. These additional bays are not provided.
- Despite this, it is considered that as the additional patron numbers would apply when the majority of the other businesses within the surrounding area are closed, any additional car parking demand could be readily absorbed by the car parking that exists within the immediate area.
- It is recommended that the existing condition of planning approval be modified accordingly.
- As the proposal involves a car parking variation, the approval of the application requires an Absolute Majority decision of Council.



**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)****BACKGROUND**

On 3 September 2013, the City approved a change of use of the subject site to allow the operation of a Health Club (DA-2013-863).

As Council Policy-079 – Car Parking (Non-residential) requires one bay per 25sqm of net lettable area for a Health Club, this ratio was not applied in the assessment of this previous application on the basis that the ratio would result in a requirement for more car parking bays than the maximum number of clients the applicant proposed.

It was considered that the ratio contained within the Council Policy applies to the more common type of Health Club where people undertake individual exercise on machines or with weights without appointment. These businesses sell memberships that allow people to come and go without appointment and the Health Club have limited control as to the number of clients who visit the premises at any one time.

The subject Health Club (Crossfit Quarter Melville) was considered to be different to the above as it operates within set times via small group sessions led by instructors. On this basis, the applicant limits the maximum number of clients on the premises at any one time. As a result of this operational difference, the car parking ratio applied to the previous application was one bay per client and staff member.

Based upon the 13 on-site car parking bays and 12 bicycle bays, the following condition of approval was imposed:

- 3 *The maximum capacity for the health club shall be capped at 15 persons (including staff) at any one time.*

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Mixed Business
R-Code	:	Not applicable
Use Type	:	Use not listed
Use Class	:	Discretionary

**Site Details**

Lot Area	:	594sqm
Street Tree(s)	:	Street trees to remain
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)**

**DETAIL**

Planning approval is sought to amend Condition 3 of planning approval DA-2013-863 to allow an increase to the permitted patron numbers of the health club as follows:

Monday to Friday 8am – 5.30pm	A maximum of 15 clients and staff
All other times	A maximum of 20 clients and staff

Using the same car parking rationale as previously applied, an additional five on-site car parking bays are required for the proposed increase in patron numbers outside of standard business hours (Monday – Friday 8am – 5.30pm). No additional parking bays can be accommodated on the site and consequently a variation is sought.

**PUBLIC CONSULTATION/COMMUNICATION**

As the land use has already been approved and there are no external or internal works proposed as part of this application, no consultation has been undertaken.

It is also noted that the City has no record of any complaints relating to the operation of the business since its commencement. It is also noted that the Health Club previously operated from Shields Crescent and did not result in any complaints.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)**

**POLICY IMPLICATIONS**

As outlined above, the car parking requirements outlined in CP – 079 – Car Parking (Non-Residential) are considered to be onerous due to the nature of the operation of the business. Consequently an alternative car parking standard has been applied taking into account the objectives of the policy.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

If Council refuses to grant approval or if conditions of planning approval are imposed that are considered to be unreasonable on the part of the applicant, the option for a review of the decision to the State Administrative Tribunal, may be taken.

**COMMENT**

As outlined above, approval is sought to increase the maximum number of clients of the Health Club from 15 to 20 outside of standard business hours when the majority of the surrounding businesses are closed.

The current restriction on the patron numbers of 15 persons during standard business hours will remain.

Utilising the same car parking rationale as previously applied, the proposal results in a shortfall of five on-site car parking bays.

In lieu of this shortfall and in accordance with Council Policy CP-079, reciprocal parking can be considered where the parking demand and hours of operation of the various uses in the area will not unreasonably coincide. In addition, and in further support of this car parking shortfall, the following is noted:

- The applicant has included a letter of support from the Director of Cockburn Joinery which operates from the lot opposite. Cockburn Joinery has three bays on site and a further five marked bays on the verge. The Joinery business operates between the hours of 8.00am and 5.00pm Monday to Friday only. The verge bays will therefore be made available to patrons of the health club outside these times.
- Other informal reciprocal car parking is also enabled outside standard business hours by virtue as all businesses in the locality, particularly those that have been developed alongside the subject premises, have dedicated car parking which is accessible, and available, for any person to use.

**P13/3451 - AMENDMENT TO PREVIOUS APPROVAL TO INCREASE THE NUMBER OF PATRON NUMBERS OF AN EXISTING HEALTH CLUB AT LOT 106 (NO. 94) MCCOY STREET, BOORAGOON (AMREC)**

- The applicant has also stated that their current clientele comprises 21 couples in domestic relationships and these couples generally attend sessions together which reduces the amount of cars in the area.
- On street car parking is available on McCoy Street, immediately to the front of the business, and around into Pitt Way.

**CONCLUSION**

It is concluded that the increase in patron numbers and their associated additional car parking requirements can be met without prejudice to road safety, or amenity. As such, it is recommended that the proposal is supported.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3451)**

**ABSOLUTE MAJORITY DECISION**

At 7.06pm Cr Macphail moved, seconded Cr Foxtan –

**That the Council amend Condition 3 of Planning Approval DA-2013-863 as follows:**

**3. Client and staff numbers for the business are restricted to the following:**

**Monday to Friday 8am – 5.30pm**  
**All other times**

**A maximum of 15 clients and staff**  
**A maximum of 20 clients and staff**

At 7.07pm the Mayor submitted the motion, which was declared

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

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

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P13/3424
Member	Cr P Phelan
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Resident, Home Owner within Willagee
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3424
Member	Cr N Pazolli
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Board Member Alchera Living
Request	Leave
Decision of Council	Not Required

At 7.08pm Cr Pazolli, having declared an interest in this item, left the meeting.  
At 7.14pm Cr Taylor – Rees left the meeting and returned at 7.16pm.

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

P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)

**AUTHORITY / DISCRETION**

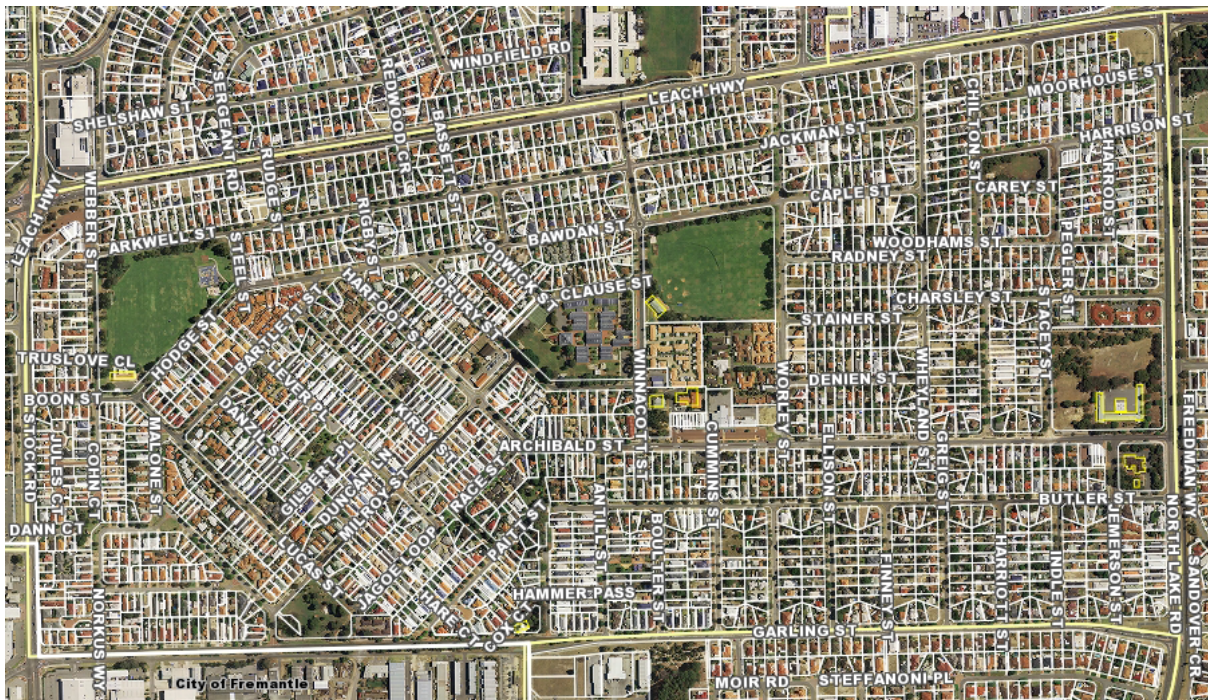
**DEFINITION**

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

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Willagee is an area that the City of Melville, Department of Housing and (Federal) Department of Infrastructure and Transport all agree is in need of structure planning
- The aim of the project is to encourage the rejuvenation of Willagee
- The City owns/manages significant parcels of underdeveloped land in Willagee, such as the site of the former Carawatha Primary School (approx 25,000m<sup>2</sup> excluding the new park) and the Arthur Kay Reserve (7,420m<sup>2</sup>)
- A consultant (GHD Pty Ltd) was appointed December 2012 to undertake a structure plan for the suburb
- The Structure Plan covers the main elements of urban fabric (housing, transport, public spaces etc) as well as masterplans for the Carawatha site and the commercial/community hub on Archibald Street. Future development including subdivision in Willagee will be guided by the Structure Plan
- Significant public engagement has been undertaken
- Briefings on the project have been presented to Council at Elected Member Information Sessions during 2013. A basic outline of the project was given in February 2013 and the Draft Willagee Structure Plan was presented in May 2013. The final stages of the project were outlined at briefings during October and November 2013.
- Council endorsed the Draft Willagee Structure Plan for public advertising at the June 2013 Council meeting. A public comment period ran from late June to 2 August 2013
- 51 submissions were received. There is significant public support for the Willagee Structure Plan
- The report recommendation is for Council to adopt the Willagee Structure Plan. Once adopted, the plan will be formally implemented through initiation of a Community Planning Scheme No. 5 (CPS 5) Scheme Amendment which will be submitted to Council in the near future

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)**



**BACKGROUND**

Planning for Willagee began with the community. Locals were clear on the need for positive change and planning for Willagee became a high priority project under the City of Melville’s *Plan for the Future 2008 – 2012*, which specifies ‘a strong and diversified local and regional sustainable economy with a range of business and employment opportunities.’ The project also aligns with most of the aspirations under *People, Places, Participation 2012-2022*.

The Department of Housing (DoH), which has considerable assets in the area, and the (Federal) Department of Infrastructure and Transport (DIT) agreed that Willagee is in need of structure planning. Support from these agencies is such that the DIT is contributing \$30,000 to the project, and the DoH \$10,000.

There are concerns that the high proportion of older homes that are not being renovated or rebuilt is reducing the amenity of the suburb. Lot size, fragmented ownership and land values may also be impeding private redevelopment. Willagee has experienced some anti-social behaviour, especially around the commercial/community hub on Archibald Street.

**Scheme Provisions**

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

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)****Site Details**

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

[3424 Willagee Structure Plan Part One](#)

[3424 Willagee Structure Plan Part Two](#)

**DETAIL**

The structure plan provides detailed plans for the main elements of Willagee's urban fabric: housing, parks, economic vitality, traffic, transport, walking/cycling facilities, the Carawatha site and the Archibald Street hub.

The structure plan encourages a range of housing, including affordable living choices, through co-operation with the Department of Housing and private owners. It is expected that more efficient use of land will improve the liveability of the suburb by increasing the population within the catchments of the local centres and public transport links. Planning will also introduce more potential for mixed use development and strengthen the local commercial centres with improvements to walking and cycling environments.

Outcomes will include clarity on development opportunities, changes to residential density and more appropriate commercial zonings.

The concept plans which have been produced for Carawatha and the Archibald Hub represent possible solutions to the issues which face each area. The concept plans are not intended to be regulatory or prescriptive. Each will guide private redevelopment which could rejuvenate the area, attracting pedestrian traffic, improving surveillance and reducing undesirable behaviour. The concept plans also inform the better use of City assets such as the Willagee Library, community centre and George Humes Park.

**Content**

The first element of Willagee Structure Plan is Part 1, which provides the statutory basis for the plan. Details include land-use changes, design guidelines, spatial guidelines, Crime Prevention Through Environmental Design (CPTED) strategies and the Willagee Structure Plan Map which sets out the base zonings/density codes.

Part 1 will have the status of a policy once the plan is adopted by Council. Policy status immediately enacts all of the Structure Plan provisions except for density codes. Enabling changes to the density codes requires a Scheme Amendment, provision for which is made in a recommendation of this report.

The second element of the Willagee Structure Plan is Part 2. This element elaborates on the basis for the Structure Plan but is not intended as a statutory control. Part 2 provides planning context and makes suggestions for intersection improvements, commercial strategy, water management etc. Part 2 will assist in guiding planning decisions for Willagee, particularly where there is a need for performance-based assessment or the exercise of discretion. Concept plans for the Carawatha site and the Archibald Hub are also included in Part 2.

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)****Traffic**

Surrounded by major regional roads, the suburb experiences high rates of accidents at some of the intersections along Stock Road, Leach Highway and North Lake Road. As these regional roads are becoming busier, the structure plan recommends measures to improve the key intersections, particularly at Winnacott Street/Leach Highway, and Archibald Street/North Lake Road, which have the highest rates of accidents. Main Roads WA was consulted and has agreed to the proposed changes.

**Suburban amenity**

The Structure Plan includes a strategy to protect the low-key suburban character of the non-policy areas of the suburb which cover 95% of Willagee by incorporation of the following objectives:

- (a) Providing for a mix of housing and mixed-use development options that integrate with their suburban context, with more intensive development strategically located in the defined policy areas
- (b) Ensuring the nature, form and scale of development outside the defined policy areas is consistent with a suburban streetscape and character
- (c) Managing building height, bulk, and setbacks to maintain private open space and landscape features as the prevailing visual element of residential lots

These objectives are specified in Part 1, which gives them statutory effect. The objectives would be deployed to prevent undesirably large multiple dwelling developments from occurring in suburban (that is, non-policy area) Willagee.

These objectives also govern the feature of the plan that allows, in special circumstances, some R40 lots outside the policy areas to be subdivided at an R60 density. The City will be able to insist on developments of limited bulk, height and scale, and are consistent with suburban surroundings. Effectively, a density bonus for this style of housing is an incentive for the development of preferred alternatives to the out-of-scale blocks of multi-unit housing that cause concern elsewhere.

It should be further noted that in non-policy areas the building height controls of CPS 5, which prescribe maximum heights of 8m (to eaves) and 10.5m (overall building), have not been altered.

More generally, an increase in density is likely to have positive effects on suburban amenity. Local businesses - which by virtue of their location have limited appeal to the wider region - will potentially benefit from the larger customer base. With the strategic concentration of higher densities in policy areas and along the pedestrian infrastructure of transport corridors, an increase in walking and cycling to the local shops may be expected.

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMEN**

Density is normally correlated with public transport uptake. Housing choices for seniors, young families and single people will be expanded. The quality of housing stock will improve. The Department of Housing will be able to dilute its assets and develop according to best practice. A higher population will better justify investment in footpaths, roads, parklets, street trees and underground power.

There have been concerns about the effects of development on street trees. The Council already has a policy that requires verge trees to be protected where possible. In the event that tree removal is necessary, the applicant pays for two new trees of the Council's choosing. As new trees would be selected according to the City's street tree masterplan, which prescribes a species for each street, the quality of streetscapes would gradually improve.

The City's insistence on suburban scale development with setbacks and private open space over 95% of Willagee is also an implicit encouragement of tree retention.

**Community engagement**

The Draft Willagee Structure Plan was publicly advertised for five weeks. The City received 51 comments from people and agencies with an interest in the suburb. In accordance with the request made by Council on 18 June 2013, the submissions are analysed in the attached report.

**NEXT STEPS**

The final stage of the project will be the preparation of Scheme Amendment documentation for forwarding to the Western Australian Planning Commission (WAPC). An amendment will provide additional statutory recognition of the Structure Plan provisions by the City's planning scheme, and will implement the residential density codes proposed in the plan. The proposed amendment will be publicly advertised as per normal process. An item relating to this matter will be put to Council over the next few months.

**PUBLIC CONSULTATION/COMMUNICATION**

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

Significant public engagement was undertaken. A public workshop was held in February with over 100 attendees. A specially-designed workshop with the local indigenous population (including indigenous youth) was held shortly after. There has been ongoing liaison with local traders and landowners.

The Draft Willagee Structure Plan was presented to Council at an EMIS on 28 May 2013. Council subsequently endorsed the Draft Willagee Structure Plan for public advertising at the Council meeting held on 18 June 2013. This draft was advertised from 24 June to 2 August 2013.

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)**

A total of 51 written submissions were received during the advertising period, which can be summarised in the following table.

Category of Submission	Number of Submissions
Support for plan exactly as proposed	17
Comments re non-density particulars of plan (with implied support for proposed densities)	21
Would like to see proposed R25 densities increased to R30 or R40	2
Would like to decrease proposed R40 and R60 densities	5
Would like to see lower densities proposed for Carawatha site	3
Concerns with 4 storey buildings on Carawatha site	3
<b>TOTAL</b>	<b>51</b>

Details of the submissions and responses are attached in the Engagement Report.

The City also received around 50 telephone calls and counter enquiries with questions about the proposed scheme amendment. The overwhelming majority of the inquiries, from both landowners in the area and others, verbally indicated support for the draft structure plan and the City's efforts to enhance the area.

Changes made to the draft as a result of community suggestions included rezoning the shops opposite Carawatha from Living Area R20 to CCR R60, and closer recognition of the need to avoid prescriptive masterplanning for the Archibald Hub and Carawatha sites. Further detail is provided in the Engagement Report.

The Draft Willagee Structure Plan has been modified and is now presented as the Willagee Structure Plan for final adoption by Council.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the Council adopt the final preferred Willagee Structure Plan then the next step will be to initiate associated amendments to the CPS5.

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

Both agencies have been consulted and both indicate support for the relevant concepts. The content of the Structure Plan will guide and inform future road and transport proposals.

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

All costs associated so far with the Willagee Structure Plan were provided for within the Council's 2012/2013 annual budget. Funds are also budgeted to progress amendments to CPS5 and Local Planning Scheme No 6 (LPS6). As indicated above, project funding has also been received from the State and Federal Governments.

Costs associated with the eventual delivery of various project elements such as intersection modifications, swales etc (if endorsed by the Council and supported by the State Government) will be the subject of detailed financial analysis and separate Council approvals as appropriate.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The Council does not support any of the Concept Designs provided or the design elements used to influence these designs	<b>Low</b>	In conjunction with the Council identify any issues that need to be addressed to enable further consideration of Concept Designs to be made
Minor sections of community in opposition to particular elements of Willagee Structure Plan, minor sections of community feeling their submissions were not addressed as anticipated	<b>Low</b>	Ongoing communication with parties, publication of Submissions Analysis/Engagement Report
City cannot deliver various elements of approved Structure Plan	<b>Medium</b>	Commission detailed design work and detailed financial analysis of any preferred Concept Design. Immediate engagement with essential service providers, key agencies (e.g. Main Roads WA, Public Transport Authority and Department of Planning) once detailed design work is complete. Ensure immediate engagement with State Government once the Council has resolved to support an endorsed Concept Design.

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council may choose not to adopt the Willagee Structure Plan in its proposed form. In such a situation, the consultants could be further engaged to consider matters raised by the Council and the altered version could be re-presented for further consideration of the Council.

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

**CONCLUSION**

Progress on the Willagee Structure Plan has been thorough and steady. The unusually high level of local input into the first draft of the plan explains the high level of public support for the plan during the recent community comment period. Feedback from the public has been incorporated into the final version of the plan. Accordingly it is recommended that Council support the final adoption of the Willagee Structure Plan. Following final adoption, a report will be presented to Council to initiate an associated Scheme Amendment which will further implement the initiatives of the Structure Plan. It is noted that the Willagee Structure Plan received a commendation at the 2013 Planning Institute of Australia (WA) Awards for Planning Excellence in the public engagement and community planning category.

**P13/3424 – FINAL ADOPTION OF WILLAGEE STRUCTURE PLAN (REC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3424)****ADOPTION**

At 7.08pm Cr Phelan moved, seconded Cr Hill –

**That the Council:**

- 1. Resolve, pursuant to section 9.6 of Community Planning Scheme No. 5, to adopt the Willagee Structure Plan.**
- 2. Consider at a future Council meeting a draft Scheme Amendment proposal for the Willagee Structure Plan area.**

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

**CARRIED UNANIMOUSLY (10/0)**

At 7.19pm Cr Pazolli returned to the meeting.

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Subject Index : BMS – Council Policies  
 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 : T11/3281 – Technical Services Policy Review – 20 December 2011 – Ordinary Meeting of the Council  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : John Christie  
 Director Technical Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Director Technical Services have been reviewed and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.
- It is recommended that the nine policies reviewed by the Director Technical Services be approved.

**BACKGROUND**

A two year review cycle has been implemented to ensure all Council Policies remain current.

The Policies presented in this report have been reviewed by staff and minor changes made.

**DETAIL**

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by Council relate to:

- Strategic Positioning of Council
- Executive Functions
- Legislative Functions
- Chief Executive Officer and Senior Officer Appointments
- Termination payments in excess of contracts of employment or Award provisions.

All other policies are considered to be operational in nature and have therefore been designated as Operational Policies. Operational Policies are those which are made in relation to the functions of the Chief Executive Officer (CEO) as prescribed by Section 5.41 of the Local Government Act 1995 (The Act) as follows:

Management of the day to day operations of the local government:

- The employment, management supervision, direction and dismissal of other employees (subject to Section 5.37(2) of The Act) in relation to senior employees
- Ensuring that records and documents of the local government are properly kept for the purposes of The Act and any other written law and
- Policy on powers and duties delegated by Council within the limitations as set by Section 5.43 of The Act

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**

This report provides comment on policies from the area of responsibility of the Director Technical Services and includes:

[3441 CP – 001 – Citizenship Ceremonies Policy](#)

[3441 CP – 029 - Street Tree Policy](#)

[3441 CP – 030 – Environmental Policy](#)

[3441 CP – 031 - Asset Management Policy](#)

[3441 CP – 033 - Path Policy](#)

[3441 CP – 034 - Road Safety Audit Policy](#)

[3441 CP – 035 - School Parking Policy](#)

[3441 CP – 036 - Waste Minimisation Policy](#)

[3441 CP – 086 – Verge Treatment Policy](#)

Changes in the Policies are highlighted below:

CP – 001 – Citizenship Ceremonies Policy

There were no significant changes to this policy.

CP – 029 - Street Tree Policy

One change was made to the Policy where it references “All new trees shall be planted in a location, which does not impact on sight lines, utilities or underground services”, the Policy now reads “All new trees shall be planted in a location that does not impede sight lines that impact on road safety, utilities or underground services”.

CP – 030 – Environmental Policy

Minor changes.

Changes include the addition of the following to the Policy Scope; “This policy relates to all staff and contractors providing services on behalf of the City.”

The Policy Statement has two modifications, one to reflect that the City has developed an Environmental Improvement Plan which requires the City to now implement rather than develop as was in the Policy prior to this review. The second change has been made to reflect that the City has completed a climate change risk assessment which has resulted in the Adapting to Climate Change in the City of Melville 2012-2017 plan. The City will now continue to review the adaptation plan and mitigate the risks that have been identified.

CP – 031 - Asset Management Policy

There were a number of minor changes to this policy. The chapters of the Asset Management Plan were reworded to align with the Asset Management Procedure, Asset Management training was added to the list of items the organisation will undertake and the emphasis on the Asset Management Continuous Improvement Strategy was changed to ‘maintain’ rather than ‘develop’.

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**CP – 033 - Path Policy

There were no significant changes to this Policy.

CP – 034 - Road Safety Audit Policy

The overall intent of the policy has not changed as part of the review. The title change of the Executive Engineer to Manager Engineering Design was updated. Also the reference to the Austroads Road Safety Audit Manual was changed to the current reference of Austroads Guide to Road Safety Part 6 Road Safety Audit.

The information on when to do a Road Safety Audit has been expanded to improve clarity and compliance. Audits were generally being undertaken as set out in the updated policy but there was some confusion on when to do an audit on a road project that was estimated to cost less than \$250,000.

Structure plans were added as needing to be audited to ensure Road Safety is a major factor in the new planned layouts.

The order of the dot points in the Policy Statement was changed to improve sequencing and readability.

CP – 035 - School Parking Policy

Only minor changes were made to this policy. The title change of the Executive Engineer to Manager Engineering Design was updated. Other changes to the wording of the policy were made to improve clarity and readability, the overall intent of the policy was not changed as part of the review.

CP – 036 - Waste Minimisation Policy

The significant change to this policy is the waste to landfill target being reduced from 75% to 50% by 2015, which is the current State Government target. There are other minor amendments capturing government department name changes, along with the current waste recycling service to a weekly service.

CP – 086 – Verge Treatment Policy

There are no changes to this policy.

**PUBLIC CONSULTATION/COMMUNICATION**

Not Applicable

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not Applicable

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

The policies are consistent with the current Local Government Act 1995 and relevant Regulations.

**FINANCIAL IMPLICATIONS**

Policies set out various strategic positions of the Council. The commitments of the Council as identified in Council Policies will be reflected in future Capital and Operation Programs which will be presented as part of the formal budget setting process.

**STRATEGIC, ENVIRONMENT AND RISK MANAGEMENT IMPLICATIONS**

The process of policy review will serve to minimise both strategic and risk management implications by ensuring policies are consistent with current legislation.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Administration undertakes functions delegated by the Council in a manner not in accordance with the Council's objectives causing reputational risk.	<b>Minor to Major</b> depending on issue.	Ensure sound Council policies are in place that provides clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a <b>Medium</b> level of risk	Periodic review mitigates against outdated legislative or other relevant references.

**POLICY IMPLICATIONS**

Should the Council resolve to adopt the policies as presented within this report, then these will replace the previous polices.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

There are no alternative options presented as part of this report.

**CONCLUSION**

The individual polices have been reviewed by senior officers and their amendments are consistent with the current provisions of the Local Government Act 1995 and relevant Regulations.

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3441)****APPROVAL**

At 7.20pm Cr Willis moved, seconded Cr Robartson –

**That the nine policies reviewed by the Director Technical Services as contained in the following attachments be approved.**

**3441 CP – 001 – Citizenship Ceremonies Policy**

**3441 CP – 029 - Street Tree Policy**

**3441 CP – 030 – Environmental Policy**

**3441 CP – 031 - Asset Management Policy**

**3441 CP – 033 - Path Policy**

**3441 CP – 034 - Road Safety Audit Policy**

**3441 CP – 035 - School Parking Policy**

**3441 CP – 036 - Waste Minimisation Policy**

**3441 CP – 086 – Verge Treatment Policy**

**Amendment 1**

The Mover and Seconder agreed to include the Amendment 1 in the motion.

***That the words “and paths” be inserted after the word “crossovers” in the first sentence of the sixth bullet point of the Street Tree Policy CP- 029.***

**Reasons for Amendment 1**

It was identified at the Agenda Briefing Forum by Councillor Willis that the clearance distance from trees when installing new paths was not clearly stated in the Street Tree Policy.

The addition of the words “and paths” provides clarification on this matter.

The amended item will read as follows:

- Street trees will require a minimum clearance distance of 1 metre from all new or existing crossovers *and paths*. All new development crossover distances will be determined by the City during the planning approval stage.

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**Amendment 2

The Mover and Seconder agreed to include the Amendment 2 in the motion.

***That the first paragraph of Council Policy CP-036 Waste Minimisation Policy, under the sub heading “Policy Statement” on page 1 of 2 be amended by adding the following words after the end of the first sentence (which ends with “2015”):***

***“A significant strategy to help the City meet and seek to exceed this goal is the City’s membership of, investment in and support of the Southern Metropolitan Regional Council and its’ waste composting and material recovery programs, in which the City participates. In addition to the State and Federal Government targets mentioned in this paragraph (the State has an additional target of 65% diversion of waste from landfill by 2020), the City seeks to continuously improve its performance on behalf of residents and ratepayers and has adopted an aspirational goal of diverting 65% of its waste from landfill by 2015.”***

Reasons for Amendment 2

Cr Schuster provided the following reasons in support of Amendment 2.

1. The City has invested significant sums of ratepayer’s and waste generators’ funds into the Southern Metropolitan Regional Council (SMRC) and its varied activities, with strong support from the ratepayer and resident base, and very active customer participation in the City’s kerbside recycling program;
2. The City’s success in its waste management programs is inherently tied to its support for and involvement in the SMRC, which provides the City with a higher order waste management solution than was previously available;
3. Notwithstanding the difficulties the SMRC has had with odour, community complaints and the destruction of its Materials Recovery Facility in recent years these issues are being addressed and the City’s waste management performance is continuing to improve based on these actions;
4. It is appropriate that the City’s involvement in the SMRC and the role it plays in our waste management achievements should be recognised in our policy, hence this amendment; and,
5. In preparing this amendment I have consulted closely with the City’s Director of Technical Services who supports the amendment and has consented to me including this sentence in my Reasons for the Amendment. The City’s current waste diversion rate is above 65%.

**T13/3441 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)****COUNCIL RESOLUTION (3441)****APPROVAL**

At 7.27pm the Mayor submitted the substantive motion as amended -

**That the nine policies reviewed by the Director Technical Services as contained in the following attachments be approved.**

**3441 CP – 001 – Citizenship Ceremonies Policy**

**3441 CP – 029 - Street Tree Policy *as amended***

**3441 CP – 030 – Environmental Policy**

**3441 CP – 031 - Asset Management Policy**

**3441 CP – 033 - Path Policy**

**3441 CP – 034 - Road Safety Audit Policy**

**3441 CP – 035 - School Parking Policy**

**3441 CP – 036 - Waste Minimisation Policy *as amended***

**3441 CP – 086 – Verge Treatment Policy**

***Subject to:***

- 1. That the words “and paths” be inserted after the word “crossovers” in the first sentence of the sixth bullet point of the Street Tree Policy CP- 029.***
- 2. That the first paragraph of Council Policy CP-036 Waste Minimisation Policy, under the sub heading “Policy Statement” on page 1 of 2 be amended by adding the following words after the end of the first sentence (which ends with “2015”):***

***“A significant strategy to help the City meet and seek to exceed this goal is the City’s membership of, investment in and support of the Southern Metropolitan Regional Council and its’ waste composting and material recovery programs, in which the City participates. In addition to the State and Federal Government targets mentioned in this paragraph (the State has an additional target of 65% diversion of waste from landfill by 2020), the City seeks to continuously improve its performance on behalf of residents and ratepayers and has adopted an aspirational goal of diverting 65% of its waste from landfill by 2015.”***

At 7.27pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**



**CD13/8059 - RENEWAL MEMORANDUM OF UNDERSTANDING (FRIENDSHIP RELATIONSHIP) CITY OF MELVILLE (FRIENDS OF HATOLIA EAST TIMOR) AND DISTRICT OF HATOLIA EAST TIMOR (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City of Melville entered a *Friendship Relationship* with the sub-district of Hatolia in East Timor in 2008.
- A five year Memorandum of Understanding (MOU) was signed in August 2009.
- The community group Melville Friends of Hatolia (Inc) (MFOH) has been facilitating the relationship and supporting grass roots projects in Hatolia.
- The group has been very active and has contributed to the wellbeing of the Hatolia community, especially in the areas of education and health.
- The current MOU is expiring in July 2014.
- The MFOH intend to continue the friendship relationship and would like confirmation of the City's support regarding the future of the program.
- MFOH is requesting an extension of the current MOU for a further five years.

**BACKGROUND**

There are currently more than 40 friendship relationships between Local Governments and their communities in Australia, and towns and districts in East Timor. These relationships are predominantly in the Eastern States with the City of Melville being the first (and only) such relationship existing in Western Australia.

The concept of Friendship Relationships came into fruition early in 2000 after the visit of the then leader of the National Council of Timorese Resistance (CNRT) and now the Prime Minister of Timor Leste, H. E. Kay Rala Xanana Gusmão. The aim of the Friendship Relationships Program is to develop friendship, support and cross-cultural understanding at a grass-roots level between the people of East Timor and the people of Australia and New Zealand through local governments. Local governments have special expertise and knowledge about local issues, local governance, democratic processes, town planning and management, responsibility, accountability and all the facets of effective local government. Such areas are critical for East Timor as it emerges as a democracy.

The Friendship Relationships work at two levels, government to government and community to community.

The government to government relationship provides a legitimately endorsed opportunity for activity by the Friends Group in East Timor.

An MOU was first signed with the sub-district of Lete-Foho in October 2005. However, the lack of communications from the Lete-Foho community frustrated the MFOH in the following years. This relationship lasted until 2010, when the MOU finally expired and there was no further communications from that administration and community.

**CD13/8059 - RENEWAL MEMORANDUM OF UNDERSTANDING (FRIENDSHIP RELATIONSHIP) CITY OF MELVILLE (FRIENDS OF HATOLIA EAST TIMOR) AND DISTRICT OF HATOLIA EAST TIMOR (REC) (ATTACHMENT)**

In June 2008, the Melville Friends of Lete-Foho was approached by another community; Hatolia, who appeared much more active and organised. Their proposal included the following requests:

- To build a secondary school, to include a library, laboratory and toilets.
- The development of a reasonable standard of accommodation in Hatolia for visitors from Australia. These visitors may include an English as a Second Language teacher for the secondary school, members of the Melville Friends Group coming to review projects, and fee-paying guests to bring in an income for the village.
- Melville Friends Group to assist in the development of locally-based ventures to bring income into the Hatolia sub-district. These could include sales in Australia of Hatolia coffee, and production of tree and vegetable crops.

After endorsement by Council in July 2008, an MOU was signed with the Hatolia administration in August 2009, when the group visited Hatolia. The MOU was documented in three languages: English, Tetun and Portuguese (official language). This led to community group Melville Friends of Lete-Foho changing its name to *Melville Friends of Lete-Foho and Hatolia Inc* (MFLH).

**DETAIL**

On Tuesday, 10 November 2009, the Memorandum of Understanding (MOU) was returned to the City at an information session held for the newly elected Council.

The new Melville Friends of Lete-Foho and Hatolia represented the City at an MOU signing ceremony in Hatolia, Timor Leste and ceremonially returned the documents at this information session. The community group was represented by the Chairperson, Dr Barry Mendelawitz and his wife Margaret, Mr. Alan Peter, the past Chairperson, Ari (Vice Chair) and Wendy Antonovsky, the MOU couriers, and Ms. Carolina Ferreira, representing the Timorese community.

After the expiration of the MOU with Lete-Foho, the group changed its name to *Melville Friends of Hatolia Inc. (East Timor)*.

To date, the group has fundraised and facilitated projects for the benefit of the Hatolia community, including:

- A new secondary school, including new toilets and library;
- Dormitory and guest house for school teachers and other visitors to their community;
- Salaries for English teachers at the secondary school.
- Hatolia library;
- Women' sewing group;
- A kindergarten; and
- A community garden.

So far there has been no involvement at government to government level.

**CD13/8059 - RENEWAL MEMORANDUM OF UNDERSTANDING (FRIENDSHIP RELATIONSHIP) CITY OF MELVILLE (FRIENDS OF HATOLIA EAST TIMOR) AND DISTRICT OF HATOLIA EAST TIMOR (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

The level of communication in accordance with the Stakeholder Engagement Policy CP-002 in relation to this item is to “inform” the community if the MOU gets extended. In this regard, we have kept the Melville community informed about the friendship relationship via media releases, when relevant. The local media has written articles in the past regarding important milestones achieved by the group. The City currently hosts a webpage dedicated to the friendship and the MFOH’s activities on its website.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The MOU guides the Friendship Relationship between both parties, which is based on the principles of mutual respect, cooperation and local decision making. It also clearly establishes that “the Hatolia community and the City of Melville continuously inform each other of developments and activities that occur between the two parties” (2008, MOU). As noted before, communication between both administrations has been limited.

The MOU does state no legal effects, but it is built on democratic values and aims to strengthen both communities.

**FINANCIAL IMPLICATIONS**

There are no up front financial implications for the Council in this application.

The MFOH has received community grants to support the development of their group since the friendship has been established (2005). The funding has been granted to the MFOH as part of the Community Partnership Funding, the City’s grants program.

MFOH has developed as a sustainable community group and funding has decreased over the years. The group was granted \$1,000 during 2012-2013 to help with venue hire costs for their monthly meetings at the Willagee Community Centre.

There have been no requirements of the City to provide financial resources in relation to the Friendship Relationship. Other local government authorities have provided resources for opportunities for activities that strengthen the skills of East Timorese in the areas of governance and democratic processes (i.e. hosting of East Timorese within their local government authorities).

**CD13/8059 - RENEWAL MEMORANDUM OF UNDERSTANDING (FRIENDSHIP RELATIONSHIP) CITY OF MELVILLE (FRIENDS OF HATOLIA EAST TIMOR) AND DISTRICT OF HATOLIA EAST TIMOR (REC) (ATTACHMENT)**

No visits to East Timor by representatives from the City of Melville are anticipated. The MFOH visits regularly the sub-district of Hatolia, at members' own costs.

The Community Development Coordinator, Neighbourhood Support will continue to be the contact point between all parties in the friendship relationship.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The extension of the MOU brings significant positive aspects to consider:

- The MFOH group will be able to achieve their objectives and reciprocate further interests with Hatolia.
- The Hatolia community will continue to gain benefits from the projects mutually agreed by both communities.
- The City may be able to help by providing expertise in the areas of concern of Hatolia administration.

There are no environment impacts associated with this item.

Risk for consideration:

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Reputation: If the MOU is not extended, the relationship with the community group (MFOH) will be affected.	<b>Medium</b>	Ongoing communication between the group and the City.
Project: Fail to complete projects or agreed objectives between both communities.	<b>Minor</b>	MFOH could link to another local government authority.
Reputation: City of Melville ceases to participate in the Friendship Relationship program.	<b>Medium</b>	Continue to be acknowledged as the first Local Government Authority (LGA) involved in the Friendship Relationship program in Western Australia.
Project: Receive high number of requests from the Hatolia administration for work experience opportunities within the Council.	<b>Minor</b>	This is yet to happen. If this occurs, a detailed plan will be developed.

**CD13/8059 - RENEWAL MEMORANDUM OF UNDERSTANDING (FRIENDSHIP RELATIONSHIP) CITY OF MELVILLE (FRIENDS OF HATOLIA EAST TIMOR) AND DISTRICT OF HATOLIA EAST TIMOR (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The Friendship Relationship links to the City's Cultural Vitality Plan 2011-2014, by acknowledging the guiding principles of diversity and inclusion, capacity building and shared governance.

The Friendship Relationship also acknowledges the commitment of our volunteers towards positive contributions they make in the community.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not extending the MOU will cease the City of Melville and Western Australia's participation in the Friendship Relationship program; the MFOH would need to find another LGA or as they are an incorporated group, they may decide to continue the relationship without any support from the City. This would alter the nature of the current relationship where the local government to government MOU provides the legitimacy for the community group to operate.

**CONCLUSION**

In 2008, the Council endorsed the establishment of a Friendship Relationship with the sub-district of Hatolia. This relationship was sealed with the signing of an MOU in August 2009. The current MOU will expire in July 2014.

Currently the City of Melville is the only local government in Western Australia participating in this program. The relationship has been very successful, especially at the community level; MFOH has contributed to many grass roots projects that extend beyond the Hatolia community in the areas of education and public health.

For the projects and objectives to come to fruition, it is imperative that MFOH receives support from the City, by maintaining the relationship with the administration of Hatolia as this formalises and legitimises their relationships in East Timor.

The role local government plays is important to our neighbour nation. Knowledge in the areas of leadership, governance and technical expertise bring benefits to not only this new democratic nation but to both communities involved.

**CD13/8059 - RENEWAL MEMORANDUM OF UNDERSTANDING (FRIENDSHIP RELATIONSHIP) CITY OF MELVILLE (FRIENDS OF HATOLIA EAST TIMOR) AND DISTRICT OF HATOLIA EAST TIMOR (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (8059)****APPROVAL**

At 7.27pm Cr Schuster moved, seconded Cr Phelan –

**That the City of Melville continues to support the East Timorese community and Melville Friends of Hatolia, by extending the current Memorandum of Understanding (MOU) with Hatolia (East Timor) for a further five years**  
**8059 MOU CoM and Sub District of Hatolia**

Amendment

At 7.28pm Cr Schuster moved, seconded Cr Phelan –

***That the Officer Recommendation be amended by replacing the words “East Timor” and “East Timorese” with “Timor Leste”.***

At 7.33pm the Mayor submitted the amendment, which was declared

**CARRIED UNANIMOUSLY (11/0)**Reasons for Amendment

The correct reference in formal documentation is Timor Leste, with Australia being the only country still commonly referring to the nation as East Timor.

Melville Friends of Hatolia use the reference East Timor in conversation, display boards, fundraising events as it is easier; however, in *official* documentation - such as the Memorandum of Understanding, Timor Leste is the appropriate terminology.

**COUNCIL RESOLUTION (8059)****APPROVAL**

At 7.34pm the Mayor submitted the substantive motion as amended -

***That the City of Melville continues to support the *Timor Leste* community and Melville Friends of Hatolia, by extending the current Memorandum of Understanding (MOU) with Hatolia (*Timor Leste*) for a further five years***  
**8059 MOU CoM and Sub District of Hatolia**

At 7.34pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (11/0)**

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Policy and Policy Development  
 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 : C09/5089 – Adoption of Code of Conduct – Ordinary Meeting of the Council – October 2009  
 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 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>

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City adopted a Code of Conduct for Elected Members and staff in 1999.
- The City last amended its Code of Conduct in 2009 and as a result the Code is outdated and does not meet the needs of the organisation.
- The current Code of Conduct applies to Elected Members, all Committee Members whether or not Elected Members or Officers, and Officers of the City of Melville.
- It is proposed to have two separate Codes of Conduct, one for Elected Members and Committee Members and one for Officers.
- The current Code of Conduct has been reviewed and a Draft Code of Conduct for Elected Members and Committee Members (Elected Members) has been prepared.
- It is recommended that the Draft Code of Conduct be tabled before the Council in order to allow sufficient time for consideration by the Elected Members in anticipation of presenting the Code of Conduct to Council for adoption during the March 2014 Ordinary Meeting of Council.

**BACKGROUND**

It is a requirement under the *Local Government Act 1995* s. 5.103 that a local government has a code of conduct to be observed by council members, committee members and employees. Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct.

The City adopted a Code of Conduct in 1999 and whilst the current Code of Conduct has recently been reviewed by officers, it has not been updated since 2009 as the City was waiting for the Department of Local Government to complete its model Code of Conduct which has not occurred..

In 2007 the *Local Government (Rules of Conduct) Regulations 2007* came into force. These regulations prescribe general principles to guide the behaviour of Council members and these were incorporated into the Code of Conduct in 2009. The Rules do not limit what a code of conduct may contain but complement the intent of a Code of Conduct

As the current Code of Conduct has not been updated since 2009, a review of the Code of Conduct has been undertaken. The resultant draft Code of Conduct incorporates part of the current Code of Conduct whilst also taking into consideration updated legislation, some of the observations made by the Standards Panel in their findings on conduct, and comments relating to preferred behaviour in order to achieve optimum performance in the carrying out of its functions by a council.

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)****DETAIL**

The draft Code of Conduct for Elected Members is very different from the current Code. It is a separate Code of Conduct for Elected Members only and provides a detailed code for observance by all Elected Members, to ensure the highest ethical standards in decision-making and behaviour. The draft Code of Conduct sets out with greater clarity the expectations of certain behaviours. A separate Code of Conduct for employees will be prepared. The draft Code of Conduct is provided as an attachment [5318 Code of Conduct](#).

Some of the differences between the current and draft Codes are as follows:

**1. General Principles and Ethical Standards**

Whilst the general principles are for guidance only, relevance attaches to them when considered in conjunction with the Local Government (Rules of Conduct) Regulations 2007,

**2. Values of the City of Melville**

The City of Melville has formulated a set of basic values. Although these are current, the City may add new values or review the present values to ensure that they reflect the underlying principles of good governance and those of the Public Sector Standards.

**3. Behaviour of Members**

This item has been amended by the addition “Extreme caution should be exercised in expressing views on matters that may likely come before Council at some future stage as such statements may be impacted by the general principles of Administrative Law relating to Bias and Conflict of Interest.

Elected Members should always be mindful of the provisions of the Local Government Act 1995 as, read with the Rules of Conduct Regulations that provide that decisions are made at Council or Committee meetings and based on relevant and factually correct Information (i.e. the latest and up to date information”).

**4. Security**

A new section relating to Security has been added. Security protocols exist to protect Elected Members, Employees and the City’s assets and information and these must be observed.

**5. Disclosure of Interest**

Additions have been made to this section to clarify the Disclosure of Interest by Elected Members.

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)****6. Gifts**

Additions have made to this section to further clarify the receipt of gifts by Elected Members.

**7. Corruption and Crime Commission**

Additions have been made to this section in order that Council members are aware that matters of misconduct and/or corruption may be reported to the Corruption and Crime Commission (CCC) and those protections are afforded to persons who make such reports.

**8. Annexures added**

Annexures Three and Four have been added which relate to preferred behaviours and behaviours that might constitute a contravention of the Code of Conduct.

**PUBLIC CONSULTATION/COMMUNICATION**

The Executive Management Team was given the opportunity to comment on the draft Code of Conduct and relevant comments were incorporated into the draft Code of Conduct where applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The Department of Local of Local Government and Communities previously indicated that a generic Code of Conduct would be drafted and made available for comment. There has not been progress by the Department on this matter for the past two years. Once this has been made available the Code of Conduct will be reviewed against the provisions of the generic Code of Conduct.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.103 of the *Local Government Act 1995* requires that a local government adopts a Code of Conduct to be observed by council members, committee members and employees.

**FINANCIAL IMPLICATIONS**

Not applicable.

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

A Code of Conduct provides a basis of expectations for the behaviour and conduct for elected members, committee members and officers. It provides for the commitment to ethical and professional behaviour and outlines principles on which individual and collective local government responsibilities may be based.

**POLICY IMPLICATIONS**

Repeal and replacement of the current Code of Conduct Policy CP-041.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

The draft Code of Conduct provides an integrated reference document for Elected Members on rules of conduct and behaviour befitting a representative of the City. It outlines the official roles and responsibilities of Elected Members and officers and the relationship between the two. It provides as an annexure, the rules of conduct that Elected Members are required to follow. It incorporates the statutory requirements of the *Local Government (Administration) Regulations 1996* and the values and ethical standards of the City. The draft Code of Conduct replaces a policy that does not fully comply with the requirements of the Act and Regulations and is inconsistent with current procedure and expectations of the City. The draft Code of Conduct is tabled for consideration and comment by Council in anticipation of a final draft being presented to Council for adoption during the March 2014 Ordinary Meeting of Council

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION (5318)****RECEIVE AND TABLE**

At 7.32pm Cr Macphail moved, seconded Cr Phelan –

**That the draft Council Policy CP-041 Code of Conduct be received as tabled for consideration and comment in anticipation of adoption of a final document by the Council during the March 2014 Ordinary Meeting of Council.  
5318 Code of Conduct.**

Amendment

At 7.33pm Cr Pazolli moved, seconded Cr Schuster –

***That the Officers' Recommendation be amended by deleting; "and comment in anticipation of adoption of a final document by the Council during the March 2014 Ordinary Meeting of Council"; and replaced with;***

***"Comment and suggest amendment by the Elected Members in appropriate workshop sessions in anticipation of the adoption of a final revised document by the Council at the March 2014 Ordinary Meeting of Council."***

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

**CARRIED (9/2)**

For: Mayor Aubrey, Cr Aubrey, Cr Foxton, Cr Hill, Cr Pazolli, Cr Robartson, Cr Schuster, Cr Taylor-Rees, Cr Willis.  
Against: Cr Macphail, Cr Phelan

Reasons for Amendment

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

It is imperative that the proposed revised Code of Conduct represents the considered views of the Council. Such consideration is not possible at formal Council meetings and it is essential that the document is actively reviewed by the Elected Members.

This amendment ensures that the Code of Conduct review is in the control, and thus ownership, of Elected Members.

**M13/5318 - ADOPTION OF CODE OF CONDUCT – ELECTED MEMBERS (REC)  
(ATTACHMENT)****COUNCIL RESOLUTION (5318)****RECEIVE AND TABLE**

At 7.54pm the Mayor submitted the substantive motion as amended -

***That the draft Council Policy CP-041 Code of Conduct be received as tabled for consideration, comment and suggest amendment by the Elected Members in appropriate workshop sessions in anticipation of the adoption of a final revised document by the Council at the March 2014 Ordinary Meeting of Council.”***

At 7.54pm the Mayor declared the motion

**CARRIED UNANIMOUSLY 11/0**

**M13/5332 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Schedule of Meetings  
 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 : C12/5257 – Council Meeting Cycle – November 2012 – Ordinary Meeting of Council  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Jeff Clark  
 Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M13/5332 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report summarises the monthly Ordinary Meetings of Council cycle to commence in February 2014.
- The report recommends adoption of the proposed meeting schedule.

**BACKGROUND**

The Council Meeting Cycle was reviewed in October 2012 and it was resolved to continue a monthly meeting cycle whereby the Agenda Briefing Forum would be scheduled for the first Tuesday of each month and the Ordinary Meeting of Council held on the third Tuesday of every month except in January when Council is in recess.

It was also resolved that the Ordinary Meeting of Council and the Council Agenda Briefing Forums would be rescheduled in October of each Local Government Election year. The rescheduling of the October meetings allows the meeting cycle to be completed prior to the commencement of the newly Elected Members. As no elections are scheduled to be held in 2014, there was no need to reschedule any of the meeting dates.

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public with decision making by Council only taking place at the Ordinary Meeting of Council.

**DETAIL**

An attachment showing the proposed meeting cycle has been prepared to inform Elected Members [5332 Meeting Cycle Calendar](#) of the proposed meeting schedule.

The meeting dates for December 2014 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as is the practice in 2013.

**PUBLIC CONSULTATION/COMMUNICATION**

The City informs the public of the dates that meetings will be held through the media, press releases and notices at the Civic Centre, Libraries and website. When adopted, the meeting schedule for the 2014 year will be advertised in a local newspaper.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Whilst no direct consultation has taken place with other agencies the views of the Department of Local Government and Communities as expressed in the Local Government Operational Guideline Number 05 relating to Council Forums, Operations and Procedures has been taken into account in the preparation of this report.

**M13/5332 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995, Section 5.3 - Ordinary and Special Council Meetings provides that:-

- “(1) A Council is to hold ordinary meetings and may hold special meetings.  
(2) Ordinary meetings are to be held not more than three months apart.”*

Council must formally resolve to provide its meeting schedule for the next 12 months and advertise the times and date for future meetings of the Council and the Ordinary Meeting of Council Agenda Briefing Forum. Should Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the Local Government Act 1995 requires that local public notice of meetings is provided.

The Local Government (Administration) Regulations 1996 require at Regulation 12(2), that the Local Government give local public notice of any change to advertised meetings date, time or place.

**FINANCIAL IMPLICATIONS**

A provision for the cost of advertising is held in an operational budget cost centre.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Matters will be brought to the Council on 11 occasions and where required, a Special Meeting of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda. There are no risk or environmental management implications in this report.

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The current model provides for 11 scheduled meetings per annum with a provision to call Special Meetings of Council where a matter requires urgent attention.

There is an option to revert to a prior model which provided for 12 meetings of Council from February to December. A more frequent cycle of Ordinary Meeting of Council will have the effect of increasing the amount of decision making opportunities for Council, increase the timeliness of responses to customers awaiting Council decisions but additional staff resources would be required to service the increased frequency of meetings.

**M13/5332 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)****CONCLUSION**

The current monthly Council meetings cycle was adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Ordinary Meetings of Council Agenda Briefing Forums. The current model has been successful in achieving the requirements of Council and it is recommended that it be maintained.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5332)****APPROVAL****That the Council:**

- 1. Approve the Ordinary Meetings of Council to be held on the third Tuesday of each month commencing in February 2014 and on the second Tuesday of December 2014.**
- 2. Approve the Ordinary Meeting of Council Agenda Briefing Forums to be held on the first Tuesday of each month from February to November 2014 and on 25 November 2014 and be chaired by the Mayor or his/her delegate.**
- 3. Go into recess in January 2014 and neither the Ordinary Meeting of Council nor an Ordinary Meeting of Council Agenda Briefing Forum will be held.**
- 4. Endorse that Elected Member Information Sessions occur as required on any Tuesday evenings that are not required for Ordinary Meetings of Council, Ordinary Meetings of Council Agenda Briefing Forums or meetings of Standing Committees.**
- 5. Request the Chief Executive Officer to advertise the Schedule of Council Meetings in order to inform the community of the Council Meeting dates.**

At 7.54pm the Mayor submitted the motion, which was declared

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

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)**

Disclosure of Interest

Item No.	M13/5339
Member	Cr R Hill
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Chairperson of Melville Cares – Melville Cares use facilities at Willagee adjacent to 10 Archibald Street and Reserve 24478, Arthur Kay Reserve, 1 Archibald Street, Willagee to provide services to the community
Request	Stay, Discuss & Vote
Decision of Council	Not Required

Ward	: Not applicable
Category	: Strategic
Application Number	: Not applicable
Proposal	: Initiation of an Request for Proposal Process, in addition to an Expression of Interest process for Strategic Properties owned by the City of Melville
Applicant	: City of Melville
Owner	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P13/3405 - Expression of Interest process for strategic properties owned by the City of Melville – Ordinary Meeting of the Council – August 2013
Responsible Officer	: Louis Hitchcock Executive Manager Legal Services

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)****KEY ISSUES / SUMMARY**

- Council has previously endorsed the use of an Expressions of Interest (EOI) process to market test strategic properties owned by the City.
- During work on the development of an EOI for the Deep Water Point Reserve (Café) it has become apparent that a Request for Proposal process may be more appropriate for this and other properties, where the process is more of a disposition (lease) of land.
- The preferred approach to the Deep Water Point site is to lease a portion of land to a third party in order to develop and operate a new café.
- Section 3.58 of the Local Government Act 1995 defines a process of dealing with dispositions of land where proposals will be publically advertised and public comments received and considered by the Council before a Council resolution is made.
- This report seeks the Council approval of a Request for Proposal process as an additional option to market test strategic properties owned by the City.

**BACKGROUND**

At its meeting on 20 August 2013, Council resolved (3405):

*“That the Council;*

1. ***Authorise the following strategic properties to be market place tested, via an Expression of Interest Process, with a view to delivering better outcomes to the community where possible, cost reductions, revenue increases and better use of strategic resources:***

***Canning Bridge Senior Citizens Site***

- *Lot 30 (13) The Esplanade, Mt Pleasant*
- *Lot 24 Kishorn Road, Mt Pleasant*

***Canning Bridge Car Park, Library site***

- *Lots 791-792 Canning Highway, Applecross*

***Melville Bridge Club , and former Applecross Pre-Primary School site***

- *Lots 24-27 (788-794) Canning Highway, Applecross*

***Baden Powell Reserve***

- *McCallum Crescent, Applecross*

***Stock Road/Canning Highway***

- *Lots 830-832 (36-38A) Waddell Road, Palmyra*
- *Lot 55 (391) Canning Highway (south west corner of Stock Road), Palmyra*
- *Lot 2 (410) Canning Highway, Attadale*

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)*****Former Carawatha Primary and Surrounds***

- 10 Archibald Street, Willagee
- Reserve 24478, Arthur Kay Reserve, 1 Archibald Street, Willagee

***Deep Water Point Reserve (Café)***

- The Esplanade, Mount Pleasant

***Melville City Centre***

- Land in the vicinity of the Civic Centre

2. ***Note that the Chief Executive Officer will progressively advertise Expressions of Interest to dispose of or develop the strategic properties as identified in Point 1 above,***
- 3 ***Note that a community engagement and communication plan will be developed and implemented prior to advertising of an Expression of Interest involving strategic sites occupied by community groups.***
- 4 ***Note that the Chief Executive Officer will present to Council any proposed major land transaction or trading undertaking arising out of the Expressions of Interest process for Council consideration.”***

As part of the Deep Water Point Upgrade Project, work on an EOI document for the development and operation of a café at Deep Water Point Reserve commenced. During internal discussions regarding preferred terms and conditions of any future agreement with an operator, it became apparent that the option with least risk to the City was to lease a portion of land (land lease) to a proponent in order for them to construct and operate a café at their cost. Final terms and conditions may also include payment of a percentage of turnover to the City.

This option is a ‘disposition of property’ and dealt with clearly under Section 3.58 of the Local Government Act 1995. It is a simpler process compared to an EOI process which requires a two stage process ending in an Invitation to Tender to those shortlisted through the initial EOI.

Whilst the Request for Proposal process is designed to highlight the types of arrangements that might be able to be entered into between the City of Melville and a third party with respect to its strategic properties, Section 3.58 requires that proposals are publically advertised; comments are sought and considered prior to Council considering the officer recommendation and making a decision.

**Scheme Provisions**

MRS Zoning	:	Varied across precinct area and location of the City of Melville
CPS 5 Zoning	:	Varied across precinct area and location of the City of Melville
R-Code	:	Not applicable

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)****Site Details**

## Site Details

: There are a number of properties owned or controlled by the City which present strategic characteristics. The properties present opportunities for development and/or disposal and are largely located in precincts currently or recently undergoing detailed structure planning or visioning. Such properties that may warrant further investigation include, but are not be limited to;

**Canning Bridge Senior Citizens/Former Meals on Wheels facility Site**

- Lot 30 (13) The Esplanade, Mt Pleasant
- Lot 24 Kishorn Road, Mt Pleasant

**Canning Bridge Car Park, Library site**

- Lots 791-792 Canning Highway, Applecross

**Melville Bridge Club , and former Applecross Pre-Primary School site**

- Lots 24-27 (788-794) Canning Highway, Applecross

**Baden Powell Reserve**

- McCallum Crescent, Applecross

**Stock Road/Canning Highway**

- Lots 830-832 (36-38A) Waddell Road, Palmyra
- Lot 55 (391) Canning Highway (south west corner of Stock Road), Palmyra
- Lot 2 (410) Canning Highway, Attadale

**Former Carawatha Primary and Surrounds**

- 10 Archibald Street, Willagee
- Reserve 24478, Arthur Kay Reserve, 1 Archibald Street, Willagee

**Deep Water Point Reserve (Café)**

- The Esplanade, Mount Pleasant

**Melville City Centre**

- Land in the vicinity of the Civic Centre

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Not applicable
Reason:	Request for Proposals called for any property are anticipated to be full public documents. In addition, any proposal to dispose, dispose by way of lease, develop, sell, joint venture or in any way undertake a Major Land Transaction is subject to statutory advertising and the seeking of public comments in accordance with the Local Government Act 1995.

**STATUTORY AND LEGAL IMPLICATIONS**

Whilst there are no statutory implications as a result of any Request for Proposal process being initiated, the disposal, disposal by way of lease, development, joint venture, development or in any way carrying out a Major Land Transaction, requires such proposals to be carried out in accordance with Section 3.58 and Section 3.59 of the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

The cost associated with the Request for Proposal (RFP) process would relate to staff time to develop RFP specifications, subsequent advertising costs and review/determination of submissions.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The Council does not support the commissioning of Request for Proposals for strategic properties	Medium Risk	Further discussion with the Council to determine the most appropriate alternate method for achieving Policy objectives.
Request for Proposals do not result in any Expressions being received	Low Risk	Initiate discussions with property sector to determine if the City is unrealistic in its expectations for these properties

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)**

Request for Proposals received do not meet the expectations of the Council or meet its long term Policy objectives.	<b>Low Risk</b>	Provide sufficient flexibility within the Request for Proposals document to enable broader private sector consideration to be received.
Lack of communication with relevant community groups results in disengaged groups	<b>Medium Risk</b>	Implement communication plan with identified groups
Poor community perception of process.	<b>Medium Risk</b>	Ensure statutory process is followed and stakeholders informed of progress wherever possible.

**POLICY IMPLICATIONS**

Council Policy CP-005 titled Land and Property Retention, Disposal and Acquisition, relates to the acquisition and disposal of property. The only property that has been identified as a result of this report is Deep Water Point Reserve and the commissioning of a Request for Proposal process will result in further recommendations to Council for the disposal of property, which would then also be subject to policy provisions.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

In preference to approving a Request for Proposal process, the Council may resolve to retain an Expression of Interest process as the preferred method to test the market for strategic properties.

**CONCLUSION**

The City has identified the existence of highly strategic land assets within its portfolio, capable of creating alternate income streams or acting as development activators in areas of the City. For some time, the Council has discussed the means by which the City could retain ownership or interest in these properties after development so as to maintain capital gain benefits upon these assets as well as delivering the income stream sought.

The Request for Proposal process proposed will provide additional flexibility and enable the Council to seek an indication from the private sector in respect to the interest in developing, acquiring or joint venturing these properties with the City of Melville.

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)****OFFICER RECOMMENDATION (5339)****APPROVAL**

At 7.55pm Cr Robartson moved, seconded Cr Aubrey –

**That the Council;**

1. Authorise, where appropriate, the following strategic properties to be market place tested, via a Request for Proposal Process, in lieu of a Expression of Interest process, also with a view to delivering better outcomes to the community where possible, cost reductions, revenue increases and better use of strategic resources:
  - Canning Bridge Senior Citizens Site**
    - Lot 30 (13) The Esplanade, Mt Pleasant
    - Lot 24 Kishorn Road, Mt Pleasant
  - Canning Bridge Car Park, Library site**
    - Lots 791-792 Canning Highway, Applecross
  - Melville Bridge Club , and former Applecross Pre-Primary School site**
    - Lots 24-27 (788-794) Canning Highway, Applecross
  - Baden Powell Reserve**
    - McCallum Crescent, Ardross
  - Stock Road/Canning Highway**
    - Lots 830-832 (36-38A) Waddell Road, Palmyra
    - Lot 55 (391) Canning Highway (south west corner of Stock Road), Palmyra
    - Lot 2 (410) Canning Highway, Palmyra
  - Former Carawatha Primary and Surrounds**
    - 10 Archibald Street, Willagee
    - Reserve 24478, Arthur Kay Reserve, 1 Archibald Street, Willagee
  - Deep Water Point Reserve (Café)**
    - The Esplanade, Mount Pleasant
  - Melville City Centre**
    - Land in the vicinity of the Civic Centre
2. Note that the Chief Executive Officer will progressively advertise Expressions of Interest or Requests for Proposals to dispose of or develop the strategic properties as identified in Point 1 above,
3. Note that a community engagement and communication plan will be developed and implemented prior to advertising of a Request for Proposal involving strategic sites occupied by community groups.
4. Note that the Chief Executive Officer will present to the Council any proposed disposition of land, major land transaction or trading undertaking arising out of the Request for Proposal process for the Council's consideration.

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)**Amendment 1

At 7.55pm Cr Robartson moved, seconded Cr Aubrey –

**That the Council amend the Officer Recommendation by the following changes:**

- 1 That clause 1 be amended by deleting the words “in lieu of a” and inserting the words “or an”.**
- 2 After the words Lot 2 (410) Canning Highway, Palmyra delete “Palmyra” and insert “Attadale”.**

At 8.55pm the Mayor declared the amendment

**CARRIED UNANIMOUSLY (11/0)**

Reasons for Amendment

The amendment to clause 1 provides clarity that an Expression of Interest or Request for Proposal may be used at the time a property is being considered for market testing.

The second amendment corrects the suburb name.

Amendment 2

At 7.59pm Cr Schuster moved, seconded Cr Pazolli –

**That the Baden Powell Reserve, McCallum Street Ardross be deleted from the list of properties potentially for inclusion in the Request for Proposal process.**

At 8.17pm the Mayor submitted the amendment, which was declared

**LOST (3/8)**

For: Cr Pazolli, Cr Schuster, Cr Taylor-Rees.

Against: Mayor Aubrey, Cr Aubrey, Cr Foxtton, Cr Hill, Cr Macphail, Cr Phelan, Cr Robartson, Cr Willis.

**M13/5339 – REQUEST FOR PROPOSAL PROCESS FOR STRATEGIC PROPERTIES OWNED BY THE CITY OF MELVILLE (REC)****COUNCIL RESOLUTION (5339)****APPROVAL**

At 8.21pm the Mayor submitted the substantive motion as amended –

**That the Council;**

1. **Authorise, where appropriate, the following strategic properties to be market place tested, via a Request for Proposal Process, or an Expression of Interest process, also with a view to delivering better outcomes to the community where possible, cost reductions, revenue increases and better use of strategic resources:**
  - Canning Bridge Senior Citizens Site**
    - Lot 30 (13) The Esplanade, Mt Pleasant
    - Lot 24 Kishorn Road, Mt Pleasant
  - Canning Bridge Car Park, Library site**
    - Lots 791-792 Canning Highway, Applecross
  - Melville Bridge Club , and former Applecross Pre-Primary School site**
    - Lots 24-27 (788-794) Canning Highway, Applecross
  - Baden Powell Reserve**
    - McCallum Crescent, Ardross
  - Stock Road/Canning Highway**
    - Lots 830-832 (36-38A) Waddell Road, Palmyra
    - Lot 55 (391) Canning Highway (south west corner of Stock Road), Palmyra
    - Lot 2 (410) Canning Highway, Attadale
  - Former Carawatha Primary and Surrounds**
    - 10 Archibald Street, Willagee
    - Reserve 24478, Arthur Kay Reserve, 1 Archibald Street, Willagee
  - Deep Water Point Reserve (Café)**
    - The Esplanade, Mount Pleasant
  - Melville City Centre**
    - Land in the vicinity of the Civic Centre
2. **Note that the Chief Executive Officer will progressively advertise Expressions of Interest or Requests for Proposals to dispose of or develop the strategic properties as identified in Point 1 above,**
3. **Note that a community engagement and communication plan will be developed and implemented prior to advertising of a Request for Proposal involving strategic sites occupied by community groups.**
4. **Note that the Chief Executive Officer will present to the Council any proposed disposition of land, major land transaction or trading undertaking arising out of the Request for Proposal process for the Council's consideration.**

At 8.21pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

**M13/5000 – COMMON SEAL REGISTER (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 22 October 2013 up to and including 14 November 2013 and recommends that the information be noted and endorsed.

**M13/5000 – COMMON SEAL REGISTER (REC)**

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>File Reference</b>
852	City of Melville	<b>Withdrawal of caveat for execution:</b> The properties at 21-23 Queens Road, Mt Pleasant are encumbered by the City's' Caveat L805715. In order to refinance, a withdrawal is required to be executed by the CEO and Mayor. The Caveat will be replaced following completion of refinancing	3125547
853	City of Melville	<b>Withdrawal of caveat for execution:</b> The properties at 265-277 Canning Highway, Palmyra are encumbered by the City's Caveat. In order to transfer the ownership of the land, a withdrawal of caveat is required to be executed by the CEO and Mayor. The Caveat will be replaced once the transfer of land has been completed.	3125995

**M13/5000 – COMMON SEAL REGISTER (REC)**

856	City of Melville	<p><b>Power of Attorney to IMF (Australia) Ltd.</b>  Grants power to Mr John Walker or in his absence Mr Clive Bowman of IMF (Australia) Ltd to in respect of Group Members claims in relation to Federal Court Proceedings No. NSD 2492 of 2007 Wingecarribee Shire Council and Ors. v Lehman Brothers Australia Ltd (In Liquidation) (LBA):</p> <p>1/</p> <ul style="list-style-type: none"> <li>a) Execute and if appropriate deliver proposed (confidential) Settlement Agreement and</li> <li>b) Any other documents which is contemplated by, referred to in, ancillary to or necessary or desirable in connection with the Settlement Agreement</li> <li>c) Any document or agreement that amends, supplements, replaces or novates any of those documents or agreements described in a) or b) and</li> </ul> <p>2/ do anything which, in the Attorney's opinion, is contemplated by, incidental to or otherwise necessary or desirable in connection with any Document or any transaction contemplated by a Document.</p>	3145188
-----	------------------	---	---------

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Legal advice was received from Piper Alderman in respect to the signing of the Power of Attorney to John Walker and Clive Bowman of IMF (Australia) Ltd in respect to settlement of the City's claim in respect to the Class Action Lehman Brothers Australia Limited (In Liquidation) (LBA).

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**M13/5000 – COMMON SEAL REGISTER (REC)**

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

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

The proposed Settlement Agreement in respect to the resolution of the Federal Court Proceedings No. NSD 2492 of 2007 Wingecarribee Shire Council and Ors. v Lehman Brothers Australia Ltd (In Liquidation) (LBA) is confidential information in accordance with Section 5.23 (2) (d) of the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for Elected Members information.

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

**That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 22 October up to and including 14 November 2013, be noted and endorsed.**

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

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

At 8.25pm Cr Macphail left the meeting and returned at 8.27pm.

**C13/5341 - POLICY REVIEW – GOVERNANCE AND CORPORATE SERVICES (REC)**  
**(ATTACHMENTS)**

Ward : All  
 Category : Policy  
 Subject Index : Corporate Policy  
 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 : Numerous items have been provided to Council for either review or amendment of current policies. C11/5199 - Policy Review – Corporate Services - Ordinary Meeting of the Council - November 2011  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Jeff Clark  
 Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**C13/5341 - POLICY REVIEW – GOVERNANCE AND CORPORATE SERVICES (REC)  
(ATTACHMENTS)****KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Director Corporate Services have been examined and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.
- This report recommends that the reviewed policies be adopted.

**BACKGROUND**

The City of Melville has Council Policies which for Corporate Services were previously reviewed in November 2011. Officers have again reviewed all Corporate Services policies in 2013 and have now brought the reviewed policies with proposed amendments to Council for consideration. A two yearly review cycle has been implemented to ensure all policies remain current.

**DETAIL**

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by the Council relate to:

- Strategic Positioning of Council
- Executive Functions
- Legislative Functions
- Chief Executive Officer and Senior Officer Appointments
- Termination payments in excess of contracts of employment or Award provisions.

All other Policies are considered to be operational in nature and have therefore been designated as Operational Policies. Operational policies are those which are made in relation to the functions of the Chief Executive Officer (CEO) as prescribed by Section 5.41 of the Local Government Act 1995 (The Act) as follows –:

- Management of the day to day operations of the local government;
- The employment, management supervision, direction and dismissal of other employees (subject to Section 5.37(2) in relation to senior employees.
- Ensuring that records and documents of the local government are properly kept for the purposes of The Act and any other written law: and
- Policy on powers and duties delegated by Council within the limitations as set by Section 5.43 of The Act.

Where applicable procedures will be prepared for some policies to define a sequence of activities, tasks or steps that when undertaken in the sequence laid down produces the described result, product or outcome.

**C13/5341 - POLICY REVIEW – GOVERNANCE AND CORPORATE SERVICES (REC)  
(ATTACHMENTS)**

This report provides comment on 12 policies from the Director Corporate Services. Policy CP-025 Accounting will be presented to the Council in February 2014 as changes are required to account for fair valuation of assets. The policies referred to in this report are as follows:

**Of the 12 policies reviewed:****CP- 008 Forward Financial Planning Budget and Funding Allocation**

Clause 1.9 modified to delete reference to -

“A proposed annual budget will be presented to the Council with the untied FAG Funds applied to reserve accounts as per this clause and an alternative budget proposal option will also be presented with the untied FAG Funds applied to the current budget operational or capital expenditures. The Council can then decide on the appropriate budget to adopt”

A new Clause at 1.6 has been inserted to introduce cash backed specific purpose reserve accounts.

**CP- 009 Investment of Funds**

Minor Changes:

Added Flexi / 30 day at call Deposits to Authorised Investments.

Deleted “Typically a surplus at year end may be identified however this will be used to reduce the following year’s required inflows or be transferred to specific purpose reserves.” from Risk Profile and Objectives relating to Municipal Funds.

Increased the AAA Credit Rating from 25% to 35%, AA Category from 20% to 25% and A Category from 15% to 20%.

Reduced “BBB+” to “BBB” and “BBB & Below” to “BBB- & Below “

Included “if appointed” after references to “investment advisor”.

**CP- 010 Self Supporting Loans**

Minor Change:

Addition of Clause 6 Loan Conditions requiring Clubs to meet on an annual basis with the City to discuss audited annual reports and overall financial position.

**CP-014 Question Time at Council and Committee Meetings**

Minor changes in the Policy Statement for clarity.

**CP-018 Terms of Office**

Minor administrative changes.

**CP-019 City of Melville Prayer**

Change of Policy Owner to Governance and Compliance Program Manager. Minor administrative changes.

**CP-020 Nomination on WALGA Committees**

Minor administrative changes.

**C13/5341 - POLICY REVIEW – GOVERNANCE AND CORPORATE SERVICES (REC)  
(ATTACHMENTS)****CP-021 Advisory and Management Committees**

Minor administrative changes.

**CP- 022 Disaster Appeals**

No change.

**CP- 023 Procurement of Goods and Services**

Minor Changes and change to:

The value of the minimum procurement level has been increased from “less than \$1,500” to “less than \$2,000” to be consistent with the purchasing limits on credit cards.

**CP- 024 Borrowings and Asset Financing**

Minor Changes:

Updated the policy with the new ratio guidelines from Western Australian Treasury Corporation and removed reference to current borrowing figures.

Change to the economic life from 10 years to 5 year for the city to give favourable consideration to borrowing money for the acquisition or construction of assets.

**CP- 062 Fraud and Corruption Prevention Policy**

Minor administrative changes.

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

This review of policies has particularly included references to legislation to support the policy position. The policies are consistent with the current Local Government Act 1995 and relevant Regulations.

**FINANCIAL IMPLICATIONS**

Some of the policies set out various strategic positions of Council in regard to accounting treatments and the setting of budgets, raising of loans and forward financial planning.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The process of policy review will serve to minimize both strategic and risk management implications by ensuring the policies are consistent with current legislation. One policy refers to environmental considerations when the purchase of goods or services occurs.

**C13/5341 - POLICY REVIEW – GOVERNANCE AND CORPORATE SERVICES (REC)  
(ATTACHMENTS)**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Administration undertakes functions delegated by Council in a manner not in accordance with Council's objectives causing reputational risk	Minor to Major depending on issue.	Ensure sound Council policies are in place which provide clear guidance to the administration.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a <b>Medium</b> level of risk	Periodic review mitigates against outdated legislative or other relevant references.

**POLICY IMPLICATIONS**

All Council Policies are being reviewed and a significant number will be amended as a consequence of the review.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Each policy may be subject to various options which would be associated with a range of different options.

**CONCLUSION**

The individual policies have been reviewed by senior officers and their amendments are consistent with the current provisions of the Local Government Act 1995 and Regulations.

**C13/5341 - POLICY REVIEW – GOVERNANCE AND CORPORATE SERVICES (REC)  
(ATTACHMENTS)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5341)****APPROVAL****That the twelve policies reviewed by Governance Services and Corporate Services as contained in the following attachments be approved.**[5341 CP 008 Forward Financial Planning Budget and Funding Allocation](#)[5341 CP 009 Investment of Funds](#)[5341 CP 010 Self Supporting Loans](#)[5341 CP 014 Question time at Council and Committee Meetings](#)[5341 CP 018 Terms Of Office](#)[5341 CP 019 City of Melville Prayer](#)[5341 CP 020 Nomination on Walga Committes](#)[5341 CP 021 Advisory and Management Committees](#)[5341 CP 022 Disaster Appeals](#)[5341 CP 023 Procurement of Goods and Services](#)[5341 CP 024 Borrowings and Asset Financing](#)[5341 CP 062 Fraud and Corruption Prevention Policy](#)

At 8.28pm the Mayor submitted the motion, which was declared

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

At 8.30pm Cr Phelan left the meeting and returned at 8.32pm.  
At 8.32pm Cr Aubrey left the meeting and returned at 8.35pm.  
At 8.38pm Cr Foxtan left the meeting and returned at 8.40pm.

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)**

Ward : All  
Category : Strategic  
Subject Index : Financial Sustainability – Long Term Financial Planning  
Budgeting – Estimates  
Budgeting – Forward Works Program  
Customer Index : Impacts on all Ratepayers of the City of Melville  
Disclosure of any Interest : The responsible officer and Elected Members are property owners/ratepayers in the City of Melville however this is an exempt interest in accordance with Section 5.63 (1) (a) & (b) of the Local Government Act 1995  
Previous Items : C12/6051 – Long Term Financial Plan  
Ordinary Meeting of Council - 11 December 2012  
Works Program : 2014/2015  
Funding : Not Applicable  
Responsible Officer : Marten Tieleman  
Director Corporate 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>

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The purpose of this Report is to present the results of the review of the City's Long Term Financial Model for consideration and adoption by the Council; and
- To present the proposed Capital Works Program 2014/2015 for consideration.

**BACKGROUND**

At the December 2012 Ordinary Meeting of Council, the City's Long Term Financial Plan (2013/2014 to 2022/2023) was considered and adopted by the Council. It was also endorsed that the Long Term Financial Model (the Model) and its assumptions, on which the Long Term Financial Plan (the Plan) is based, be reviewed at each Budget cycle. The 2013/2014 Annual Budget was adopted in June 2012 and was prepared with strong linkage to the Model. The Model has now been reviewed and provides ten year forecasts for the period 2014/2015 to 2023/2024.

The Capital Works Program (CWP) is also reviewed annually and is a significant financial component of the Plan/Model and ultimately the Annual Budget. Therefore it is appropriate to review the CWP and the Model in conjunction with each other.

**DETAIL****Long Term Financial Model**

The Model is an Excel based tool and has been constructed in a way that allows assumptions and other inputs to be modelled to determine their short and long term financial impact. The Model takes the form of a Rate Setting Statement, outlining:

- General Purpose Funding (including Rates and Investments)
- Operating Income
- Operating Expenditure
- Capital Income
- Capital Expenditure
- Financial Reserve Transfers

The Model is supported by:

- A table of financial assumptions
- Asset Management data tables
- A schedule of Reserve movements and balances
- Other key information

The review of the Model involved:

- Updating the base year to the 2013/2014 Adopted Annual Budget (formally 2012/2013)
- Reviewing assumptions (indices etc)
- Inputting the latest Asset Management data
- Responding to ongoing changes such as Local Government Reform and developments within the City i.e. the Fiona Stanley Hospital
- Reviewing, in some instances, the City's long term financial approach
- Ensuring synergy with the City's Corporate Plan

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)**

Outlined below is a summary of the key changes resulting from the review:

Assumptions

All assumptions, including employee costs, utilities and the Consumer Price Index, were reviewed with many remaining unchanged. However, a review of data published by the Australian Bureau of Statistics (ABS) in relation to the Construction and the Road & Bridge Construction indices resulted in these being amended to a lower percentage. This mainly impacted the indexing of capital expenditure costs.

Opening Surplus

The City has historically planned for an opening surplus in the vicinity of \$1.8 million to fund the Annual Budget. Recent results, including the 2012/2013 year end, have indicated that these surpluses are becoming harder to achieve. Savings achieved in prior years are factored into the development of the following years' budgets and the rate increase adjusted down accordingly meaning that when comparing actual to budget those savings will not again be achieved. In addition continued fine tuning during budget development and management has resulted in this shift. It is acknowledged that a year end surplus position is still possible but will be dealt with at the Mid Year Budget Review, once the value is known, rather than making an arbitrary estimate during the Annual Budget process. An opening surplus has been removed from the Model from 2014/2015 onwards.

Asset Management Data

Asset Management Plans (AMP) continue to evolve, with renewal estimates being refined as more accurate information is sourced. There is a direct link between asset management data and the Model. There has been a positive material change in the level of funding required for footpath renewals, with an annual reduction of approximately \$760k (average). It is the City's goal to renew and maintain existing assets before investing in new assets and to fully fund the asset renewal liability. However, this has not been possible in the revised Model due to other financial pressures. The City has had to reduce the transfers to the Infrastructure Reserve for the next three years (a total of \$2.8m), with the situation being corrected by 2020/2021. The Model has provided for an element of 'new' asset funding for such projects as Carawatha, new traffic treatments etc.

Staff Leave Entitlements

The City has a 'Leave Entitlements Reserve' for the purpose of ensuring there is sufficient funding to meet the liability of leave accrued in previous financial years. The annual amount being transferred to this Reserve was insufficient and has been increased by approximately \$200k. It should be noted that the City is actively working with staff to reduce the leave liability balance.

New 'Special Projects Reserve'

The City requires funding for special projects, with the real potential for the amount to vary quite significantly year to year. Special projects can include Council Elections (approximately \$200k required every two years), Asset Management surveys (e.g. a road survey every five years costing \$120k) and Strategic Urban Planning projects (e.g. Murdoch Activity Centre Planning). These items can cause rating spikes, however the revised Model introduces a Special Projects Reserve to 'smooth' this expenditure. An amount of \$950k is transferred to this Reserve annually with the transfer from Reserve varying from \$700k to \$1m annually depending on the current projects. The intention would be to not grow this reserve but use it for short term fluctuations in project costs.

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)**Fiona Stanley Hospital and St John of God Murdoch Redevelopment

The Fiona Stanley Hospital (FSH) is due for completion late 2014, with significant infrastructure (including roads, paths, drainage, signs and landscaping) in place and already ageing. As a result of this development the City will incur ongoing asset maintenance and renewal costs, totalling approximately \$740k annually. The Model has factored in pro rata expenditure in 2014/2015 and full year expenditure from 2015/2016. This is partly offset by additional rate revenue from rateable commercial medical activities at both FSH and St John of God Murdoch. A conservative full year estimate is approximately \$220k in additional revenue. Overall there is a net negative impact to the City of around \$520k.

Land and Property Reserve

The Plan shows partial interest earned on the Land and Property Reserve funds remaining within the Municipal fund. The revised Model returns these funds to the Reserve, in line with current Policy. However, the Model proposes the introduction of a strategic property position to be funded by the Land and Property Reserve. This position and associated costs have been estimated at \$250k per annum. The purpose of the Land and Property Reserve would need to be amended during the Annual Budget adoption in order for this to occur. The introduction of this position would support the City in the development of its land and property assets and enhance the potential for future income generation. The objective of this Reserve is to purchase revenue earning properties with the revenue earned being credited to the Municipal Fund and supplanting the need to raise rate revenue. The balance is being built up by the transfer of an amount of \$1.5 million per annum – equivalent to the untied amount of the Federal Assistance Grant money received each year. Currently the Commercial lease revenue earned which is credited to the Municipal Fund is in excess of \$1.8 million per annum.

Fleet Operating Costs

The 2012/2013 year end results and 2013/2014 year to date expenditure indicate that recurrent funding for Fleet operating costs is inadequate. Fuel and materials are tracking over budget and as a result additional expenditure of \$100k has been factored into the Model. A review of costings is currently underway.

Local Government Reform

The reform process creates financial uncertainty for the City in both the short and longer term. An annual amount of \$250k has been included in the projections for three years commencing 2014/2015. However, the City will endeavour to access any funds that the State Government make available to local authorities.

Rate Revenue

As a result of the above factors, an adjustment has been made to the percentage increase in rate revenue. The Plan shows a rate revenue rise of 4.7%, this has been revised to 5.5% but tapering down to 4% in future years. Every effort has been made to ensure the impact on ratepayers is minimised but at the same time ensuring prudent and sustainable financial management. This percent is indicative only and will be reviewed as part of the formal Annual Budget process.

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)**Summary

The results of the Model are loaded into a separate ledger within the City's core financial system enabling greater analysis to occur and financial statements to be produced. These financial statements and ratios can be found in attachment [6062 Long Term Financial Statements](#).

**Proposed Capital Works Program**

The proposed Capital Works Program, as outlined in attachment [6062 Proposed Capital Works Program](#), includes capital projects for Buildings, Drainage, Environmental, Foreshore facilities, Irrigation, Lighting, Park Streetscape Structures, Paths, Playgrounds and Roads (Waste, Fleet and Information Technology capital projects not included).

The program covers all viable projects listed for consideration for completion as capital works in 2014/2015, as supported by Asset Management Plans and the Long Term Financial Plan. Capital projections in the Long Term Financial Model/Plan are based on long run averages and don't take into account the timing of the various projects. Hence, expenditure by asset category may fluctuate year by year depending on when projects fall due. The Capital Works Program will ultimately form part of the Annual Budget and be a part of that adoption process.

**PUBLIC CONSULTATION/COMMUNICATION**

Not Applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not Applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.56 of the Local Government Act 1995 refers to planning for the future:

"5.56. Planning for the Future:

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans are made under subsection (1) are in accordance with any regulations made about planning for the future of the district".

Division 3 of the Local Government (Administration) Regulations 1996 outlines the minimum requirements for the preparation of the Strategic Community Plan and the Corporate Business Plan. The Long Term Financial Plan is an informing strategy designed to inform the Corporate Business Plan to activate Strategic Community Plan priorities.

Section 1.3(3) of the Local Government Act 1995:

"In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity."

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

There are no specific financial implications of adopting the review of the Model as it is an indicative tool only for the next 10 years, with more accurate forecasts to be calculated and adopted during the Annual Budget process. Similarly, the Capital Works Program is a draft program and will also be adopted during the 2014/2015 Annual Budget process.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The Model contains assumptions that may prove to be inaccurate over the long term resulting in projections not reflecting reality and potential to affect long term decision making.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk.	The Model is reviewed annually at the completion of the Annual Budget process and updated when informing plans are themselves updated (e.g. Asset Management Plans) and adjustments made accordingly to keep the Model updated and relevant. Assumptions have also been based on long run 10 to 17 year averages thus eliminating variance.
The Long Term Financial Model contains inconsistencies.	Moderate consequences which are unlikely, resulting in a <b>Medium</b> level of risk.	The Model is balanced to the Annual Budget and loaded into the Financial Ledgers and reconciled. During this process the Management reporting structure is reconciled to the Statutory reporting structure. As the Annual Budget is used as the basis for the Plan the budget process will identify any inconsistencies in data or projections on an annual basis. The Model will be subjected to an independent audit at an appropriate time.

**POLICY IMPLICATIONS**

The Long Term Financial Model has been reviewed with reference to the following policies:

1. CP-008: Financial Sustainability - Forward Planning and Funding Allocation
2. CP-024: Asset Financing and Borrowings
3. CP-025: Accounting
4. CP-031: Asset Management
5. CP-038: Discretionary Services Policy

**C13/6062 - LONG TERM FINANCIAL MODEL REVIEW AND PROPOSED CAPITAL WORKS PROGRAM (REC) (ATTACHMENT)**

The Adopted Long Term Financial Plan contained a variation from policy CP-025 with respect to interest earned on Reserve funding. A 50% share of the interest earned on the balance of the Land and Property Reserve was being used to assist in the funding of general municipal expenditure. As a result of the review this is no longer occurring, interest earned is once again being transferred in full to the Land and Property Reserve.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not Applicable

**CONCLUSION**

The review of both the Long Term Financial Model and Capital Works Program are essential in ensuring the City is guided by timely and relevant data. The reviews have identified a number of material items that need to be planned for financially to ensure the City is financially sustainable in the longer term.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6062)****APPROVAL**

At 8.28pm Cr Willis moved, seconded Cr Schuster –

**That the Council:**

- 1. Adopt the review of the Long Term Financial Model (2014/2015 to 2023/2024) for the City of Melville as outlined in this Item and in attachment [6062 Long Term Financial Statements](#).**
- 2. Note the Capital Works Program outlined in attachment [6062 Proposed Capital Works Program](#) for consideration in the 2014/2015 Annual Budget.**

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

**CARRIED UNANIMOUSLY (11/0)**

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**

Ward	: All
Category	: Operational
Subject Index	: Financial Statements and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: 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 October 2013 and recommends that the information detailed in the report be noted.
- The low 'Cash' rate and legislative restrictions, continues to result in low returns being achieved on the City's investment earnings.
- Monthly valuations for the City's three remaining Collateralised Debt Obligations (CDOs) shown for October 2013 are based on valuations obtained from CPG Research and Advisory as at 31 October 2013. When compared to the valuations used as at 30 June 2009, CDOs have increased in value by \$926,122. An update of recent developments in regards to the legal action against Lehman Brothers Australia (In Liquidation) (LBA) is noted in this month's report.

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**
**BACKGROUND**

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

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

**DETAIL**

Summary details of investments held as at 31 October 2013 are shown in the tables below.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 OCTOBER 2013</b>					
<b>SUMMARY BY FUND</b>	<b>PURCHASE PRICE \$</b>	<b>MANAGEMENT VALUE AT 30/06/2009 \$</b>	<b>ESTIMATED CURRENT MARKET VALUE \$</b>	<b>BOOK PROFIT/(LOSS) \$</b>	<b>BOOK PROFIT/(LOSS) %</b>
MUNICIPAL RESERVE TRUST CRF	\$ 54,538,409 \$ 75,430,343 \$ 390,234 \$ 196,001	\$ 54,538,409 \$ 72,512,581 \$ 390,234 \$ 196,001	\$ 54,538,409 \$ 73,438,703 \$ 390,234 \$ 196,001	\$ - \$ 926,122 \$ - \$ -	0.00% 1.23% 0.00% 0.00%
	<b>\$ 130,554,987</b>	<b>\$ 127,637,225</b>	<b>\$ 128,563,347</b>	<b>\$ 926,122</b>	<b>0.71%</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	<b>PURCHASE PRICE \$</b>	<b>MANAGEMENT VALUE AT 30/06/2009 \$</b>	<b>ESTIMATED CURRENT MARKET VALUE \$</b>	<b>BOOK PROFIT/(LOSS) \$</b>	<b>BOOK PROFIT/(LOSS) %</b>
CDO BOND FRN FRTD TERM DEPOSIT 11AM UNITS (Local Govt Hse)	\$ 3,000,000 \$ 2,000,000 \$ - \$ - \$ 121,804,295 \$ 3,520,047 \$ 230,645	\$ 82,238 \$ 2,000,000 \$ - \$ - \$ 121,804,295 \$ 3,520,047 \$ 230,645	\$ 1,008,360 \$ 2,000,000 \$ - \$ - \$ 121,804,295 \$ 3,520,047 \$ 230,645	\$ 926,122 \$ - \$ - \$ - \$ - \$ - \$ -	30.87% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%
	<b>\$ 130,554,987</b>	<b>\$ 127,637,225</b>	<b>\$ 128,563,347</b>	<b>\$ 926,122</b>	<b>0.71%</b>
<b>SUMMARY BY CREDIT RATING</b>	<b>PURCHASE PRICE \$</b>	<b>MANAGEMENT VALUE AT 30/06/2009 \$</b>	<b>ESTIMATED CURRENT MARKET VALUE \$</b>	<b>BOOK PROFIT/(LOSS) \$</b>	<b>BOOK PROFIT/(LOSS) %</b>
AA AA- A+ A A- BBB+ NR UNITS (Local Govt Hse)	\$ 8,500,000 \$ 75,624,342 \$ 20,300,000 \$ 10,600,000 \$ 12,300,000 \$ - \$ 3,000,000 \$ 230,645	\$ 8,500,000 \$ 75,624,342 \$ 20,300,000 \$ 10,600,000 \$ 12,300,000 \$ - \$ 82,238 \$ 230,645	\$ 8,500,000 \$ 75,624,342 \$ 20,300,000 \$ 10,600,000 \$ 12,300,000 \$ - \$ 1,008,360 \$ 230,645	\$ - \$ - \$ - \$ - \$ - \$ - \$ 926,122 \$ -	0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 30.87% 0.00%
	<b>\$ 130,554,987</b>	<b>\$ 127,637,225</b>	<b>\$ 128,563,347</b>	<b>\$ 926,122</b>	<b>0.71%</b>

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**

The following statements detail the investments held by the City for the period ending 31 October 2013. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 OCTOBER 2013									
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2009 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/09 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$907,270	\$907,270	\$907,270	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$300,000	\$300,000	\$300,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$910,531	\$910,531	\$910,531	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,402,246	\$1,402,246	\$1,402,246	\$0	On call
					<b>\$3,520,047</b>	<b>\$3,520,047</b>	<b>\$3,520,047</b>	<b>\$0</b>	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$4,800,000	\$4,800,000	\$4,800,000	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$7,500,000	\$7,500,000	\$7,500,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$14,700,000	\$14,700,000	\$14,700,000	\$0	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$9,300,000	\$9,300,000	\$9,300,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$7,700,000	\$7,700,000	\$7,700,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	3.80%	A	\$2,900,000	\$2,900,000	\$2,900,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$24,082,941	\$24,082,941	\$24,082,941	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$14,200,000	\$14,200,000	\$14,200,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$11,000,000	\$11,000,000	\$11,000,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$19,121,353	\$19,121,353	\$19,121,353	\$0	Various
					<b>\$121,804,295</b>	<b>\$121,804,295</b>	<b>\$121,804,295</b>	<b>\$0</b>	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.79%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					<b>\$2,000,000</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>	<b>\$0</b>	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.20%	NR	\$1,500,000	\$72,363	\$397,050	\$324,687	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.18%	NR	\$1,050,000	\$9,874	\$296,310	\$286,436	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					<b>\$3,000,000</b>	<b>\$82,238</b>	<b>\$1,008,360</b>	<b>\$926,122</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
<b>TOTAL FUNDS INVESTED</b>					<b>\$130,554,987</b>	<b>\$127,637,225</b>	<b>\$128,563,347</b>	<b>\$926,122</b>	

**CREDIT RISK COMPARISON**

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	\$8,500,000	7%	80%	
AA-	\$75,624,342	\$75,624,342	59%	80%	
A+	\$20,300,000	\$20,300,000	16%	50%	
A	\$10,600,000	\$10,600,000	8%	50%	
A-	\$12,300,000	\$12,300,000	10%	50%	
BBB+	\$0	\$0	0%	20%	
NR	\$3,000,000	\$1,008,360	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
<b>TOTAL</b>	<b>130,554,987</b>	<b>128,563,347</b>	<b>100%</b>		

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**
**DIVERSIFICATION RISK**

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	9,300,000	7.23%	7.23%	15%	
BANKWEST (11AM)	11AM	AA-	907,270	0.71%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.71%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	4,800,000	3.73%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	3.73%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,500,000	5.83%	5.83%	15%	
CITIBANK (TERM)	TERM	AA-	14,700,000	11.43%	11.43%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.56%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	1.56%	20%	
ING BANK (TERM)	TERM	A	7,700,000	5.99%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	-	0.00%	5.99%	15%	
MACQUARIE BANK (TERM)	TERM	A	2,900,000	2.26%	2.26%	15%	
NAB (TERM)	TERM	AA-	24,082,941	18.73%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	18.73%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	5.06%	5.06%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	14,200,000	11.05%	11.05%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	11,000,000	8.56%	8.56%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	910,531	0.71%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,402,246	1.09%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	300,000	0.23%		20%	
WESTPAC (TERM)	TERM	AA-	19,121,353	14.87%	16.91%	20%	
CDO - Various	CDO		1,008,360	0.78%	0.78%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.18%	0.18%		
			<b>128,563,347</b>	<b>100%</b>	<b>100%</b>		

**MATURITY COMPARISON**

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	54,697,998	100%	100%	
	<b>54,697,998</b>	<b>100%</b>		
RESERVE FUNDS				
< 1 year	71,142,393	97%	100%	
< 2 years	296,310	0%	80%	
< 3 years	2,000,000	3%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	<b>73,438,703</b>	<b>100%</b>		

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

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 October 2013 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2009, valuations obtained from CPG as at 31 October 2013 show that CDOs have increased in value by \$926,122.

The last remaining Lehman Brothers arranged CDO with a face value of \$450,000 remains to be settled.

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5 million from CDO investments since 1 July 2007.

The remaining values of non Lehman Brothers arranged CDOs held as at 31 October 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2009)	\$ 82,237
- Estimated Market Value (31 October 2013)	\$ 693,360

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**

**Credit Ratings and Credit Events**

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

**The City's Remaining CDO Investments:**

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

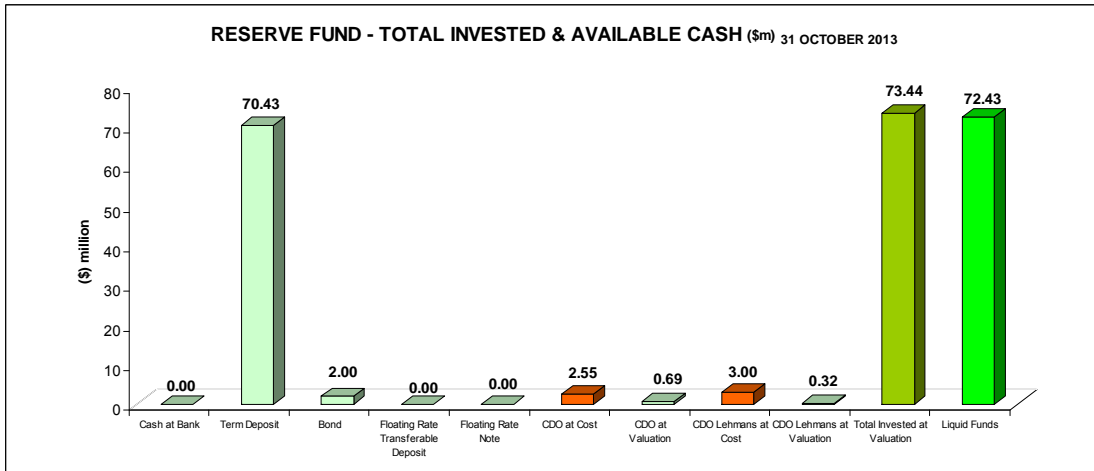
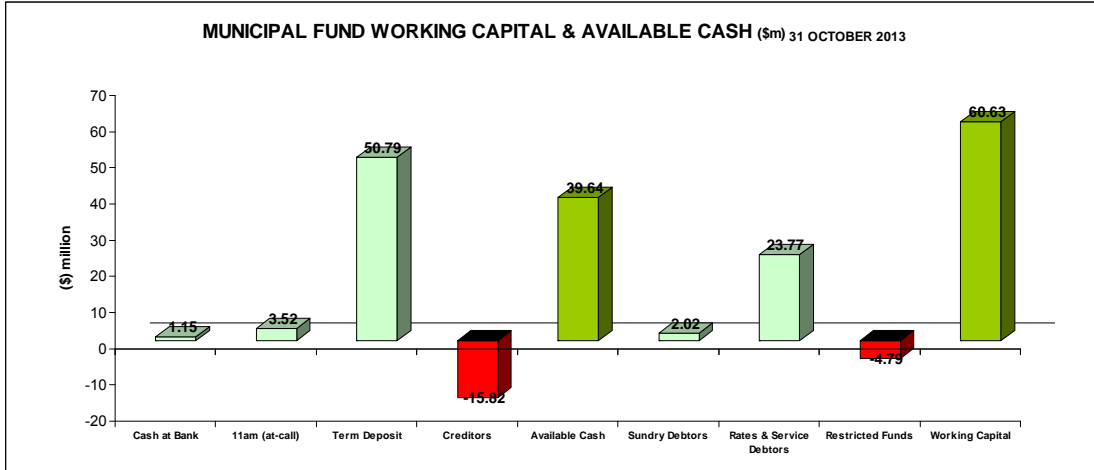
**Terminated Lehman Brothers Arranged CDO Investments:**

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

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

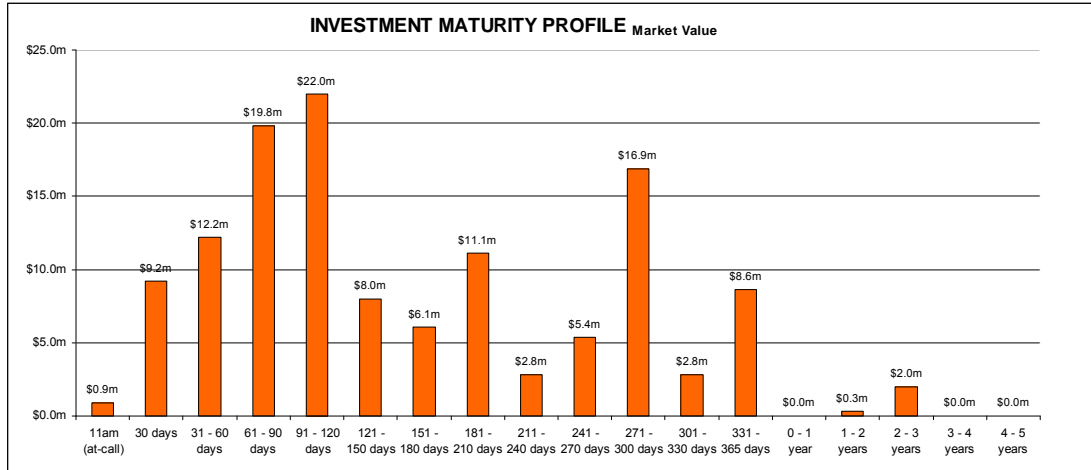
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 31 October 2013.



**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**

The graph below summarise the maturity profile of the City's investments at market value as at 31 October 2013.



**PUBLIC CONSULTATION/COMMUNICATION**

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

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

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**

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.

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.

On 25 March 2013, the Court also granted leave for LBA to appeal in respect of certain of the Common Issues Orders and some aspects of the Declaratory Relief. The Liquidators (PPB Advisory) have filed LBA's appeal in both respects.

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

Lehman Brothers USA through purchase of Lehman Brothers Asia has established themselves as a creditor with sufficient voting rights to control any Scheme of Arrangement with creditors.

On 31 October 2013 an "Insurance Only" Scheme, giving access to the professional indemnity insurance proceeds for the benefit of former clients of LBA who suffered losses, was approved by the Federal Court of Australia and will now be actioned by the Liquidators according to the terms of the Scheme. The funds received from the insurers will be held in a "Scheme Fund", for distribution to the Scheme Creditors (but not to other creditors of LBA).

Another Scheme of Arrangement will be presented by PPB Advisory to creditors of LBA in November 2013.

No accurate estimates of the proceeds, which will be received from any of the distributions that will eventually be made to the City, can be made at this time.

**FINANCIAL IMPLICATIONS**

For the period ending 31 October 2013:

- Investment earnings on Municipal and Trust Funds were \$432,206 against a budget of \$473,667 representing a \$41,461 negative variance.
- Investment earnings on Reserve accounts were \$1,112,646 against a budget of \$766,667. This represents a \$345,979 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)**

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 decrease in the foreseeable future.

The City's last remaining Lehman Brothers arranged CDO with a face value of \$450,000 is in the process of being unwound. Whilst the process has been delayed by other actions taken by Lehman Brothers USA, indications are that the City will be repaid the \$450,000 plus some interest.

**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 \$2.55 million of the City's legacy CDO investments 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.

**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 three legacy CDO investments 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 decrease due to continuing interest rates cuts and legislative restrictions on investment options available to the City.

**C13/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2013 (REC)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)****NOTING****That the Investment Report for the month of October 2013 be noted.**

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

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

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2013 (REC)  
(ATTACHMENT)**

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

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2013 (REC)  
(ATTACHMENT)**

**BACKGROUND**

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

**DETAIL**

The Schedule of Accounts Paid for the month ending 31 October 2013 ([6001 October 2013](#)), including Payment Registers numbers, Cheques 377 to 383 and Electronic Funds Transfers batches 312 to 315 was distributed to the Members of Council on 22 November 2013.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Belgravia Leisure	E036194 & E036615	Point Walter green fees for September 2013	\$29,871.60
Contraflow Pty Ltd	E036267 & E036679	Traffic controllers	\$25,362.43
Data#3 Limited	E036202 & E036622	Software licences	\$51,399.01
Deloitte Tax Services Pty Ltd	E036702	Fee for Fuel Tax Credit review on Waste Trucks	\$31,471.00
Dickies Tree Service	E036110 & E036545	Tree lopping services	\$63,905.60
Dowser Concrete	E036326 & E036732	Concrete works	\$65,387.96
Earthcare Australia Pty Ltd	E036200 & E036635	Planting to Burke Drive & install retaining walls	\$78,982.83
Ellenby Tree Farm Pty Ltd	E036150 & E036576	Purchase of trees	\$25,212.00
Fire & Emergency Services Authority WA	E036276	ESL Remittance for September 2013	\$584,877.71
Flexi Staff	E036142 & E036571	Temporary employment	\$45,577.73
Hays Specialised Recruitment	E036279 & E036690	Temporary employment	\$35,707.81
Hydroquip Pumps	E036152 & E036578	Install & repair pumps	\$40,916.70
Jani King Pty Ltd	E036213 & E036628	Cleaning	\$28,550.12
LGIS Liability	E036577	Liability, Workers compensation & Property Insurance	\$940,617.27
Macdonald Johnston Pty Ltd	E036117 & E036550	Engineering equipment & Various repairs	\$59,917.99
Melville Holden	E036161 & E036587	Holden Cruze Equipe Hatch & Cruze Wagon	\$45,779.99
Melville Subaru	E036582	Subaru Forester Wagon	\$41,298.50
MMM WA Pty Ltd	E036222 & E036638	Drainage upgrade & installation of drainage	\$72,274.59
Natural Area Management & Services	E036315 & E036727	Herbicide treatment & Restoration project Progress claim 13	\$227,530.23
Quayclean Australia Pty Ltd	E036238 & E036649	Cleaning services for libraries & recreation centre for September & October 13	\$54,556.28
Rhysco Electrical Services	E036245 & E036651	Electrical services	\$28,694.05

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2013 (REC)**  
**(ATTACHMENT)**

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Robinson Buildtech	E036122 & E036557	Building maintenance	\$44,707.10
Safeway Building & Renovations Pty Ltd	Chq 056085	Replace asbestos ceiling Blue Gum Squash Club	\$126,891.93
Synergy	E036141 & E036570	Electricity charges	\$301,985.46
Titan Ford	E036166 & E036593	Ford FG Falcon ute & FG MK 11 Falcon	\$65,148.38
Tree Amigos Tree Surgeons	E036267 & E036648	Tree pruning	\$35,813.80
Water Corporation	Chq's 05620 & 056050	Water usage	\$38,120.77
West Coast Turf	E036156 & E036583	Turf laying	\$41,406.70
Western Educting Service	E036180 & E036602	Jetting & educting	\$25,819.75

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

**C13/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2013 (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)****NOTING**

**That the Schedule of Accounts paid for the month ending 31 October as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 October 2013](#) be noted.**

At 8.49pm the Mayor submitted the motion, which was declared

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

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2013 (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 checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity for the period ending 31 October 2013 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 October 2013 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of October 2013 and recommends that they be noted by the Council.

The City ended the 2012/2013 financial year with a surplus of \$944,344, which is \$855,656 short of the amount budgeted for in the 2013/2014 budget.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2013 (AMREC)  
(ATTACHMENTS)**
**BACKGROUND**

The Statements of Financial Activity for the period ending 31 October 2013 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

**DETAIL**

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

For the period ending 31 October 2013, net operating positive variances of \$3,165,735 and net capital positive variances of \$3,803,372 were recorded.

The surplus that the City achieved for the 2012/2013 financial is \$944,344 which is \$855,656 short of what was required, to achieve a balance budget for 2013/2014 (\$1.8m). This shortfall will be addressed during the 2013/2014 mid year budget review.

**Variations**

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2013								
	October Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
<b>Revenues</b>								
Law, Order, Public Safety	126,174	2,461,570	2,568,227	106,656	4%	2,575,492	2,575,492	-
Recreation and Culture	904,594	3,545,028	3,450,090	(94,937)	-3%	9,701,557	9,861,657	-
Transport	152,240	1,637,462	1,529,314	(108,149)	-7%	5,478,318	5,229,318	-
Other Property and Services	63,297	399,217	1,697,420	1,298,202	325%	400,476	766,561	33,425
	2,059,841	29,597,985	30,858,706	2,558,923	4%	46,106,554	46,509,904	33,425
<b>Expenses</b>								
Governance	(1,440,217)	(4,807,176)	(4,348,837)	458,339	-10%	(11,760,677)	(11,862,362)	(804,518)
Law, Order, Public Safety	(306,427)	(1,255,268)	(1,196,115)	59,153	-5%	(3,900,624)	(3,928,678)	(53,461)
Education & Welfare	(415,883)	(1,987,302)	(1,796,480)	190,822	-10%	(5,473,488)	(5,895,779)	(143,237)
Community Amenities	(1,251,431)	(6,927,365)	(6,282,477)	644,888	-9%	(19,616,325)	(20,000,146)	(238,906)
Recreation and Culture	(2,256,416)	(9,553,511)	(8,723,825)	829,686	-9%	(28,262,846)	(28,471,870)	(1,097,708)
Transport	(820,152)	(3,435,456)	(2,820,963)	614,494	-18%	(10,248,296)	(10,361,402)	(460,380)
Economic Services	(25,198)	(35,930)	(87,394)	(51,464)	143%	(107,789)	(116,789)	(21,099)
Other Property and Services	(984,168)	(4,453,125)	(4,223,824)	229,301	-5%	(11,028,916)	(11,070,001)	(199,701)
	(7,605,012)	(33,982,462)	(30,938,851)	4,142,557	-9%	(93,615,109)	(94,923,175)	(3,096,210)

**Revenue**

\$55.948m in Rates was raised to 31 October 2013. This is compared with a year to date budget of \$55.946m, resulting in a positive variance of \$2K.

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

Not applicable for October 2013.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2013 (AMREC)  
(ATTACHMENTS)**

**Budget Amendments**

Details of Budget Amendments requested for the month of October 2013 are shown in attachment [6002J October 2012](#). 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 \$8,076,138 were collected over the course of the month. Rates collection progress for the month of October was on target. As at 31 October 2013, 74.2% of 2013/2014 rates had been collected. This is 1.6% higher than collected for the same time last year.

Total sundry debtor balances increased by \$239,225 over the course of the month. The 90+ day's debtor balance increased by \$1,386.

**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 October 2013.

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

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

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2013 (AMREC)  
(ATTACHMENTS)****PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

Local Government (Financial 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.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2013 (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 October 2013](#) (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 October 2013.

**C13/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2013 (AMREC)  
(ATTACHMENTS)**

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

**ABSOLUTE MAJORITY APPROVAL**

At 8.50pm Cr Schuster moved, seconded Cr Robartson –

**That the Council:**

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 31 October 2013 as detailed in the following attachments:**

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

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

At 8.51pm the Mayor submitted the motion, which was declared

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

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**15. EN BLOC ITEMS**

At 8.51pm Cr Hill moved, seconded Cr Foxton –

**That the recommendations for items M13/5332, M13/5000, C13/5341, C13/6000 and C13/6001, be carried En Bloc.**

At 8.51pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL****16.1 Increase in Street Tree Planting Numbers**

At 8.52pm Cr Schuster moved, seconded Cr Willis –

**That Cr Taylor-Rees be permitted to present to Council a Motion Without Notice relating to increase in street tree planting numbers.**

At 8.52pm the Mayor submitted the motion which was declared

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

At 8.52pm Cr Taylor-Rees moved, seconded Cr Phelan –

**That the City increases the number of street trees planted annually from 500 to 600 and that the additional cost associated with this increase be considered as part of the 2013/2014 mid year budget review.**

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

**CARRIED (9/2)**

For: Cr Foxton, Cr Hill, Cr Macphail, Cr Pazolli, Cr Phelan, Cr Robartson,  
Cr Schuster, Cr Taylor-Rees, Cr Willis.

Against: Mayor Aubrey, Cr Aubrey.

## 16.1 Increase in Street Tree Planting Numbers

### Reasons for Motion

Cr Taylor-Rees provided the following reasons in support of the motion –

The present allocation is not meeting ratepayer requests.

Residents are now being advised when requesting a street tree the wait will be almost two years.

This follows correct process and will allow time for ordering and allocation.

There have been concerns raised previously about the potential loss of trees on private property as a result of sub-divisions and in general, a reduction in tree canopy across the City.

This increase would ensure the City's commitment to enhancing the amenity of the streetscape and ensure the ongoing development of the urban forest.

The City is famous for its leafy suburbs and by increasing the number of trees planted each year, we will maintain the amenity of the City for generations to come.

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

At 9.14pm Cr Schuster moved, seconded Cr Willis –

**That the meeting be closed to the public to permit discussion on a confidential matter (Item P13/3452 Confidential Item – Public Art Contribution As Part of the Redevelopment of the Caltex Service Station at Lot 22, 918 Canning Highway, Applecross) covered under Section 5.23(2)(c) and (e) of the Local Government Act 1995 relating to a contract that the City may enter into and the report contains information of a commercial value to a person.**

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

**CARRIED UNANIMOUSLY (11/0)**

**P13/3452 Confidential Item – Public Art Contribution As Part of the Redevelopment of the Caltex Service Station at Lot 22, 918 Canning Highway, Applecross**

**COUNCIL RESOLUTION (3452)**

At 9.15pm Cr Robartson Moved, Seconded Cr Schuster -

**That the Council:**

- 1 Resolve to match the public art contribution advised in Confidential Attachment A, to be provided by Caltex Australian Petroleum Pty Ltd.**
- 2 Agree that the City of Melville contribution be funded from the Public Art allocation included in the 2013/2015 Budget.**
- 3 Agree that the public art be installed on land owned by the City of Melville in accordance with Condition (1) of DA-2013-667 to the satisfaction of the City's Public Art Panel.**

At 9.20pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (11/0)**

At 9.21pm Cr Schuster moved, seconded Cr Willis –

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

At 9.21pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**Appreciation**

His Worship the Mayor took the opportunity to recognise and express his gratitude for the hard work of the Elected Members and Staff of the City of Melville and wished Elected Members, Staff and their families the very best wishes for Christmas and the New Year.

**18. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 9.23pm.